

November 8<sup>th</sup>, 2007

The regular meeting of the Town Board was held at the Town Hall on Thursday, November 8<sup>th</sup>, 2007 with the following members present: Albert Janik, Supervisor; Carol Osborne, Daniel Pemrick, Peter Coseo and Thomas Kinsella, Councilman. Also present was Town Engineer Charlie Baker, one reporter and approximately 15 residents.

At 7:00 PM a public hearing was held on the Preliminary Budget for the Year 2008. Clerk present proof of legal publication. Stan Weeks, Ashlor Drive – Mr. Weeks stated that he would like to comment on 2 line items in the proposed budget. One is the \$6,000. that the Town pays for the reassessment and the other is the \$18,500. that the Town receives from the State. He felt that the cost to the taxpayers to continue with the full value reassessment really needed to be looked at. He stated that John Franck, Commissioner of Accounts for Saratoga Springs, has suggested that the assessments should remain frozen for the foreseeable future. Under full evaluation, the assessments are based on values that are a year or more old. If you continue to go on full value assessments, the assessments will go up even though the values are actually going down. He also stated that that may be why only one municipality in Saratoga County has stayed with full value assessment, and that would be Greenfield. Mr. Weeks stated that he was all for full assessment as long as everyone else was fully assessed. It works okay with the Town taxes. The problem is with school tax, library tax, county tax, etc. Last year the City of Saratoga Springs was at 84% of full value assessment and the Town of Greenfield was at 85%. This year, the City is at 83% while the Town of Greenfield went up to 100%. Mr. Weeks stated that Greenfield's assessment has gone up 33% in 2 years. His school and library tax this year went up 15.8%. Without the Enhanced Star program, his taxes would have gone up 19.3%. He estimated that the reassessment this past year cost taxpayers in the Town of Greenfield somewhere between a half million and one million dollars in additional dollars that will be paid to the school, library and county. He felt that the Board really needed to take a hard look at this. There being no further public comments either pro or con, the public hearing closed at 7:04 PM.

At 7:10 PM Opening of Bids were held for a 2008 F550 Cab & Chasis in accordance with Bid Specification No. 6-2007. Clerk presented proof of legal publication. The following bids were received:

<u>Bidder</u>	<u>Gross Price</u>	<u>Trade In</u>	<u>Net Bid Price</u>
Latham Motors	\$34,372.00	\$18,500.00	\$15,872.00
VanBortel Ford Inc.	34,136.00	---	34,136.00
Capitaland Motors – Option 1 2007 GMC 5500	45,044.00	14,000.00	31,044.00
Capitaland Motors – Option 2 2008 GMC 5500	45,650.00	14,000.00	31,650.00
Gendron's Truck Center (2008 GMC)	43,828.64	11,500.00	33,328.64
Morris Ford-Mercury Inc. – Option 1	39,184.69	19,000.00	20,184.69
Morris Ford-Mercury Inc. – Option 2	34,784.00	---	34,784.00

Supervisor Janik advised that the bids will be turned over to the Highway Superintendent for his review to make sure that they meet the bid specifications and to make a recommendation to the Board.

November 8<sup>th</sup>, 2007 continued

At 7:15 PM a public hearing opened for the Septic Variance Application for Carl and Ricki Arciprete. Clerk present proof of legal publication. There being no public comments either for or against, the public hearing was closed at 7:16 PM.

At 7:30 PM the regular meeting was called to order by the Supervisor and opened with the pledge to the flag. On motion of Pemrick, C. and seconded by Coseo, C., the minutes of 10/11/07, 10/25/07 and 11/1/07 were approved as submitted by all members present. Osborne, C. abstained from the minutes of 11/1/07.

Letter from the Saratoga District of the Twin Rivers Council – Boy Scouts of America, asking for a contribution.

Letter from Reality Check looking for the support of the Town in their effort to reduce the amount of tobacco advertising and promotions at businesses within the Town of Greenfield.

Report from the Caboose Committee. The roof has been installed. They are working on painting the new siding and hope to have that on before snowfall as well.

Information from Rebuilding Together Saratoga County regarding a one-day free home repair community service program targeting low-income, elderly and disabled homeowners and families with young children. Information and applications will be available at the Town Clerk's Office.

Request from Robert Smero for a refund of fees paid in 2005 to establish an engineering escrow account and submit a preliminary subdivision application. The applicant never submitted an official subdivision map and has decided not to pursue the subdivision. Supervisor Janik stated that according to the Planning Board minutes, the application was never officially accepted. It has been the policy of the Town that until such time an application has been accepted by the appropriate board that it can be withdrawn and the fees returned. Board members were in agreement to return the fees.

