

July 13th, 2006

The regular meeting of the Town Board was held at the Town Hall on Thursday, July 13th, 2006 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 15 residents.

The meeting as called to order by the Supervisor at 7:30 PM and opened with the pledge to the flag. On motion of Pemrick, C. and seconded by Kinsella, C., the minutes of 6/8/2006 and 7/6/2006 were approved as submitted by all members present. Osborne, C. abstained from the minutes of 6/8/2006.

Request for speed limit reduction on Goose Hollow Road.

Letter from the New York State Department of Health concerning the water at the Community Center.

Letter from the City of Saratoga Springs notifying the Town of a public hearing to be held on 8/15/2006 to raise the Recreation Fees charged as part of their Site Plan Review.

Thank you letter from the Town of Corinth for the assistance given by the Town Highway Department with the Wilton Mountain Road project.

Letter from the Corinth Emergency Squad regarding ambulance service for the upcoming year. Town Board to invite them to attend the agenda meeting on August 3rd, 2006 to discuss emergency medical services.

RESOLUTION # 110 – Resolution of Honor – Lindsey Ferguson

Motion: Kinsella, C.

Seconded: Osborne, C.

WHEREAS, it is the intent and desire of the Town of Greenfield to recognize achievements and accomplishments of its residents, and

WHEREAS, **LINDSEY FERGUSON** has completed an extremely successful High School Track and Cross Country career, and

WHEREAS, **LINDSEY FERGUSON**, during her High School career has won numerous State and National awards, including a National Record in the 2000 Meter Steeplechase, and

WHEREAS, **LINDSEY FERGUSON**, while accomplishing these athletic feats also maintained academic excellence being named to the National Honor Society, and

WHEREAS, the Town Board of the Town of Greenfield wishes to congratulate **LINDSEY FERGUSON** for her accomplishments and wishes her many more years of success, NOW THEREFORE,

BE IT RESOLVED, by this Town Board on behalf of the residents of the Town of Greenfield, that this resolution be spread upon the minutes of this meeting, and

BE IT FURTHER RESOLVED, that a copy of this resolution be presented to said **LINDSEY FERGUSON**.

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

Noes: None

Wayside Inn PUD – Lisa Nagle was present. She submitted a check for the Planned Unit Development fees. In addition, she submitted the revised PUD

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language which included the changes discussed at the last meeting. The only thing that was remaining was the property description that goes with the survey map. She was not able to get it from the surveyor for this evenings meeting, but should be able to submit it to the Town Clerk within the next day or two. Supervisor Janik felt that the applicant had addressed all the issues that were raised. He asked if the Board could act on this application without having a legal description of the property. Coseo, C. asked if the property that was to be conveyed by Jill Richbart had been conveyed. Lisa stated that the applicant has purchased that property and it is under joint ownership at this time. She was waiting to see if the application was going to be approved before filing the deed. Town Counsel Schachner stated that a local law should really not be approved conditionally. Coseo, C. felt that the Board should follow the proper procedure and suggested that the Board could possibly hold a special meeting when the legal description was received. The Board tentatively scheduled a special meeting for Thursday, July 20th, 2006 at 1:00 PM.

Unsafe Building – 19 Combs Roadway - Mr. Halturewicz was present. He stated that the building had been secured. Parts of the building have been removed, as well as the chimney. The remainder of the building has been boarded up. He is in the process of applying for a building permit. It was his intention to have the Building Permits by the next Town Board meeting and to have begun work to rebuild the structure. The Board agreed to give Mr. Halturewicz until the next meeting, August 10th, to work with the Building Department to obtain the necessary permit and begin rebuilding.

Unsafe Building – 337 Ormsbee Road - Supervisor Janik stated that he was finally able to speak with the person believed to be inheriting the property, Michael Willard. The owner of record, Margaret Willard, died with no will. Mr. Willard has indicated that by July 21st he will have a roll off container on site and begin to clean up the premises. He believes that he can jack up the addition to the back of the mobile home, which has pulled away. He asked that the Board give him until the August 10th meeting to get a better idea on what is going to have to be done to correct the deficiencies. Kinsella, C. asked if Mr. Willard lived in the area. Supervisor Janik stated that he now has an address and cell phone number to reach Mr. Willard. Osborne, C. felt that a letter should be sent to Mr. Willard indicating that the Board has granted an extension until next month and that he should be prepared to show progress.

