

October 12th, 2006

The regular meeting of the Town Board was held at the Town Hall on Thursday, October 12th, 2006 with the following members present: Albert Janik, Supervisor; Carol Osborne, Daniel Pemrick, Peter Coseo and Thomas Kinsella, Councilman. Also present was Highway Supt. Walter Barss, Town Counsel Mark Schachner, one reporter and 6 residents.

The meeting was called to order by the Supervisor at 7:30 PM and opened with the pledge to the flag. On motion of Kinsella, C. and seconded by Pemrick, C., the minutes of 9/14/2006 and 9/28/2006 were approved as submitted by all members present.

Letter from Town Justice Hopkins asking for her clerk to be compensated for the extra hours worked during a trial held recently.

Request from North Country ATV Association to post certain roads in the Town of Greenfield for use by ATV's and Snowmobiles.

Request from Eleanor Mullaney, Attorney at Law, asking the Board to consider abandoning a portion of Woodland Road

Notification from the Town of Corinth Planning Board of a proposed 3 lot subdivision at 99 Tannery Hill Road.

Letter from the Town of Greenfield Planning Board regarding a discussion concerning speeding on Brigham Road that took place during a public hearing for Adirondack Adventures Resort.

Letter from the Town of Greenfield Planning Board regarding easements that will be required along Denton Road for the sewer line from Prestwick Chase to Saratoga Polo.

Letter from Attorney David Harper concerning an issue at the intersection of a private road, Hall Road and Porter Corners Road.

Notification from the Town of Wilton Zoning Board of Appeals of a public hearing to be held for a Special Permit for property located at 444 Wilton Road.

Environmental Committee – Coseo, C. stated that he attended the last meeting. They held informal interviews with several of the applicants. He felt that they were all strong candidates and that any one of them would make a good fit for the Board. Environmental Committee Chairman Pam Young submitted a letter to the Town Board indicating the same.

Osborne, C. stated that there was going to be a meeting on October 27th, 2006 at the Greenfield Grange with the Fire Department regarding responses to emergencies, like we had last year with the power outages. They are looking at the possibility of maybe setting up a phone bank to call the elderly, etc. There will also be a representative from the County there as well.

Unsafe Buildings – 54 and 62 Tannery Hill Road – Supervisor Janik stated that the property owner was present at the Sept. 28th meeting at which time he made certain commitments. He was to come back and give the Board an update this evening, however he was not present. The Deputy Code Enforcement Officer made an inspection of the property and provided the Board with pictures. Supervisor Janik stated that the foundation at 54 Tannery Hill Road has still not been filled in. The trailer has been removed, however the frame is still there. As far as 62 Tannery Hill Road was concerned, the remaining section of the garage has been demolished. The deck on the

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trailer and most everything else that was wood is also gone. The trailer frame still remains on this property. Supervisor Janik stated that although progress has been made on both properties, he did not feel that it was as much as the property owner has committed to. Supervisor Janik felt that the Board was again at the point where they needed to determine if this was still an unsafe structure or just a piece of property littered with demolition debris. Town Counsel Schachner felt that by looking at the photographs the property appears to be more unsightly as opposed to unsafe. Kinsella, C. stated that it appeared as if the property owner had completed about $\frac{3}{4}$ of the work but that he did not pick up all the debris. He felt that he should be contacted and told that he needs to complete the remainder of the work that he agreed to. Coseo, C. felt that the cellar hole could still be considered as unsafe. Supervisor Janik is to contact the property owner and advise him that he will have one week to fill in the cellar hole or the Highway Department will fill it in and any related costs will be charged back to him.

Unsafe Building – 337 Ormsbee Road – Town Counsel Schachner prepared a Verified Complaint/Petition against the estate of Margaret Willard to start the legal action.

Community Center Repairs – Supervisor Janik stated that he has not been able to get any contractors to come and look at the building. The Highway Department was able to put the fascia board back on and nail the roof down. Highway Supt. Barss stated that the roof on the old house was not in very good shape. It was very thin. Supervisor Janik hoped that this would hold together for the winter and allow more time for the committee to make a recommendation to the Board as to how to proceed.

Town Hall Meeting Room – Supervisor Janik stated that the Board had also received an evaluation from St. John Architects concerning the “original” Town Hall. There is deteriorating masonry veneer on various spots of the building. He also recommended the removal of the canopy over the west door and the construction of a new canopy with a porch and steps. The windows should be replaced with insulating units, the meeting room gutted and insulation and gypsum board installed. Coseo, C. stated that he would be in favor of making the necessary exterior repairs, however he did not feel that the interior work was something that was absolutely necessary at this time. Coseo, C. asked where the funds would come from to complete the repairs. Supervisor Janik stated that there was still approximately \$42,000. left in the building reserve. Kinsella, C. suggested that the architect prepare a formal cost estimate. Pemrick, C. suggested that the Board consider moving the Military Honor Rolls to a more prominent place rather than leave them downstairs in the Court Room.

