

May 11th, 2006

The regular meeting of the Town Board was held at the Town Hall on Thursday, May 11th, 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, Town Engineer Charlie Baker, 2 reporters and approximately 12 residents.

At 7:15 PM a public hearing was held regarding the 2005 Storm Water Management Annual Report (MS4). Town Clerk presented proof of legal publication. Charlie Baker, Town Engineer stated that the Town had received a "report card" regarding last years report. They would take care of the items during the course of this year and cover them with the 2006 report. Mr. Baker also stated that at some point this year the Town Attorney will have to begin to look at the necessary legislature that will be required for illicit discharge. He noted that DEC also posted sample legislation on their website. There being no public comments either pro or con, the hearing was closed at 7:17 PM.

The regular 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 Pemrick, C., the minutes of 4/13/2006 were approved as submitted by all members present.

Notice of Revised Residential Assessment Ratio from NYS Real Property. The Town ratio was projected at 81.27%. Supervisor noted that the Town Assessor has submitted data and has been able to get it raised to 85%.

Letter from the Town Engineer concerning the dedication of Copperfield Road. He listed the items that needed to be addressed before the Town should consider taking title of the property.

Notice from NYS Dept. of Transportation approving the request for a speed reduction on Daketown Road, between Sand Hill Road and Lake Desolation Road, to 40 mph.

Notice of Claim - Detraglia vs. Town of Greenfield.

Letter of Resignation from Melissa Vacula as Alternate Planning Board Member.

Letter of Resignation from Deane Pfiel as Planning Board Member.

Zoning Review Committee – Kinsella, C. stated that the Zoning Review Committee will be holding a public hearing on the proposed Zoning Law on May 16th, 2006 at 7:00 PM at the Greenfield Community Center. Town Clerk advised that the proposed law has also been added to the Town website.

Stormwater Fee Policy – Kinsella, C. stated that he has been working with the Town Engineer and Highway Superintendent in an attempt to establish guidelines regarding permanent storm water retention systems and the associated costs for maintenance and upkeep. Each stormwater plan that is submitted by a developer must also contain a maintenance plan which the Town Engineer and the Highway Superintendent would review to figure out the potential costs during a 5 year maintenance cycle. The developer would be required to make a one time payment for the determined amount that will be put in a escrow type account to help to pay for maintenance costs in the future. Supervisor Janik questioned if 5 years was long enough. Kinsella, C. stated that the maintenance of these systems was going to be around forever.

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He added that typically there is very little maintenance in the early life cycle of the system. The developer will still own the stormwater system over the first 2 or 3 years during construction on the property. Prior to the Town accepting the drainage system, the developer can be made to clean out all sediment in the ponds and retention basins. He stated that the fund will continue to be added to with each development that is approved. The policy does not indicate a set fee. Kinsella, C. felt that they needed to start somewhere and the policy could be revised in the future if it is determined that the Town was not receiving enough revenue to cover the maintenance costs. Coseo, C. asked what would happen if five years was not enough and questioned whether a Special Assessment District could be set up for a development down the road. Supervisor Janik did not feel that the Town could do that. He agreed that this was a start and felt that as the Town gains a little more experience the policy could be amended. C. Baker stated that a lot of communities are struggling with the same issues. It would be very difficult, if not impossible, to figure out all the “what ifs”. Coseo, C. asked if there were any studies that were available that would indicate whether it should be a 5 or year 7 cycle and what the typical would be. C. Baker stated that the program has not been in effect that long and every drainage system is different. Board agreed to change the proposed maintenance policy to cover a 7 year cycle.

RESOLUTION # 83 – Adopt Storm Water Retention Basin
Maintenance Cost Policy

Motion: Pemrick, C.

Seconded: Osborne, C.

RESOLVED, That the Town Board hereby adopts the Storm Water Retention Basin Maintenance Cost Policy, and

FURTHER RESOLVED That said Policy shall be added to the Town of Greenfield Policy Handbook.

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

Noes: None

Unsafe Buildings – Supervisor Janik review the report submitted by the Code Enforcement Officer concerning the progress of the unsafe buildings.

O’Donnell – 210 North Greenfield Road – The vehicles have been removed. The balance of the property remains unchanged.

Foy – 4 High View Avenue – Building has been removed.

Halturewicz – 19 Coombs Roadway – Demolition is scheduled to begin May 13th with completion by the end of May.

Zeissett – 400 Locust Grove Road – No change to the building or property. Owner has stated that she would be in contact with the Code Enforcement Officer to schedule a meeting.