Pemrick, C. stated that he attended the Special Needs Committee meeting at the County. There are new State laws that require the County to prepare a registry of all Special Needs citizens within the County. They are asking the Towns for their help in doing so. This particular committee is not charged with providing the assistance that the people may require. It is their responsibility to organize a plan that would get assistance to them. Pemrick, C. noted that an "emergency" was defined as a situation that would require these special needs people to be housed at a safe site out of their homes. Copies of the application are available at the Town Clerk's Office. Information regarding the program is available on the Town website and there was also information regarding it in the last Town newsletter. As of this date they have only received about 200 applications and they believe that there could be closer to 2,000 people who should be on this list. Supervisor Janik noted that during the last power outage, the Fire Department went out trying to find people. Osborne, C. asked if there has been an announcement at the Senior meetings. Pemrick, C. will follow up to see if the Fire Department or the Doctors office would be able to assist in getting the word out and getting people registered.

2008 Town Budget – Coseo, C. stated that he was concerned that the proposed budget is underestimating revenues and overestimating expenses. In November 2005, the prior Town Board put together the budget that this Board administered in 2006. At the end of that, in the General Fund there was an increase of \$160,000. He stated that if you look at the monthly statements ending with October, the revenues to date this year

November 8<sup>th</sup>, 2007 continued

are approximately \$861,000. The amount budgeted for the whole year was approximately \$888,000. There are still two months to go and it averages about \$86,000. in revenues per month. As far as expenses are concerned, to date we have spent approximately \$990,000. and approximately 1.28 million was budgeted. With the average expenses of approximately \$100,000 per month over the next two months, you would still be under budget by approximately \$90,000. to \$100,000. Coseo, C. stated that if you underestimate your revenues you are over estimating the need for taxes. He noted that they were budgeting \$23,000. for interest, yet to date we have received approximately \$36,000. In addition there are two dedicated funds, one in the General Fund for approximately \$500,000. and another in the Highway Fund for approximately \$500,000. It did not seem like that was an awful lot of interest on that amount of money. Supervisor Janik noted that the interest on appropriated funds accrues to the account itself and does not go into the general fund interest. Supervisor Janik agreed that the interest might be slightly under estimated for revenue. He added that there was always a difficulty in getting a budget that is too tight. He stated that he was estimating that in the current year there may be approximately \$70,000. to roll over. He felt that if you look at budgets in general, that is tight. Supervisor Janik stated that the only fixed revenues that there are would be the state aid for the reval and the property tax that is collected. The big revenue items, such as mortgage tax and sales tax revenue, are never fixed. For instance, last year the County suggested that sales tax revenues would go up approximately 4%. Fortunately, the Town did not use that figure because it wound up being substantially less. He added that with the current market it would be almost impossible to determine what the Town would receive in mortgage tax this next year. Supervisor Janik advised that he has budgeted a modest increase in sales tax revenue for next year based on the anticipated return for this year with a 1 ½ % growth. He felt that to go beyond that would not be realistic. He felt that it was prudent to budget conservatively on the revenue side. Coseo, C. stated that the current budget for next year is not realistic to what was earned this year. He also asked if \$36,000. interest on approximately 2 million dollars was appropriate and wondered who was looking at that in terms of determining where we can do better. Supervisor Janik stated that they have been working on that. The interest rates on CD are coming down again. The last time they rolled over an account, they were able to get 4.75%. Supervisor Janik stated that the Town has plans for a great deal of that unappropriated balance. They have been following that for the last two years and hopefully that will continue. We have a very aggressive paving program. We are planning on paving an additional 7 or 8 miles of road again next year. Sooner or later that program is going to pay dividends. Down the road we will be able to cut back on the paving mileage and maintenance. The Town will have over \$200,000. to use to reduce taxes with. Coseo, C. noted that that would be assuming that there was no new development in Greenfield and no new roads going in. When you are done with this plan, those new roads are going to be added onto the plan. Supervisor Janik stated that hopefully those roads will have been properly built prior to being dedicated to the Town and will have a useful life of 15 to 20 years. Pemrick, C. asked if there was any other expenditure that the Town faces that shows better promise for being able to reduce. Supervisor Janik stated that the biggest expense in Highway, other than payroll, was paving. In order to reconstruct 8 miles of road it will cost approximately