Unsafe Building – 210 North Greenfield Road - Mr. O'Donnell was present. He stated that he had completed some work on the building. His progress has been slow due to health issues, etc. Mr. O'Donnell stated that the power company has finally shut off the power. They have taken down 2 walls and are working on the other 2 walls. He then plans on boarding up the back of the building and putting a cap on the foundation to make it safe. Supervisor Janik asked Mr. O'Donnell if he would be able to have the front of the building removed and the remainder boarded up within 30 days. Pemrick, C. stated that he was willing to give Mr. O'Donnell until the August 10th meeting with the understanding that progress must be made by that time. The following items needed to be taken care of: 1) the front part of the structure taken down; 2) board up the front of the remaining building; 3) cap the basement and 4) remove all of the

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debris from the premises. Once this has been completed, Mr. O'Donnell will contact the Building Department regarding any permits that will be required to rehab the building.

Unsafe Building – 400 Locust Grove Road - The property owner was not present. Supervisor Janik advised that nothing has been done to the property. The owner contacted the Building Department very early on and indicated that she would have someone take a look at it, however there has been no further contact or anything done to the property. Pemrick, C. felt that the Board should set a date at which time demolition shall begin and that a notice be sent to the owner.

RESOLUTION # 111 - Authorize Demolition of Unsafe Building –
400 Locust Grove Road

Motion: Kinsella, C.

Seconded: Osborne, C.

RESOLVED, That the Town Board hereby authorizes the Highway Department to commence demolition of the unsafe building located at 400 Locust Grove Road on or after August 7th, 2006, and

FURTHER RESOLVED, that all expenses incurred by the Town for the demolition and removal of the debris shall be assessed against the land on which the building is located.

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

Noes: None

Fee Schedules - Pemrick, C. reviewed copies of the revised fee schedules. He noted that the revised schedule requires a letter of credit be submitted for Engineering fees. He felt that there needed to be further discussion regarding this and that possibly it would be better to revise the procedure for the engineering escrow account rather than require a letter of credit. A discussion was held regarding the current Peddlers Law as to whether or not it would cover someone setting up a stand. Coseo, C. asked if that was a permitted use in Zoning. Kinsella, C. stated that "Vendors" was not an allowed use in any Zoning District. Supervisor Janik questioned if a Vendors Permit was issued, would you have to check to see if it was a permitted use in the Zone. A discussion was held regarding the Mass Gathering Permit fees. Supervisor Janik felt that the amount of work required to issue a permit would be about the same whether there were going to be 200 people or 500 people. He suggested that the fee be changed to \$100. for 150 to 1,000 people and \$500. for over 1,000. Board members agreed to increase the Junkyard License fee to \$400. and Peddlers License to \$100. Town Clerk provided the Board with estimated revenues and expenses in relation to Dog Control Fees for the year 2005. It is estimated that an increase in the local fee of \$2.00 per license would cover the additional expenses incurred by the Town for dog control. There has not been a change in the local fee since 1991.

RESOLUTION # 112 – Schedule Public Hearing Proposed Local Laws
To Increase Town Fees

Motion: Coseo, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby schedules a public hearing for 7:15 PM on August 10th, 2006 on Proposed Local Law # 4-2006 – Amend Dog License

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Fees; Proposed Local Law #5-2006 – Amend Junkyard License Fees; Proposed Local Law #6-2006 – Amend Peddlers License Fee and Proposed Local Law #7-2006 – Amend Mass Gathering Permit Fees.

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

Noes: None

RESOLUTION # 113 – Increase Fee for Bad Checks

Motion: Coseo, C.

Seconded: Kinsella, C.

RESOLVED, That the Town of Greenfield shall hereby charge \$25.00 for any check returned for insufficient funds.

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

Noes: None

Engineering Escrow – Supervisor Janik stated that he spoke with a couple of developers and they did not have any problem at all with increasing the amount of funds the Town holds in escrow for engineering rather than supplying a letter of credit. Supervisor Janik added that the Town needed to establish some controls to make sure that when the escrow funds are drawn down there is a mechanism to make sure that additional funds are put in by the developer to bring the balance back up to the established amount. Coseo, C. suggested that the Town Engineer be asked for his input regarding the amount to be required to be placed in escrow. Board members proposed that the escrow amounts be \$2,500. for Minor Subdivisions and \$5,000. for Major Subdivisions. Kinsella, C. asked what the minimum would be when you had to start to replenish the account. Supervisor Janik felt that whenever there was a charge against the account, the developer should be notified and given 30 days to submit reimbursement. Coseo, C. stated that the City of Saratoga charges a \$100. escrow fee to help offset the cost of setting up the accounts. Pemrick, C. stated that he would work on re-writing the escrow section of the fee schedule and bring back to the next meeting.