Willard – 337 Ormsbee Road – The property owner is deceased. There have been several calls from “relatives” who wish to purchase the property. There has been no change to the building or property.

Lerch – 560 North Creek Road – The property has been cleaned up and the abandoned vehicle removed. All that remains is the frame of the mobile home.

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Supervisor Janik felt that the next step was to issue a letter from the Town Board, per Section 40-2 of the Town Code. Coseo, C. noted that once the Town Board has received a report regarding the Unsafe Building, the Board needs to send a Notice to Repair or Remove. Unsafe Building Hearings to be held on June 1st, 2006 starting at 7:10 PM.

RESOLUTION # 84 – Issue Unsafe Building Notices

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 following property owners:

Halturewicz – 19 Coombs Roadway

Willard – 337 Ormsbee Road

O'Donnell – 210 North Greenfield Road

Zeissett – 400 Locust Grove Road

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

Noes: None

Health Insurance Benefits for Retirees – Supervisor Janik reviewed the policy revision. The proposed change clarifies Section D which deals with employees hired after Jan. 1, 1991 and prior to January 1, 1997. It proposes to provide health insurance benefits to both the employee and their spouse until the death of the employee.

RESOLUTION # 85 – Adopt Revision to Policy Regarding Health Insurance Benefits for Retirees

Motion: Osborne, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby adopts the revised policy for Health Insurance Benefits for Retirees.

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

Noes: None

RESOLUTION # 86 – Schedule Public Hearing Proposed Local Law #1-2006 – Repealing Local Law #4-1999

Motion: Osborne, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby schedules a public hearing for 7:25 PM on June 8th, 2006 regarding Proposed Local Law #1-2006, and

FURTHER RESOLVED That said Local Law proposes to Repeal Local Law #4-1999 entitled “Authorizing Health Insurance for Certain Retired Elected Officials of the Town of Greenfield”.

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

Noes: None

Fee Schedule – Pemrick, C. provided the Board with a packet which included all the fees that currently exist within the Town. The packet included the following fees: Town Clerk, Recreation, Facility Use, Building Permit and Subdivision Fees. Pemrick, C. stated that Code Enforcement Officer McKenna felt that some changes to fee schedule were warranted, however he did not have the time to put together

his recommendation for this meeting. Pemrick, C. added that as far as the Use Facility Policy was concerned, the middle paragraph indicates that the Greenfield Little League, Softball and Babe Ruth leagues are exempt from any fees. He noted that the Town of Greenfield currently does not have a Babe Ruth League and when the kids leave Greenfield Little League they go to another community to play Babe Ruth. He was invited to attend a meeting of the Babe Ruth League in the Saratoga area. There are currently 28 to 30 Greenfield youths playing in the Saratoga League. It was suggested that the Town consider waiving the field use fee for this group when they use the field in Porter Corners. They are not charged by Schuylerville or Corinth for use of their fields. Pemrick, C. suggested that this was something that the Town Board should consider. He added that he would like to wait for the input from Mr. McKenna before going any further.

Al Hillmeyer, Lake Desolation – Mr. Hillmeyer lives near one of the unsafe buildings. He felt that the Town had taken way too long in handling these buildings. The “camp” has been vacant for 21 years. He was just recently reassessed an additional \$40,000. on his home. He is paying thousands of dollars in taxes on what was an abandoned camp, now upgraded to a year round home. He could not understand how the Town could allow these other properties to be vacant for so long. Supervisor Janik stated that there are legal formalities that must be followed before the Town can go in and demolish a building. The Town is prepared, with the proper notice and procedures followed, to go in and do that if the owner does not comply. Coseo, C. noted that this Town Board has taken the stand that they will address these issues. They can not go back and change what happened 21 years ago.