November 8<sup>th</sup>, 2007 continued

\$900,000. Duane Wright, Highway Dept. Clerk, stated that the Town currently has 100 miles of road. They needed to do 8 to 10 miles of road each year. The way they are reconstructing the roads now, they should be able to get 12 to 15 years out of the roads. He added that it was a climb to get where we are right now and he felt that we were probably toward the top of the curve. Supervisor Janik added that every year that they aggressively rebuild roads it is going to cost the Town money from the unappropriated fund balance. The fund balance is going to start going down. He stated that one of the keys is to maintain a steady tax rate, rather than have a large decrease in taxes only to have to have a large increase the next year. Coseo, C. stated that although the Town rate is pretty flat, the school taxes are going up 20 to 25%. The Town has control over a very small portion of the January tax bill. He added that he would like to increase the proposed revenues by \$25,000. in order to truly keep the taxes flat. Coseo, C. stated that the budget is supposed to be realistic and he did not feel that some of the items, such as interest, were. He added that this would only make a difference of a few dollars on the Town portion of the January tax bill to each taxpayer. Pemrick, C. supported the budget as submitted. He was empathetic to the citizens of the Town as far as the sum total of taxes that they will have to pay. The budget is a best guesstimate based on the past year. He believed that this budget was even tighter than last years. Kinsella, C. stated that it does appear that the revenues are underestimated. He felt that the strategy overall to take money out of the unappropriated fund balance to catch up the road maintenance seems reasonable and he was comfortable with the way the budget was. Supervisor Janik felt that within a few years road maintenance costs should drop dramatically and at that point the Town should be able to reduce taxes. If you cut \$200,000. out of a budget line item, you will be able to drop the tax rate by 30 cents. He would not be comfortable doing this until the Highway plan was complete and a new highway garage was built. These were the only major expenditures that he new of that they needed to plan for. Kinsella, C. stated that if the Town does not keep in front of it, it will cost the Town twice as much later on. He added that the design standards for the new development roads are much better now. They are putting in a good base, good foundation and top coat. The roads that the Highway Department is fixing now were never built to those standards. Osborne, C. added that there are also better drainage and stormwater requirements now. Charlie Baker, Town Engineer, felt that the Town has taken giant steps forward in their road rebuilding and maintenance. The roads are being rebuilt with a much better drainage system, sub base and paving. The new roads are going to last much longer. He added that with the new subdivision roads, they have increased the paving thickness in both the binder and top coarse as well as better drainage and sub base requirements. These roads should also last 10 to 15 years. Osborne, C. stated that although she would like to save the taxpayers a few dollars a year, when you look at the heating oil bill for this month alone, the cost is approximately \$3,000. We do not know where that is going to go this year. She agreed that it was better to keep the taxes constant than to go up and down from year to year. Taxpayers would be able to budget better for what the Town taxes would be each year.

November 8<sup>th</sup>, 2007 continued

RESOLUTION # 170 – Adopt 2008 Annual Budget

Motion: Pemrick, C.

Seconded: Coseo, C.

WHEREAS, the Town Board has met at the time and place specified in the notice of public hearing on the preliminary budget and heard all persons desiring to be heard thereon; NOW THEREFORE BE IT

RESOLVED, That this Town Board does hereby adopt said preliminary budget as finally compiled, as the annual budget for the year 2008, and that such budget as so adopted be entered in detail in the minutes of the proceedings of the Town Board, and be it

FURTHER RESOLVED, That the Town Clerk of the Town shall prepare and certify a copy of said annual budget as adopted pursuant to section 202A, Sub. 2 of the Town Law and deliver thereof to the Supervisor and to the County Board of Supervisors.

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

Noes: None

Application for Septic Variance – Arciprete – Charlie Baker, Town Engineer, stated that he has reviewed the application and plans. The first plan was for a system that would meet the current Town Code with 4' of separation. He would have to bring in approximately 4' of fill. The second plan would meet the State Health Department standards. This would require only 2' of fill. The applicant is looking for a waiver from the Town's additional 2' separation requirement. The Town recently approved the variance process to consider a waiver where there are existing systems on tight lots and where putting in the additional fill would cause an economic hardship and in some cases would not be feasible. Raising the elevation of the grades may cause drainage issues on neighboring property, etc. Mr. Baker stated that after reviewing the plans and comparing the estimates, the difference between building the required system and building the State approved system would be approximately \$6,000. He added that that would just be for the septic system alone. The plans do not have topographical information and he did not know how much they would have to raise the actual building itself to get gravity and there may be some fill associated with that as well. Supervisor Janik asked what type of home this was. Mr. Arciprete stated that it was a mobile home on a slab at grade. The existing septic system is 30 years old. It is a 2' system. Mr. Arciprete added that he would also have to remove all the trees. Mr. Baker stated that if they raise the building itself by putting in additional fill, they may be able to avoid a pump. If you do not raise the building, there would be the additional cost of installing a pump. Mr. Baker felt that this was a reasonable request in this case to allow the waiver. It is the replacement of an existing system on a very tight lot. He suggested that as with normal septic systems, the applicants engineer should do a final certification on the system once it is built to indicate that it was built according to his plan and conforms with the New York State Health Department standards. Kinsella, C. asked when the Town enacted the requirement for the 4' separation. Mr. Baker believed it was around 1988. Osborne, C. clarified that the new mobile home does not have additional bathrooms or additional usage than the old home. Mr. Arciprete added that the lots in that area are all lower than the road. He felt that there was going to be a big drainage

November 8<sup>th</sup>, 2007 continued

problem if he had to bring in all that additional fill. Kinsella, C. stated that he was comfortable with granting the waiver. Coseo, C. stated that he was comfortable with the waiver, however he was uncomfortable with the way it is going to be granted. He felt that the Board needed to take a look at the resolution regarding this so that these applications do not continue to come before the Board as long as they are systems that were in existence prior to 1988 and certification is obtained from an engineer that the new system meets State standards. Supervisor Janik agreed that the Board needed to take another look at the law to see if a modification was appropriate, however they had to act on these two applications.

