

June 11th, 2009

The regular meeting of the Town Board was held at the Town Hall on Thursday, June 11th, 2009 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 10 residents.

On motion of Kinsella, C. and seconded by Cochran, C., the minutes of 5/14/09 and 6/4/09 were approved as submitted.

MS4 – Stormwater Management - Town Clerk advised that the 2008 Annual Report (Year 6) had been filed with the State Division of Water and has been posted on the Town website. Copies of the report are available in the Town Clerks Office for review as well.

Town Code Revisions - Cochran, C. stated that he provided the Board with a summary of the proposed code changes at the agenda meeting. He suggested that the Board have a workshop to finalize the proposed changes so that they can then draft the code language. They need to come to an agreement on such things as the months of operation of outdoor wood boilers; the number of acres required to be considered a “farm”, etc. Coseo, C. asked if the Zoning Review Committee addressed any of the issues that were presented by the Code Enforcement Officer. Cochran, C. stated that they had not looked too closely and felt that they were some of the items that the Board needed to take a look at during a workshop session. Kinsella, C. stated that there were a couple of key things that the Board needed to decide on so that they could put together the proposed language and begin the public hearing process. For example, the Board needed to decide if they were going to allow single use homeowners to have a windtower and if they are, how high should it be and in what zones should it be allowed. Pemrick, C. asked if representatives from the Zoning Board and Planning Board had reviewed any of this information. Cochran, C. stated that the Boards had discussed some of the proposed changes. He suggested that once the proposed code language has been developed, the Planning and Zoning Boards be allowed to take a look at again. Cochran, C. noted that once the proposed language has been developed, this will have to go to public hearing prior to adoption. The Board scheduled a workshop for June 20th at 8 AM.

New Town Garage - Highway Supt. Barss stated that the projected finish date for the contractors will be the last week in June or the first week in July. The Town will have some outside site work to finish once the contractors are out of the way. Highway Supt. Barss provided the Board with a list of items to finish up the project, such as lockers, shelving, furniture, etc. Cochran, C. asked where they stood as far as overruns were concerned. Highway Supt. Barss stated that they were at less than 2 percent. Coseo, C. asked if there was any surplus furniture or equipment that they could use from the Town Hall. Highway Supt. Barss stated that there may be at least one desk that they can use, as well as a computer. Coseo, C. stated that the cost of these items falls within the parameters of the project and he did not believe that they would have to put them out to bid.

June 11th, 2009 continued

RESOLUTION # 88 – Approve Final Projects

Motion: Coseo, C.

Seconded: Pemrick, C.

RESOLVED, that the Town Board hereby approves the list of final projects as submitted by the Highway Supt. with the provision that if any of the items can be found within the Town inventory that they be used.

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

Noes: None

Supervisor Rowland noted that representatives of the Town of Moreau toured the garage this morning. They are thinking of building something similar and were very impressed with both the companies that the Town had been working with and the process that the Town went through to build the project and to have the reviews of the project on an ongoing basis. He added that there have also been a couple of other Towns that have expressed interest in either coming to take a look at the project or have already been here.

RESOLUTION # 89 - Approve Change Order

Motion: Coseo, C.

Seconded: Cochran, C.

RESOLVED, That the Town Board hereby approves Change Order No. 08-71-03 resulting in a decrease of \$1,045.

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

Noes: None

Historical Society – Farmers Market - Supervisor Rowland stated that he had a meeting with the Historical Society President and the representative from the Farmers Market that runs the market for them. They have been able to secure insurance from another source. They will provide an insurance certificate naming the Town as additional insured. It was his understanding that the Farmers Market will start on June 26th and it will be held at the Middle Grove Town Park from 4 to 7 PM.

Report – Denton Road - Supervisor Rowland stated that the Town has processed a request for funds through Congressman Murphy's Office. The Town has been contacted on a couple of occasions regarding the request and has submitted more information. At this point, they are waiting to hear back from Congressman Murphy's Office. In the meantime, they are still working with the City of Saratoga Springs to put together a municipal agreement in the event that we receive any Federal or State money. Cochran, C. asked how the paving budget was holding up so far this year. Highway Supt. Barss stated that asphalt prices were holding pretty steady and there was only a 18 or 19 cent increase in the month of June. They will be working on Porter Corners Road next and then moving to Greene Road.

Stan Weeks, Ashlor Drive - Mr. Weeks stated that he was a member of the Friends of the Kayadeross and they always have a "Meet the Creek" Festival in September. This year, on September 13th, the festival is going to be at the Porter Corners Town Park.