Unsafe Building – 54 Tannery Hill Road – Supervisor Janik stated that the Board received a letter from the Code Enforcement Officer regarding an unsafe building at 54 Tannery Hill Road owned by Frank Kramer. Supervisor Janik noted that this property was the subject of an unsafe building hearing in 2004. The property was then sold to Mr. Kramer at which time he promised to clean up the property. Since he acquired the property, nothing has been done. Supervisor Janik stated that the Town would need to send the owner of the property official notice and give him 60 days to clean up the premises.

RESOLUTION # 114 – Schedule Unsafe Building Hearing –
54 Tannery Hill Road

Motion: Kinsella, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby authorizes the Supervisor to issue a Notice to Repair or Remove to the property owner of 54 Tannery Hill Road and,

FURTHER RESOLVED, that an Unsafe Building Hearing be scheduled for 7:10 PM on August 10th, 2006.

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

Noes: None

RESOLUTION # 115 – Community Center Use Requests

Motion: Osborne, C.

Seconded: Coseo, C.

RESOLVED, That the following organizations be authorized to use the Community Center for their regular meetings:

Mulleville Trail Systems – 2nd Tuesday of each month from September to March – 7:30 PM to 9:00 PM

Brownie Troop #128 – Heidi Andolina, Leader – Every other Monday from September to May – 3:30 PM to 5:30 PM

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

Noes: None

Community Center Maintenance - Supervisor Janik stated that met with Sam St. John, a local architect, to discuss some concerns and issues with building. Mr. St. John is to put together a number of approaches that the Town could take to correct the more obvious problems with the building and estimate the amount of useful life that would be obtained by doing so. Mr. St. John will also provide the Board with suggestions of any additional work and/or repairs, along with an estimate of what he believes the costs would be. Supervisor Janik stated that there is a problem on the new part of the Community Center with ice build up. There is the possibility of improper ventilation in the attic area. Mr. St. John agreed with the Building Inspector that the one doorway on the side of the Community Room did not have to be there. It has been a constant problem with ice build up because of the way the roof pitches. He should have this information available for the next meeting.

Town Board Meeting Room – Supervisor Janik stated that he also reviewed the front section of the Town Hall with Mr. St. John. They took a look at the Town Board Meeting Room and some issues with the front of the building. There is some deterioration in the little porch roof which is suspended into the front wall of the building. There is no support bringing the weight back down to the ground. There are some problems with the brick work up above that. Mr. St. John will also supply information regarding options and cost estimates for this building.

RESOLUTION # 116 – Declare Highway Truck Surplus and
Schedule Opening of Bids

Motion: Pemrick, C.

Seconded: Coseo, C.

RESOLVED, That the Town Board hereby declares the following Highway Truck as surplus and authorize the Town Clerk to advertise for sealed bids to be opened on Thursday, August 10th, 2006 at 7:25 PM.

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

Noes: None

Highway Improvement Program Summary - Highway Supt. Barss submitted a summary report to Board members outlining the amount of money that has been spent to date, the anticipated revenue and the amount the Highway budget will be

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short in order to complete the proposed highway projects for this year, approximately 8 miles of road. Supervisor Janik noted that a large part of the anticipated funds will come from FEMA and CHIPS. However, we will not receive them until after the paving season. He added that even with the receipt of these funds, the budget will be approximately \$50,000. short Supervisor Janik stated that there was sufficient funds in the Highway Fund Balance to continue paving prior to receipt of the anticipated funds. When the anticipated funds come in, they can be placed back in the fund balance. Highway Supt. stated that he was recently notified that there is going to be another substantial increase in asphalt prices as of August 1st. He added that they took the roads that they recently completed and compared the cost this year versus what it would have cost at last years prices and found that they could have paved an additional mile at last year prices. Supervisor Janik noted that when this years budget was prepared, they took an aggressive approach in trying to anticipate what the costs were going to be and even with that aggressive approach they fell quite short. He added that he has spoken with other Town Supervisors and most of them have had to stop paving because they have run out of money. Coseo, C. felt that the Board should think about paving a couple more miles this year and not have to worry about an even greater cost next year. Highway Supt. Barss stated that there were other roads in the improvement plan that had been scratched due to the budget. He suggested that once they have completed the proposed roads, they could take a look at this again and see if the Board wanted to allow the expenditure of additional funds. Kinsella, C. asked if they were going to be able to get out and do crack sealing this year. He felt that it was important to do this to help to try and to prevent further deterioration of the roads. It was the consensus of the Board that the Highway Supt. continue paving until such time they have used up the anticipated revenue plus and additional \$50,000.