RESOLUTION # 171 – Grant Septic Variance – Carl & Ricki Arciprete

Motion: Kinsella, C.

Seconded: Osborne, C.

RESOLVED, That the Town Board does hereby grant a variance of Chapter 54, Appendix A310.3 to Carl & Ricki Arciprete, and

FURTHER RESOLVED That the proposed plan has been reviewed and approved by the applicants engineer, as well as the Town Engineer, and

FURTHER RESOLVED That the applicants engineer must verify and certify the as-built installation.

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

Noes: None

Pemrick, C. questioned whether the Board should include the reasons why the variance was granted. Coseo, C. felt that the Board should, specifically for B and C. Item D would be the condition that the Town added requiring the certification from the applicants engineer.

RESOLUTION # 172 – Amend Resolution #171 – Arciprete Septic Variance

Motion: Kinsella, C.

Seconded: Osborne, C.

The Town Board hereby amends Resolution #171 as follows:

RESOLVED, That the Town Board does hereby grant a variance of Chapter 54, Appendix A310.3 to Carl & Ricki Arciprete, and

FURTHER RESOLVED that this variance is based on the following reasons:

1. There is no detriment to the community.
2. There is no hardship or ill-effect to the neighborhood
3. This would allow the applicant to continue reasonable use of his property without an added expense of creating a system that is required by Town Code.

AND FURTHER RESOLVED, that the applicants engineer must verify and certify the as-built installation.

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

Noes: None

Application for Septic Variance – Waterhouse/Lewis – Charlie Baker, Town Engineer, stated that this was a similar situation. He reviewed the plans that were submitted by the applicant. It was his understanding that there was a very limited area available for the replacement of this septic system, mainly due to a ground water issue.

November 8<sup>th</sup>, 2007 continued

The depth to ground water is approximately 32” and would require approximately 2’ of fill for the installation of a new system. The applicant is looking for a variance to install a system that would comply with the New York State Department of Health standards, rather than the Town required 4’ separation. Mr. Baker stated that in this case the system was a little bigger and he estimated the additional fill required to cost approximately \$7,000. That would be just for the fill. The applicant would most likely have to install a pump, which would be an additional added cost. Coseo, C. asked if the minimum variance required would be 34”. The Town Engineer agreed and added that in order to meet the State standard they would have to bring in approximately 10” of fill.

RESOLUTION # 173 – Grant Septic Variance of Scott Waterhouse &  
Lisa Lewis

Motion: Kinsella, C.

Seconded: Osborne, C.

RESOLVED, That the Town Board does hereby grant a variance of Chapter 54, Appendix A310.3 to Scott Waterhouse and Lisa Lewis, and

FURTHER RESOLVED that this variance is based on the following reasons:

4. There is no detriment to the community.
5. There is no hardship or ill-effect to the neighborhood
6. This would allow the applicants to continue reasonable use of their property without an added expense of creating a system that is required by Town Code.

AND FURTHER RESOLVED, that the applicants engineer must verify and certify the as-built installation.

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

Noes: None

MS4 Stormwater Management – Supervisor Janik stated that we have copies of the two proposed local laws that the Town needs to adopt in order to meet the State Stormwater Management standards. He added that the sample legislation was provided by the State and he believed that it has been suggested that they adopt them in total. Charlie Baker, Town Engineer, stated that the Town has the option of doing what they call a Gap Analysis Study. If you decide that there is something in the legislation that you do not like or that you would like have more stringent, etc. you could do this study. This would require quite a bit of work and the Town Attorney would have to draft the legislation that would have to be adopted. He added that most municipalities are adopting the legislation provided by the State. Coseo, C. stated that the Code Enforcement Officer had expressed concern regarding enforcement. Supervisor Janik stated that the local law provides for the appointment of a Stormwater Management Officer. He added that there is also a section in the law that provides that the land developer pay all fees incurred during the review process. Supervisor Janik stated that all the detail work, inspections, etc. will be handled by the engineers. If any issue arises that would require the Code Enforcement Officer to issue a violation or stop work order, that would be the point where he would become involved. Charlie Baker stated that there was some concern regarding the amount of inspections that the Code Enforcement Officer would have to do as a result of this legislation. There was a section in the law that gives a basic outline of occasions when the Code Enforcement Officer might go out

November 8<sup>th</sup>, 2007 continued

and inspect the sites. He did not believe this would require a lot of extra time and that it would be stuff that could be done during the normal building inspections. It would just be a matter of glancing through the site making sure that everything looks good, asking them if they have SWPPP on site and asking them who their professional is that is looking at the site for them. There might be cases on larger projects where the Code Enforcement Officer might not feel comfortable doing that and the Town Engineer could be involved if he wished. Charlie Baker noted that the Town had adopted a Stormwater Retention Basin Maintenance Policy and questioned whether or not this needed to be tied into that in the Post Construction section. Supervisor Janik to check with Town Counsel regarding this matter. Coseo, C. noted that in the Stormwater Management and Erosion and Sediment Control Law there appears to be something missing on pages 6 and 8. Supervisor Janik to check with Town Counsel on this as well.