Gerald Mahay Easement – Mr. Mahay stated that they own 119 acres off of Lake Desolation Road. Access to the property is limited to a 20' right-of-way

June 11th, 2009 continued

easement. They submitted an application to the Planning Board for approval to operate an outdoor recreation area. They would like permission to have public access to some historical sites that are on his property that are listed on the Beers Maps of 1866. They would like to be able to offer some programs for the Boy Scouts, the Bottle Society, etc. Mr. Mahay stated that they have an application to build a home on the property, however at this time they were trying to access the property and maybe make it a commercial piece of property so that they could allow the public to come in. They would like to be able to have some tent camping. In addition, there is a lot of bike traffic on Lake Desolation Road and he would like to be able to have the bikers be able to use the right-of-way. Mr. Mahay stated that he would like permission from the Town to be able to do this. Cochran, C. recused himself from this discussion due to the fact that he was a neighbor. Coseo, C. asked how Mr. Mahay thought that the Town would be able to help him get public access over someone else's property. Mr. Mahay stated that this has been a long going issue. Originally there was an old right-of-way, however they have purchased a new easement since then. Coseo, C. asked who granted the easement, adding that he did not believe that it was the Town. Mr. Mahay stated that it did not come from the Town. He explained that on the 1866 Beers Map it showed the Old Dug Wagon Road. In 1940 the County built Lake Desolation Road and discontinued use of the Old Dug Wagon Road. He added that as a result of that, their parcel of land became landlocked. He had to purchase an easement through an adjacent landowner in order to obtain access to the land. Coseo, C. felt that since Mr. Mahay had purchased an easement over someone else's property and not the Town, that this was an issue with the person that owns the land over which the easement runs. He added that the Town Board did not have any authority to enlarge any rights that there may be in the easement. Coseo, C. stated that it was his understanding that there was also a court case involved in this. It seemed to him that Mr. Mahay was looking for a definition from the Town Board as to what his rights were when it probably should be resolved in the court. Town Counsel Schachner agreed and did not see where this was a Town Board issue. Mr. Mahay stated that Judge Williams ordered that they be granted an easement due to the fact that you can't landlock property. At the time, the landowner put in several stipulations, which at that time he agreed to. Mr. Mahay stated that there was never any mention of them wanting to put in a commercial business at some point. He now believes that some of the stipulations are unfair. Coseo, C. stated that unfortunately the Town Board did not have the right to force any of Mr. Mahay's desires onto the landowner. He suggested that if Mr. Mahay and the landowner could not come to some sort of agreement, then they would probably have to go back to court. Supervisor Rowland stated that Mr. Mahay has an application in front of the Planning Board at this time. The Planning Board is having this matter reviewed by an attorney, separate from the Town Attorney due to a possible conflict of interest. They have not received an opinion as of this time. Rhonda Mahay stated that the Code Enforcement Officer was the one who told them that they should come before the Town Board. Mrs. Mahay questioned at whose expense this outside attorney was hired. Coseo, C. stated that there was some discussion in the Planning Board minutes regarding that. He stated that the Town Clerk had reviewed the Town Board minutes from 1908 to 1951 and could find no mention of that road. Mr. Mahay

June 11th, 2009 continued

asked the Board what their feelings were toward other landlocked properties. He stated that when they originally purchased the property it was a total of 144 acres. He retained 119 acres and his brother purchased the rest. The easement that he purchased allows for access to his property only. If his brother wanted to access his property, he would have to pay an additional \$15,000. for an easement to his property. Coseo, C. felt that when they split the parcel and moved the easement they actually created the landlocked parcel themselves. Mr. Mahay stated that in 1969 there was a right-of-way to the property. He believed that this was a Town piece of property before it was taken over by the County. Coseo, C. suggested that they bring up a proceeding to either have a clarification of what was done or explain why they think it should be different. Town Counsel Schachner stated that he has never had any involvement with this dispute. He only learned of the situation this past year by reading the Planning Board minutes. He added that a colleague of his apparently had some involvement many years ago. Because of that he suggested that the Planning Board may want to consider hiring some independent counsel to review this matter. Mr. Mahay stated that he was looking to get some help from the Town since they were landowners in the Town for many years. Supervisor Rowland stated that there is an application before the Planning Board and that it had to go through that process. Coseo, C. suggested that Mr. Mahay have his attorney look at the issue as to whether or not they had access to the property at one time on a valid Town road, and if so whether it was or was not properly abandoned. Coseo, C. stated that whatever Board or court they go before, they would have to have evidence to support his position that he felt that he had access over an old Town right-of-way.

RESOLUTION # 90 – Reappointment to Planning Board

Motion: Pemrick, C.

Seconded: Cochran, C.

RESOLVED, That the Town Board hereby re-appoints Michael Ginley as member of the Planning Board, with said term to expire 6/20/2016.

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

Noes: None

RESOLUTION # 91 – Resolution of Honor – Stephen Albright

Motion: Coseo, C.

Seconded: Pemrick, C.

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

WHEREAS, **STEPHEN ALBRIGHT** has completed all the requirements for achieving the rank of Eagle Scout in the Boy Scouts of America and has shown great perseverance and dedication in achieving this goal, and

WHEREAS, **STEPHEN ALBRIGHT** planned and supervised the installation of park benches along the walking trail and the installation of trail information signs at the Town Park on Brigham Road,

BE IT RESOLVED by this Town Board at their meeting held on June 11th, 2009 that there be spread upon the minutes of this meeting our congratulations to **STEPHEN ALBRIGHT** on achieving the rank of Eagle Scout, and

June 11th, 2009 continued

BE IT FURTHER RESOLVED, that a copy of this Resolution be presented to said **STEPHEN ALBRIGHT**.

