

November 5th, 2009

A Special Meeting of the Town Board was held on Thursday, November 5th, 2009 with the following members present: Richard Rowland, Supervisor; Daniel Pemrick, Peter Coseo, Thomas Kinsella and Daniel Cochran, Councilman. Also present was Highway Supt. Walter Barss and 3 residents.

At 7:20 PM a public hearing was held on the Preliminary Budget for the Year 2010. Clerk presented proof of legal publication. Albert Janik, King Road – He stated that it was difficult to comment on the budget without actually going through it. He stated that in years past, an overview of the budget was presented to the public commenting on increases such as pay raises, revenues, impact on taxes, etc. He thought that was very helpful and felt that the Board should do that. He understood that there was going to be a tax increase and that there was a significant shortfall in revenues. A substantial amount of money was going to be taken from the unappropriated fund balance. Supervisor Rowland stated that a news release had been issued, however to his knowledge the only paper that picked up on it was the Post Star. Supervisor Rowland stated that the Sales Tax revenues, Mortgage Tax revenues and revenues in permitting fees are all down 10 to 15 percent. He stated that the Board was very uncomfortable about taking any further money from the unexpended fund balance than they have in order to reduce the tax increase further. In the Highway Budget, approximately 1 mile plus of road was cut from the Highway Improvement fund. In addition, no money has been budgeted for the equipment reserve fund. The end result is that there will still be a 12 cent increase in the tax rate. Supervisor Rowland stated that some communities have stated that they are not going to give any raises to their employees. Those communities still have step increases, which Greenfield does not have. Therefore, the Board is proposing a 3 percent increase for employees. The Board will not be receiving a pay increase again this year. Mr. Janik felt that it was important to set the groundwork for future years by letting the public know the position of the Town. Unless there is a dramatic increase in revenues, ultimately the time is going to come when you can not tap the unexpended fund balance and there is going to have to be a major tax increase. Supervisor Rowland stated that the Board felt that if the operational costs of the Town remain fairly stable over the next few years, there should be about a 4 or 5 year buffer left. Hopefully by that time the revenues will start to come back. Supervisor Rowland stated that it was an uncomfortable situation to be in. They needed to be able to fund the Town and not dramatically reduce services. Cochran, C. stated that cost cutting has also be done in other departments. They are proposing changes in the Building Department, cutting down on overtime, cutting mileage reimbursements by providing a used vehicle and reducing the expenditure limits to less than \$500. without approval. There being no further public comments either pro or con, the hearing was closed at 7:28 PM.

At 7:29 PM a public hearing was held on Proposed Local Law # 2-2009 – Changes to the Town Code. Clerk presented proof of legal publication. Nancy Kmen, Plank Road – Mrs. Kmen questioned what was meant by the statement on Page 14-N-#8, “No large scale herbicides....” She questioned whether small scale was allowed and who would determine what was large or small. Kinsella, C. stated that according to DEC regulations, if you apply over a certain amount of pesticides you have to have a herbicide license. He suggested that any amount above that level would be considered large scale