RESOLUTION # 174 – Schedule Public Hearings on Proposed Local  
Laws #4 & #5 of 2007 – MS4 Legislation

Motion: Osborne, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby schedules a public hearing for 7:20 PM on December 13<sup>th</sup>, 2007 on Proposed Local Law #4-2007 – Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer System, and

FURTHER RESOLVED, that a public hearing be scheduled for 7:25 PM on December 13<sup>th</sup>, 2007 on Proposed Local Law #5-2007 – Providing for Stormwater Management and Erosion and Sediment Control.

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

Noes: None

Unsafe Building – 16 Medbury Road – Supervisor Janik reviewed the report submitted by the Code Enforcement Officer dated 11/5/07. He stated that the building has been secured and all debris piles removed. It was his opinion that the building is now in compliance. Mr. Bellon's sister was present. She stated that her brother wanted her to be here to make sure that everything had been satisfactorily completed and if he would be notified of such. Supervisor Janik stated that the building was now in compliance, meaning that it is no longer an unsafe structure. He added that any modifications, additions, changes etc. from this point on would require a building permit. As far as the Town Board is concerned it is no longer an unsafe structure. Supervisor Janik thanked the family for all their hard work to correct the deficiencies. Town Clerk will send Mr. Belon a copy of the Code Enforcement Officer's report.

Unsafe Building – 322 Spier Falls Road – Supervisor Janik stated that the Code Enforcement Officer has advised that Mr. Laferriere has applied for and has been issued a building permit allowing the renovation of the building. Work has already started. The building is no longer unsafe at this time. Supervisor Janik stated that as far as the Town Board was concerned the structure was no longer unsafe. He thanked Mr. Laferriere for working hard to correct the deficiencies.

Unsafe Building – 19 Coombs Roadway – Supervisor Janik reviewed the report from the Code Enforcement Officer. There has been no change in site conditions since the original inspection date of August 2007. The property owner has submitted an engineer's report. It was their opinion that the building was not in imminent danger of

November 8<sup>th</sup>, 2007 continued

collapse, however it did point out 2 deficiencies that needed to be repaired immediately. The Code Enforcement Officer spoke with Mr. Halturewicz on 11/05/07. He indicated that he was planning on renovating the building and that he would be applying for a building permit as soon as possible. Supervisor Janik stated that he also spoke with Mr. Halturewicz. He indicated to him at that time that he would have the two deficiencies corrected within a week or two. He will make the building safe and then will be applying for a building permit to renovate the structure. Kinsella, C. noted that this was in the Lake Desolation Overlay District and asked if the applicant was aware that when he applied for a building permit he would have to provide septic information. Supervisor Janik stated that he was aware of that and added that part of the plan was that he was proposing to install a large holding tank which was New York State approved. Town Board was in agreement to grant an extension until the December 13<sup>th</sup>, 2007 meeting. Supervisor Janik will advise Mr. Halturewicz that he has until that time to correct the two deficiencies.

UDAG Committee Appointment – Supervisor Janik advised that the Committee had interviewed the 2 applicants who applied for the vacancy created by the resignation of Charles Joseph. He advised that since that time the UDAG Chairman, James Rosano, has also resigned due to the fact that he was moving from the area. The committee has recommended that both of the applicants be appointed to fill the 2 vacancies. Town Board members were in agreement to make the appointment to fill the first vacancy at this time and consider the second appointment later in the meeting. Coseo, C. stated that he would like to see new people that have not been involved in Town government and that are interested in becoming involved.

RESOLUTION # 175 - Appoint Ron Deutsch to UDAG Committee

Motion: Coseo, C.

Seconded: Osborne, C.

RESOLVED, That based on his credentials and his willingness to become a member of the UDAG Committee, the Town Board hereby appoints Ron Deutsch to fill the unexpired term of Charles Joseph, with said term to expire 12/31/2010.

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

Noes: None

Brigham Road Park – Supervisor Janik stated that the Highway Department has completed the work on the walking trail. The trail is slightly in excess of .6 miles. It has been filled in with crusher run gravel and topped with stone dust. He stated that he was very pleased with the job that the Highway Department had done. Supervisor Janik stated that the reporter from the Gazette had contacted him and would like to meet with him to get some more information about the park. He is going to encourage people to use the park. A trail map will be posted at the site and maps will be available in the Town Clerk's Office. He felt that the next thing that should be considered would be to construct a restroom facility and perhaps a warming hut of some sort if cross country skiing and snowshoeing were going to be encouraged. Coseo, C. noted that the Highway Supt. had stated that he may have someone who was willing to donate their time to groom the trail for cross country skiing. Supervisor Janik stated that the Highway Supt. had provided the Board with a breakdown of the costs associated with the work completed at the Park. He added that there needed to be a transfer to reimburse

November 8<sup>th</sup>, 2007 continued

the Highway Department and that it would be appropriate to pay for this from UDAG Funds.