Proposed Local Law – Temporary Data Collection Structures - Supervisor Janik stated that during prior discussions there was a question as to where exactly the proposed temporary tower was going to be sited. There are presently 2 zones in the general area, RD & R4. Town Counsel Schachner stated that he did not feel that the proposed amendment to the draft local law would work for the R4 zone. It was his understanding that the Board only wanted the temporary structures to be allowed in districts that had a minimum 5 acre requirement. In some instances, R4 does have sub 5 acre allowances. Supervisor Janik asked if they had to stipulate what zone they would be permitted in. Kinsella, C. felt that the Board was also trying to anticipate the new zoning for that area. Supervisor Janik noted that the intent was to allow the placement of the temporary structure, unless there was opposition to it at the public hearing. Town Counsel stated that it could be worded that the “property in question must be a minimum of 5 acres” rather than saying it would only be allowed in districts with the minimum lot size of 5 acres. Coseo, C. felt that it would allow for a tower to be placed anywhere in the Town as long as the parcel was over 5 acres. Town Counsel Schachner stated that generally speaking, this would be a precursor to putting up something permanent. Although the law does not require it, the Board should give some thought to the fact that where they allow a temporary structure should be the same as where they would allow a permanent structure. Supervisor Janik added that Airticity has been made well aware that enacting this local law in no way implies that the Town is giving permission for permanent placement of towers. Town Counsel noted that the Attorney for Airticity contacted him and expressed their concern that the 2 year maximum in Section 105-113B was too short. Kinsella, C. stated that it was a change from what was stated at the public

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meeting held by Airtricity. They stated that they needed one year and the Board felt that they would give a one year margin. Further discussion was held regarding defining the zone area in 105-133 Paragraph A. Coseo, C. felt that the Board should stick with the zone you want it to be placed in. Town Counsel noted that if there are currently existing zones that the Board feels are appropriate locations, then the law should state that in those zones they would be allowed. When the Zoning Law changes, this Local Law can be amended if necessary. Town Counsel to determine if Short Form SEQRA will be required.

RESOLUTION # 87 – Scheduled Public Hearing on Proposed Local
Law #2-2006

Motion: Kinsella, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby schedules a public hearing for 7:20 PM on June 8th, 2006 on Proposed Local Law #2-2006 – Temporary Data Collection Structures.

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

Noes: None

RESOLUTION # 88 – Approve Bus Contract for Summer Program

Motion: Osborne, C.

Seconded: Kinsella, C.

RESOLVED, That the Supervisor be authorized to sign the Transportation Rental Agreement with the Saratoga Springs City School District for buses for the Summer Recreation Program.

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

Noes: None

Unsafe Building Code – Supervisor advised that there is really no way to streamline the Town Code. It is a mandate from New York State. Coseo, C. felt that if the current law was followed it would be okay. The Code Enforcement Officer should go out and check the property and forward a report to the Town Board. At that time, if the Board feels further action needs to be taken then a Hearing Notice can be prepared. Supervisor Janik felt that it would require 3 meetings before the Board would act on anything. Town Counsel stated that it does not require the Town Board to have a meeting each time to tell the Code Enforcement Officer to go out and do an inspection. Supervisor asked if the Town Board could automatically designate the Code Enforcement Officer as the Town Official that will make inspections and prepare report.

RESOLUTION # 89 – Designate Town Official to Inspect Unsafe
Buildings

Motion: Coseo, C.

Seconded: Osborne, C.

RESOLVED, That the Town Board hereby designates the Code Enforcement Officer as the Town Official who has the authority under Town Law Section 40-1 to report to the Town Board any notices of unsafe buildings.

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

Noes: None

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Eagle Scout Project – Coseo, C. noted that a candidate for Eagle Scout, Andrew Wine, was present this evening. Supervisor Janik added that he has had a couple of informal meetings with Andy concerning a project that he is proposing for the new Town Park on Brigham Road. He explained that in the past there were several points of entry used by motorized vehicles to access the new park property. Andy is working on putting together a plan that would limit the access points.

PUD Application – Wayside Inn - Karen Shook and Lisa Nagle were present. Lisa stated that Mrs. Shook was before the Town Board in December to begin the PUD process at which time the application was referred to the Planning Board. The Planning Board has reviewed the PUD Application and has completed the SEQRA and submitted copies of their resolutions to the Town Board. Ms. Nagle submitted a revised copy of the PUD language with a copy of the survey attached to it. Ms. Nagle asked that the Board consider scheduling a public hearing on the proposed application for the next meeting. Ms. Nagle explained that Mrs. Shook would like to continue to operate the Wayside Inn as a Bed & Breakfast and as a facility for the community. They are not proposing to build any new structures and would be using the existing facilities. They are looking to bring the whole property into compliance.

RESOLUTION # 90 – Schedule Public Hearing on Proposed Local Law
#3-2006 – Wayside Inn PUD

Motion: Coseo, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby schedules a public hearing for 7:10 PM on June 8th, 2006 on Proposed Local Law #3-2006 – Wayside Inn PUD.