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and the amount below small scale. Mrs. Kmen noted that in Section 105-147 A-Temporary Data Collection Structures, there is a reference to Zoning Districts RD and R-4 which do not exist in the new Zoning. Mrs. Kmen asked if under “Outdoor Furnaces” it was stating that the boiler could be 50 feet from an owners residence. Cochran, C. stated that this was based on the manufacturers’ recommendations as far as stack height. Mrs. Kmen asked if this would require Site Plan Review with a public hearing, etc. Pemrick, C. stated that the setbacks for building lots are still in place as well. Mrs. Kmen asked if a homeowner would have any recourse once a boiler was installed. Kinsella, C. stated that a special permit could be issued for 1 year if there were a lot of comments. He did not believe that every boiler requires a special use permit. Town Clerk advised that the proposed amendments to the Use Table indicate that Site Plan Review is required in 5 of the zones. Cochran, C. stated that the Board would either have to eliminate that requirement from the Use Table or revise the Code language to reflect that. Coseo, C. asked if bonding was required in the Wind Energy section in case a tower needed to be removed by the Town. Cochran, C. stated that it is required under Section S – Abatement. Cochran, C. stated that he met with the Planning Board and has incorporated several suggestions that they made. Coseo, C. stated that although the Wind Energy provision required a SEQRA, he questioned whether the Board would have to do a Short Form or Long Form SEQRA prior to considering adoption of the proposed local law. Supervisor advised that the Town Attorney is preparing information regarding this matter. Al Janik, King Road – Mr. Janik stated that outdoor furnaces would be allowed in every zone with the exception of Town Center and Office Residential. He added that there was no consideration given to the impact on some of the densely populated areas, such as the developments off of Sand Hill Road. Conceivably, every property owner up there could install an outdoor furnace. He did not feel that the idea of allowing outdoor furnaces in every zone, with a minimum setback requirement of 50 feet, works at all. He felt that there needed to be more distance from the property line or the adjacent homeowner. He felt that the setbacks needed to be expanded to 150 feet or more to the nearest property owner so that it was impossible for anyone with less than that to install one. Cochran, C. stated that there are manufacturers recommendations regarding stack heights, etc. To mitigate the setbacks from being so restrictive as they currently are, this legislation is proposing new regulations on stack heights, locations, etc. If the stack height is high enough above the eaves, it is no different than an indoor woodstove or fireplace. Nancy Kmen asked if there is a complaint regarding a furnace that is already operational, can they be required to improve their stack height. Coseo, C. believed that they would be grandfathered. He asked if the boiler would constitute a building and questioned whether or not it would have to meet the required setbacks from sideyard, etc. An indoor woodstove, fireplace, etc. would meet all the required setbacks. Cochran, C. stated that perhaps the Board should look into implementing some type of review process. What they were looking to do was to be less restrictive, however they did not want to create a harmful condition. Mr. Janik commented on the Right-to-Farm Law and the Town’s requirement of Real Estate Agents to comply with the Ag & Markets Law regarding notification. He questioned the section regarding dispute resolution. He did not know if it was considered arbitration or mediation. It appeared to be non-binding and

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if so it would be mediation. If that was the case, he stated that the procedure did not follow accepted mediation practices. If the committee is going to render a decision after investigating the facts, it appears to be some sort of an arbitration thing. Pemrick, C. stated that the committee is developed by the parties themselves and involves only one member of the Town. Mr. Janik suggested that the Board contact NYS Dispute Resolution and get more information regarding mediation and arbitration. Cochran, C. stated that this language was adopted by Saratoga County as part of the County Right-to-Farm Law. Mr. Janik stated that under the Wind Energy section there is a requirement that the applicant must provide a complaint resolution process. He asked how they would do that. He stated that the applicant was going to say, "I have a permit that allows it". Cochran, C. stated that much of the Wind Energy Code was adopted by other Towns. It requires them to resolve problems with adjacent residents. Supervisor Rowland stated that this requirement was in the application process. They are asking the applicant to come up with a process for complaint resolution to be approved by the Planning Board prior to the issuance of a permit. The onus is put on the applicant. Coseo, C. stated that as part of the application process the Planning Board will require a decommissioning plan, a complaint resolution plan, a transportation plan, etc. Mr. Janik stated that ultimately the Town may be faced with a large scale wind energy production facility up on the ridge. On a smaller scale, without some sort of Federal or State incentives, he did not see anyone applying for a small scale tower due to the costs involved. He felt that the way the law was written with the height restriction, etc. it was going to be a problem for many of the homeowners trying to put up a wind tower. He was bothered by item W – Non-grid Small Tower Exemption. A homeowner could create his own tower and the only review that he would have is from the Building Inspector. This would be a non-engineered structure that could be up to 35 feet with whirling blades. He felt that there needed to be more review required. Kinsella, C. suggested that a requirement be added that there must stamped engineered drawings. There being no further public comments either pro or con, the hearing was closed at 8:05 PM.

Town Clerk