RESOLUTION # 176 – Reimburse Highway Department from UDAG Funds

Motion: Pemrick, C.

Seconded: Coseo, C.

RESOLVED, That the Town Board hereby authorizes the Supervisor to transfer \$19,119.63 from the UDAG Fund to the Highway Fund to reimburse them for expenses incurred while making improvements to the Brigham Road Town Park.

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

Noes: None

Philip Gargan, Locust Grove Road – Mr. Gargan had a procedural question as far as the applications for septic variances were concerned. He believed that the Board should sit as a Board of Health when considering the granting of those variances. Coseo, C. felt that Mr. Gargan was probably right and suggested an amendment to the motions.

RESOLUTION # 177 – Amend Town Board Resolutions #172 & #173

Motion: Coseo, C.

Seconded: Osborne, C.

RESOLVED, That the Town Board hereby amends Resolution # 172 & #173 to state that the Town Board granted the variance in their capacity as a Board of Health.

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

Noes: None

Philip Gargan suggested that as far as the Special Needs Program was concerned, the Board should be able to get a list of those seniors who apply for Enhanced Star from the Assessors Office. A letter could be sent to all those people making them aware of the program. He added that he did bring some of the applications to a Senior meeting at the Community Center a few months ago. Mr. Gargan asked if the County was required to obtain any permits from the individual Towns for the construction of the water line. Supervisor Janik advised that they were not required to apply for a permit. Mr. Gargan also thanked Coseo, C. for his comments and concerns regarding the 2008 Budget. Mr. Gargan believed that the Town had too much money in the surplus. He stated that he spoke with Audit and Control and they stated that a Town like Greenfield should only have 15 to 20% of their budget in surplus.

M & J Construction Junkyard License Application – Michele Anderson was present to represent the applicant. Michael Ballestero was also present. Ms. Anderson stated that the property consisted of 13.63 acres. Included with the application was a color topographic GIS map showing what the current locations are. She stated that the primary deviation was that they are looking to put the 8' opaque fence up on or about the property line abutting the residential zone whereas the regulations require that it should be 150' back from the line. They believed that by putting the fence 150' back they would be creating an area of 150' of unsupervised land. They felt that it would be better to keep the fence on the property line with the understanding that any materials would be stored 150' back from the fence. Supervisor Janik noted that it had not been

November 8<sup>th</sup>, 2007 continued

checked on the application as to whether this was an application for a renewal or new license. Ms. Anderson stated that it could be checked as a renewal. Coseo, C. and Osborne, C. questioned as to whether it was a renewal. Ms. Anderson felt that it was an interpretative issue. They paid the \$25.00 back in 2005 which was returned to them. They consider that as an attempt to renew at that time and that this was a continued attempt to renew the license. She did not feel that it made that much difference when reviewing the Town regulations. Supervisor Janik stated that the application was filed in 2005 and the license was not renewed in 2006. Ms. Anderson felt that they followed the format that was used by the other junkyard license applicants and they were renewed at the end of 2006. There was a gap with those applicants as well. Coseo, C. stated that the other applicants came in and asked what they needed to become compliant and worked with the Code Enforcement Officer to become compliant and get their license for 2006 and 2007. As far as M & J Construction was concerned, they did not come in and try to get compliant until almost 24 months later. Ms. Anderson stated that she did not see a significant difference between a renewal and a new application. Coseo, C. stated that he just wanted to make the distinction between the two. If you are looking at this as a new application you do not look at whatever has happened in the past. Ms. Anderson stated that she did not want that. She stated that she understood that there has been some delay in coming in, however there has been a long history with this junkyard. It would be a substantial hardship on the owner at this time if it were not allowed to be there. Supervisor Janik stated that he believed that the applicant, M & J Construction, was not the property owner of record. Ms. Anderson stated that the owner of record was Manuel Ballestero and there has been an oral lease with M & J Construction to operate the junkyard. Supervisor Janik felt that that needed to be explained in the application. Ms. Anderson agreed to provide the necessary information. Supervisor Janik believed that the map indicates that all the items within the 150' required buffer would be moved. Ms. Anderson stated that everything has already been moved. The other vehicles within the 150' buffer are vehicles that are licensed and operational and are used on a daily basis. Supervisor Janik stated that the buffer was for the junkyard only. Coseo, C. noted that on the mobile home park side of the property there is already a wire fence there and asked if it was on the property line. Mr. Ballestero stated that the fence was actually 15' onto their property. Supervisor Janik questioned what was going to happen with the stock pile of soil material in the front. Mr. Ballestero felt that it acted as a pretty good buffer. Coseo, C. asked if this was part of the junkyard. Supervisor Janik questioned if that could be stored that close to the classified stream. Mr. Ballestero stated that they brought in the soil approximately 5 years ago and it is all grassed over. They do not have any plans to move it in the near future. Ms. Anderson suggested that perhaps that was something for the Code Enforcement Officer to take a look at and make a determination on. Mr. Ballestero stated that if he had to he could put silt fence around it. Coseo, C. felt that the question was whether the property itself was in compliance with the Zoning Law. As far as the fencing issue along the mobile home park, Coseo, C. asked if what the applicant was proposing to do was to put in the visual buffer along the current fence line rather than move it back 150', however he would keep any material back 150' from the fence. The applicant agreed with that statement. Coseo, C. asked what else the applicant was looking for a variance from. He questioned whether or not there was adequate buffer