Letter of Credit – Friendship Hills - Supervisor Janik stated that the developer has requested to reduce the letter of credit to \$82,232. The Town Engineer and Highway Supt. have stated that there were still things that need to be taken care of and it was their recommendation that the letter of credit not be reduced at this time. Town Counsel Schachner stated that the Town Engineer had faxed him a copy of a letter that he was sending to the Board that indicated that the letter of credit could be reduced to \$102,232. This would be a 20% maintenance bond requirement and additional funds to cover the 3 items that still need to be completed. Town Counsel advised that the original letter of credit was for \$411,159 and was reduced in December 2002 to \$175,000. Coseo, C. felt that since this had been pending since December of 2002, that the letter of credit should not be reduced until the developer completes all the necessary work. Highway Supt. Barss stated that they will normally not accept the road until the project has been pretty much built out. The three remaining items are: 1) Removal of large trees on the embankment of the stormwater management basin; 2) Edges of the asphalt need to be backed up and 3) Submit written easements for the roadway and stormwater basin.

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RESOLUTION # 117 – Reduce Letter of Credit – Friendship Hills

Motion: Pemrick, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Board hereby reduces the Letter of Credit for Friendship Hills from \$175,000. to \$102,232 per the recommendation of the Town Engineer.

VOTE: Ayes: Janik, Osborne, Pemrick, Kinsella

Noes: Coseo

RESOLUTION # 118 – Budget Amendment

Motion: Osborne, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Board hereby authorizes the Supervisor to make the following Budget Amendment:

\$89,685.00 From DA0599 to DA5130.2

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

Noes: None

RESOLUTION # 119 – Transfer of Funds

Motion: Osborne, C.

Seconded; Pemrick, C.

RESOLVED, That the Town Board hereby authorizes the Supervisor to make the following Transfer of Funds:

\$105.44 From A5132.4 to A5132.2

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

Noes: None

Kim Weaver, Mill Road – She stated that she spoke with the Town Supervisor a few weeks ago regarding the property of William Bokus and a chemical truck that had been parked across the street from her. She kept calling the trucking company and was finally able to get it removed. She further stated that the Code Enforcement Officer has also sent Mr. Bokus a letter stating that he had to move the remaining items. He started moving it today and has now has put it directly across the street from her bedroom window. Ms. Weaver questioned whether there was a noise ordinance in the Town. Kinsella, C. stated that at the present time there is not an ordinance, however in the new proposed Zoning there is. It is a nuisance based ordinance, not decibel based, which they have been told is easier to enforce. Ms. Weaver also stated that there is no posted speed limit on her road and has been told it was 55 mph. She felt that signs needed to be put up to reduce the speed.

Goose Hollow Road - Supervisor Janik stated that he received a copy of a letter that Supervisor Stokes had written to Mr. & Mrs. Koelbel regarding their request for speed reduction on their road. He asked that we follow up on their request. Goose Hollow Road is another one of the roads that has no speed limit posted, therefore the limit is 55mph. Supervisor Janik stated that there are a number of roads in the Town like that and he would like to get a list of them and take a more proactive approach to reduce the speed limits. Duane Wright, Highway Department Clerk, stated that he spoke with the New York State Department of Transportation and they will not allow the Town to

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apply for a blanket reduction of the speed limit on Town roads. They stated that we have to apply for each reduction separately and they have to look at each individual request.

RESOLUTION # 120 – Speed Reduction Goose Hollow Road

Motion: Coseo, C.

Seconded: Osborne, C.

RESOLVED, That the Town Board hereby forwards a request to the Saratoga County Highway Superintendent and the New York State Department of Transportation to reduce the speed limit on Goose Hollow Road to 40 mph.

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

Noes: None

Monthly reports were submitted by the Dog Control Officer, Highway Superintendent, Building Department (April & May), Town Justices, Town Clerk, Town Supervisor and UDAG Revolving Loan Fund.

RESOLUTION # 121 – General Bills

Motion: Osborne, C.

Seconded: Pemrick, C.

RESOLVED, That General Bills # 411 to #483 in the amount of \$23,608.62 be paid, subject to audit.

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

Noes: None

RESOLUTION # 122 – Highway Bills

Motion: Osborne, C.

Seconded: Kinsella, C.

RESOLVED, That Highway Bills # 123 to # 145 in the amount of \$251,190.28 be paid, subject to audit.

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

Noes; None

RESOLUTION # 123 - UDAG Bills

Motion: Osborne, C.

Seconded: Pemrick, C.

RESOLVED, That UDAG Bills # 9 & # 10 in the amount of \$5,979.23 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 9:15 PM.

Town Clerk