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

Noes: None

RESOLUTION # 92 – Resolution of Honor – Dennis Florence

Motion: Coseo, C.

Seconded: Cochran, C.

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

WHEREAS, **DENNIS FLORENCE** has completed all the requirements for achieving the rank of Eagle Scout in the Boy Scouts of America and has shown great perseverance and dedication in achieving this goal, and

WHEREAS, **DENNIS FLORENCE** planned and supervised the installation of an entrance sign with flower box, as well as a trail head kiosk at the Town Park on Brigham Road,

BE IT RESOLVED by this Town Board at their meeting held on June 11th, 2009 that there be spread upon the minutes of this meeting our congratulations to **DENNIS FLORENCE** on achieving the rank of Eagle Scout, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be presented to said **DENNIS FLORENCE**.

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

Noes: None

Turtle Rock - Town Clerk advised that she received a petition with approximately 60 names asking for support from the Town of Greenfield in helping to restore “Turtle Rock”. Supervisor Rowland stated that he also received a letter from the Lake Desolation Fire Department requesting support. They would like to decorate the rock with the face of a turtle. Supervisor Rowland stated that he checked with the County Public Works Commissioner Joseph Ritchey, since it was a County road, and he did not have any specific objection to the painting of the rock as long as it did not provide a hazard to the people who are driving that road. Coseo, C. stated that this was either a County issue or a private landowners issue and it was not something that the Town could take any action on. The Town does not have any authority. Supervisor Rowland asked a Lake Desolation Resident who was present if they knew who owned the property where the rock was located. He stated that that was what they were trying to find out. They were trying to find out how far the County owned from the edge of the blacktop or did the landowner own right up to the blacktop. He estimated that the rock was approximately 8 feet from the edge of the blacktop. It has been painted since about 1980. About 10 years ago an individual moved into the area who apparently decided she did not want the rock painted and pours paint over it every time someone paints the face back on it. Coseo, C. suggested that they go to the County and find out what their right-of-way is and determine whether or not the rock is in the right-of-way or on private property.

June 11th, 2009 continued

RESOLUTION # 93 - Budget Amendments & Transfers

Motion: Kinsella, C.

Seconded: Pemrick, C.

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

Amendment to General Fund

\$197,477.74 From A0960 to A9950.9

Transfer money from General Fund to Capital Projects Fund

\$197,477.74 From A0201 to A9950.9

Capital Projects – Amend budget expenses

\$193,049.74 From H0960 to H5132.43

4,060.00 From H0960 to H5132.41

368.00 From H0960 to H5132.42

Capital Projects – Amend budget revenues

\$197,477.74 From H5031 to H0510

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

Noes: None

Mutual Aid Plan - Supervisor Rowland stated that he received a copy of a Proposed Mutual Aid Plan that came from the Emergency Management Office in the County. They are asking that all Towns pass this plan in order to make it easier to obtain money should a disaster be declared by the State or Federally. An example would be the reimbursement the Town received for when we sent men and equipment to assist the Town of Halfmoon. Supervisor Rowland asked the Board to review the Plan for the next meeting.

Required Training – Planning & Zoning - Planning Board Chairman is in the process of making arrangements to have a representative from the County Green Infrastructure Plan come and make a presentation to all interested Planning and Zoning Board members. He would like to ask that the Town Board consider allowing this to count towards the required training credit.

RESOLUTION # 94 – Authorized Training – Planning & Zoning

Motion: Cochran, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby allows the presentation by the County Green Infrastructure Plan to be counted as authorized training.

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

Noes: None

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

RESOLUTION # 95 - Highway Bills

Motion: Coseo, C.

Seconded: Pemrick, C.

RESOLVED, That Highway Bills # 86 to #104 in the amount of \$164,991.19 be paid, subject to audit.

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

Noes: None

June 11th, 2009 continued

RESOLUTION # 96 – General Bills

Motion: Cochran, C.

Seconded: Coseo, C.

RESOLVED, That General Bills # 277 to # 343 in the amount of \$27,509.09 be paid, subject to audit.

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

Noes: None

RESOLUTION # 97 - Capital Project Bills

Motion: Kinsella, C.

Seconded: Cochran, C.

RESOLVED, That Capital Project Bills #25 to #32 in the amount of \$197,477.74 be paid, subject to audit.

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

Noes: None

On motion of Kinsella, C. and seconded by Pemrick, C., the Board adjourned to Executive Session at 8:20 PM to discuss a personnel matter. Town Clerk was not present and no minutes were filed.

On motion of Coseo, C. and seconded by Pemrick, C., the Board returned to regular session at 8:43 PM.

On motion of Coseo, C. and seconded by Cochran, C., the meeting was adjourned at 8:44 PM.

Town Clerk