November 8<sup>th</sup>, 2007 continued

along the front. Ms. Anderson stated that the Code Enforcement Officer had indicated that only place that he thought the fence was needed was along the line where the fence is now erected. He thought that there was sufficient vegetation along the front and there is an Industrial Zone on the other side. Coseo, C. felt that the most important thing for the Board was that the material was moved 150' back from the stream. Supervisor Janik stated that what the Board had to determine at this point was whether or not the application was complete. He felt that the application lacked some information. He asked if the applicant had a survey map of the property. Ms. Anderson stated that they did not have a survey. They would submit further information to supplement their application. Coseo, C. asked for some sort of certification that everything had been moved back 150'. This application will be placed on next months agenda. Supervisor Janik advised that if he received the information earlier enough he would have the Code Enforcement Officer make an inspection of the property and provide the Board with his report. They may be able to act on it at that meeting.

Fuel Oil Bids – Supervisor Janik advised that when we bid fuel oil, what you are bidding is the delivery price only. The tank car prices fluctuate daily. Duane Wright added that the price also varies by the County and the volume purchased. He submitted information he put together regarding State Contract pricing, etc. Supervisor Janik stated that we had to bid out heating oil anyway and did not feel that the Town had anything to lose by bidding On-Road Diesel. Duane stated that as far as the regular gasoline is concerned, the current supplier has the State Contract and he believed that we should just go with that. We have not had anyone even submit a bid on gasoline the past few years. As far as the State Contract for On-Road Diesel, the minimum delivery is 6,500 gallons which we can not accept. The will honor orders for under the minimum at fair market prices.

RESOLUTION # 178 - Advertise for Bids #2 Fuel Oil & On-Road Diesel

Motion: Coseo, C.

Seconded: Osborne, C.

RESOLVED, That the Town Clerk be directed to advertise for bids for #2 Fuel Oil and On-Road Diesel supplies for the year 2008, with said bid opening to be held on December 13<sup>th</sup>, 2007 at 7:10 PM.

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

Noes: None

Highway Shared Services Grant – Supervisor Janik advised that the Highway Department is going to be applying for a Shared Services Grant. If they get the grant they would like to purchase an excavator for approximately \$165,000. This would be shared with the Town of Corinth. Supervisor Janik felt that this was a piece of equipment that both Towns could certainly use. Duane Wright stated that the Town has had to rent an excavator in order to do some jobs properly.

RESOLUTION # 179 – Shared Services Grant

Motion: Pemrick, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Board hereby authorizes the Highway Superintendent to apply for a Shared Services Grant in conjunction with the Town of Corinth.

November 8<sup>th</sup>, 2007 continued

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

Noes: None

Alternate Environmental Committee Member – Supervisor Janik stated that the Board received a request from the Environmental Committee to consider allowing them to have an alternate member. They already have 7 members and they are allowed to have up to 9 members. Having an alternate gives them an option of having that person fill in for an absent member and thereby have a quorum for their meetings. They have an individual who has expressed an interest in becoming a member of the committee and asked the Board to consider her appointment.

RESOLUTION # 180 – Environmental Committee Appointment

Motion: Coseo, C.

Seconded: Osborne, C.

RESOLVED, That the Town Board hereby appoints Sarah Lieberman as Alternate Member of the Environmental Committee.

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

Noes: None

UDAG Committee – Supervisor Janik advised that as he had stated earlier, the Board received the resignation of the UDAG Committee Chairman, James Rosano. Mr. Rosano has served in that capacity since 2001. The Board needs to fill the vacancy and also appoint a new chairman of the committee. Pemrick, C. felt that since the Committee had interviewed both individuals who applied for the recent vacancy and had recommended both individuals, that the Board should appoint Ralph Stacey to fill the new vacancy. Coseo, C. noted that the committee had a comment as to whether or not Mr. Stacy would be available during the winter months. Mr. Stacey stated that he would no longer be gone for the winter months.

RESOLUTION # 181 – Appoint Ralph Stacey to UDAG Committee

Motion: Pemrick, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Board hereby appoints Ralph Stacey to the UDAG Committee to fill the unexpired term of James Rosano, with said term to expire 12/31/2009.