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

Noes: None

On motion of Osborne, C. and seconded by Kinsella, C., the Board adjourned to Executive Session at 8:35 PM to discuss a UDAG Loan Application. Town Clerk was not present for session and no minutes were filed. On motion of Osborne, C. and seconded by Coseo, C., the Board returned to regular session at 8:55 PM.

RESOLUTION # 91 – Approve UDAG Loan – Dr. Jama Peacock Birsett

Motion: Coseo, C.

Seconded: Osborne, C.

RESOLVED, That the Town Board hereby approves a UDAG Revolving Loan for Dr. Jama Peacock Birsett, and

FURTHER RESOLVED, That the Town Board hereby authorizes the UDAG Revolving Loan Fund Attorney to issue a Commitment Letter for the UDAG Loan to Dr. Jama Peacock Birsett in the amount of \$111,500. for a period of 5 years at an interest rate of 8% conditioned on the following:

1. A personal guarantee by Dr. Birsett
2. A signed lease for 3100 Route 9N, the property currently owned by Stephen Smero, for a minimum of 5 years

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3. Proof of the closing of Dr. Birsett's loan with M & T Bank
4. Obtain Business Interruption Insurance, naming the Town as beneficiary, within one year of the disbursement of the loan.

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

Noes: None

Highway Equipment – Highway Supt. Barss stated that he spoke to the Board in the past regarding the possibility of purchasing an additional new plow truck ahead of the scheduled date. This would save the Town the increased cost of the new 2007 Emissions requirements. It would also help them to keep the plow routes down to a 3 hour turn around. If a new truck was to be purchased, the old truck could be sold and the money received for it put back into the reserve account. Supervisor Janik stated that the funds are available in the equipment reserve. He believed that the Highway Supt. was in the best position to know what the needs of that department were and how to increase their effectiveness by purchasing new equipment. Coseo, C. asked if there are any vehicles available that are on State Contract. Highway Supt. Barss stated that he had done some further research and the Town would not be able to use the County bid. We would have to go out to bid ourselves. Pemrick, C. felt that it would be a wise purchase. Kinsella, C. agreed. He also expressed his concern that a lot of time was being spent talking about equipment purchases and not talking about future building needs. Supervisor Janik noted that the Board had talked about that issue a few years ago. They have begun to put money in a building reserve fund for a new highway garage, but not enough to even start to consider building a new garage. Osborne, C. stated that if we purchase this truck now, we would not be purchasing another new truck for 4 years. During that time, the Board should look at the possibility of putting more money in the building reserve rather than the equipment reserve.

RESOLUTION # 92 – Advertise for Bids for New Plow Truck and
Dump Body/Spreader, Plow Hitch, Plow,
Wing and Hydraulics

Motion: Pemrick, C.

Seconded: Osborne, C.

RESOLVED, That the Town Clerk be directed to advertise for bids for One (1) New 2006 Diesel Powered Cab & Chassis in accordance with Spec. No. 2-2006 with said opening to be on Thursday, May 25th, 2006 at 12:00 Noon, and

FURTHER RESOLVED, That the Town Clerk be directed to advertise for bids for Dump Body/Spreader, Plow Hitch, Plow, Wing and Hydraulics in accordance with Spec. No. 3-2006 with said opening to be on Thursday, May 25th, 2006 at 12:05 PM.

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

Noes: None

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

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RESOLUTION # 93 – General Bills

Motion: Osborne, C.

Seconded: Kinsella, C.

RESOLVED, That General Bills # 265 to # 331 in the amount of \$26,512.97 be paid, subject to audit.

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

Noes: None

RESOLUTION # 94 – Highway Bills

Motion: Pemrick, C.

Seconded: Kinsella, C.

RESOLVED, That Highway Bills #78 to #102 in the amount of \$23,604.63 be paid, subject to audit.

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

Noes: None

Health Insurance – Supervisor Janik stated that he forgot to mention in the previous discussion that Gerry McKenna came in to see him regarding the issue of Health Care benefits. He asked that the Town Board reconsider the starting date of employment so that he would be able to receive coverage at a minimal cost. Supervisor Janik stated that he explained to Mr. McKenna that the only thing that the Board was doing with the Health Benefits was to clarify inconsistencies in the current language. It was not their intention to make any changes to the dates of employment and/or establish any new policy regarding health insurance. Board members were in agreement with Supervisor.

On motion of Osborne, C. and seconded by Kinsella, C., the meeting was adjourned at 9:15 PM.

Town Clerk