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

Noes: None

UDAG Committee Chairman – Supervisor Janik stated that there were 3 remaining members on the Committee – Wendy Dickson, appointed in March 2007; Candace Merbler, appointed November 1994 and MaryAnne Palmateer, appointed March 2005. He spoke with 2 of the 3 members and they were interested in being considered. He was not able to reach Ms. Dickson. He added that he also spoke to James Lee and he indicated that any one of them would do a fine job. Coseo, C. stated that he was not familiar with any of the members and asked what their financial backgrounds were. Pemrick, C. suggested that perhaps the Board delay making any appointment until the next meeting and send each of them a letter asking them if they were interested and if so, to provide the Board with some background information.

November 8<sup>th</sup>, 2007

RESOLUTION # 182 – Advertise for Bids for Sander Box and Plow

Motion: Osborne, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Clerk be directed to advertise for bids for a Snow Plow as per Bid Specification #7-2007 and for a Multi-Purpose Truck Body and Hydraulics as per Bid Specification #8-2007, and

FURTHER RESOLVED, that said bid openings will be held on Thursday, December 13<sup>th</sup>, 2007 at 7:05 PM

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

Noes: None

RESOLUTION # 183 – Donation to Boy Scouts of America

Motion: Pemrick, C.

Seconded: Osborne, C.

RESOLVED, That the Town Board hereby makes a donation in the amount of \$50.00 to The Saratoga District of the Twin Rivers Council, Boy Scouts of America.

VOTE: Ayes: Janik, Osborne, Pemrick, Kinsella

Noes: None

Abstained: Coseo

RESOLUTION # 184 – Budget Amendments and Transfers

Motion: Coseo, C.

Seconded: Pemrick, C.

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

\$186,600.00	From DA0599	to	DA5130.2
\$ 33,000.00	From DA0599	to	DA5110.4

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

\$10,000.00	From DA5130.2	to	DA5110.4
112.23	From DA5140.1	to	DA5120.4
858.80	From A9060.8	to	A7520.4
4,328.89	From A1990.4	to	A5132.4
1,496.71	From A1990.4	to	A7140.4
910.36	From A8015.2	to	A8015.4
666.88	From A1990.4	to	A6772.4
\$ 691.44	From A1355.2	to	A1355.4
2,087.95	From A1990.4	to	A8160.4
560.88	From A3650.1	to	A3650.4
4,246.85	From A1990.4	to	A7140.2
2,000.00	From A1990.4	to	A1355.15
1,506.40	From A1990.4	to	A5182.4

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

Noes: None

2007 Budget – Supervisor Janik stated that there were two items that needed to be discussed. The Town received \$170,931. from the County Surplus. In addition there was \$50,000. budgeted to be transferred into a reserve account. Supervisor

November 8<sup>th</sup>, 2007 continued

Janik stated that he would like to see both of these go to the Highway Building Reserve Fund. The garage is in need of replacement. There are a number of issues with the present garage. One being that they can not fit in all the equipment that needs to be sheltered in the winter time so that it is ready to go. He felt that ultimately, within the next couple of years, the Town had to give serious consideration into replacing the garage. Presently there is approximately \$400,000. in the building reserve fund. He believed that it would cost somewhere between \$800,000. and \$900,000. for a new building. Supervisor Janik would like to see that reserve account increased to somewhere close to that amount this year or next year so that within another year or two they could actually plan on replacing the garage.

RESOLUTION # 185 – Transfer Funds to Building Reserve Fund

Motion: Kinsella, C.

Seconded: Osborne, C.

RESOLVED, That the Supervisor be authorized to transfer \$170,931. received from County Surplus and \$50,000. from the Interfund Transfer Budget Line in the 2007 Budget to the Building Reserve Fund.

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

Noes: None

On motion of Osborne, C. and seconded by Pemrick, C. the Board adjourned to Executive Session at 9:35 PM to discuss pending litigation and a UDAG Loan. Town Clerk was not present for session and no minutes were filed. On motion of Coseo, C. and seconded by Osborne, C., the Board returned to regular session at 9:55 pm.

Monthly reports were submitted by the Highway Superintendent, Town Justice Varley (September & October), Dog Control Officer, Town Clerk, UDAG Revolving Loan Fund, Town Justice Hopkins and Supervisor.

RESOLUTION # 186 – General Bills

Motion: Osborne, C.

Seconded: Pemrick, C.

RESOLVED, That General Bills # 688 to #765 in the amount of \$44,283.07 be paid, subject to audit.

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

Noes: None

RESOLUTION # 187 – Highway Bills

Motion: Coseo, C.

Seconded: Kinsella, C.

RESOLVED, That Highway Bills # 193 to # 211 in the amount of \$259,963.74 be paid, subject to audit.

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

Noes: None

On motion of Osborne, C. and seconded by Coseo, C., the meeting was adjourned at 10:05 PM.

---

Town Clerk