Environmental Committee Vacancies – Supervisor Janik stated that 4 of the 5 applicants attended the last Environmental meeting. The chairman of the committee has asked that the Board consider appointing 2 new members and creating 2 additional positions as alternate members. Supervisor Janik noted that the present Town Code provides for alternates in Planning and Zoning but does not provide for it with the Environmental Committee. Town Counsel Schachner noted that State law does not govern the Environmental Committee as they do the Planning Board and Zoning Board

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of Appeals. The Environmental Committee is only an advisory committee and their recommendations are non-binding.

RESOLUTION # 159 – Environmental Committee Membership

Motion: Osborne, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Board hereby establishes that the Environmental Committee shall have 7 members and 2 alternate members.

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

Noes: None

RESOLUTION # 160 – Appoint Environmental Committee Member

Motion: Coseo, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Board hereby appoints Nancy Kmen to the Environmental Committee, with said term to expire 12/31/2006.

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

Noes: None

RESOLUTION # 161 – Appoint Environmental Committee Member

Motion: Pemrick, C.

Seconded: Coseo, C.

RESOLVED, That the Town Board hereby appoints Kenneth Blom to the Environmental Committee, with said term to expire 12/31/2006.

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

Noes: None

Supervisor Janik to request the recommendation of the Environmental Committee as to who they would like to see appointed as alternate members.

RESOLUTION # 162 – Schedule Public Hearing Proposed Zoning Law

Motion: Coseo, C.

Seconded: Osborne, C.

RESOLVED, That the Town Board hereby schedules a public hearing on the Proposed Zoning Law for Wednesday, November 29th, 2006 at 7:00 PM at the Community Center.

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

Noes: None

Road Dedications – Town Counsel Schachner stated that for both the Friendship Hills road dedication and the Copperfield Road dedication they had received some of the real property documentation that was required from the two attorneys. He believed that they would have the remaining paperwork to him well before the next meeting. He stated that it would be up to the Board as to whether they waited until next month or accept the roads conditioned on receipt of the documents in a form acceptable to Town Counsel. Board members were in agreement to wait until next month.

Hazardous Waste Collection Grant – Supervisor Janik stated that he would be meeting with a number of other Supervisors next week to discuss the application for grant money for a hazardous waste collection. He felt that the Town share would be well in excess of \$10,000. The plan is for there to be a central collection station. It is

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cheaper and easier to have one vendor at one site rather than at individual sites. Supervisor Janik added that there was the possibility of being able to doing some sort of collection for computers and other related equipment this year. The Supervisor from the Town of Milton is looking into this possibility. It may be possible, for a couple of thousand dollars, to have a container on site at our Highway Department to handle this material. Board members decided to wait until after next weeks meeting to get some more information.

Lisa Kosek, Route 9N, felt that initially there would be a flood of electronic equipment needing to be recycled and felt that the Board should hold off on that collection until the full hazardous waste collection.

Junkyard – Gaba Brothers – Supervisor Janik stated that the Code Enforcement Officer did a site inspection and has determined that they are now in compliance.

RESOLUTION # 163 – Junkyard License Renewal

Motion: Osborne, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby approves the 2006 Junkyard License Renewal for Gaba Brothers Auto Parts, Middle Grove Road.

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

Noes: None

RESOLUTION #164 – Community Center Use

Motion: Osborne, C.

Seconded: Pemrick, C.

RESOLVED, That the following organization be authorized to use the Community Center for their regular meeting:

Magic Makers 4H Club – Maureen Pratt, Leader – 2 Sundays a month
from 3:30 to 7:00 PM – October to June

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

Noes: None

Abandonment – Portion of Woodland Road – Supervisor advised that the Town received a letter from Attorney Eleanor Mullaney asking that a portion of Woodland Road be legally abandoned and ownership passed to the adjacent landowners. Highway Supt. Barss stated that they are talking about the section that used to continue straight to the south at the intersection of Woodland Road and Locust Drive. He added that there is no record of any maintenance anywhere in their files. Long time employees of the Highway Department that have been there for 32 years, do not remember ever doing any maintenance on that portion of the road. Coseo, C. asked how far down the roadway went and if there were any homes past Burton and Ashline. Supervisor Janik stated that the Land Conservancy acquired property at the end of the old roadway. He added that this was not their only access. They also had access along Route 9N. The Town stopped maintaining this portion of the road over 30 years ago. Supervisor Janik stated that he spoke with the 2 homeowners and they have no desire to allow the Town to reestablish their use of that roadway. Coseo, C. questioned who owned the property that made up the old road bed and if the road shows on the tax map. Supervisor Janik stated

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that it shows on the tax map but that is the only place you see it. It is not on the Town inventory of roads or any highway maps. Town Counsel stated that it is unlikely that it was ever a road dedicated to the Town and that it was a road by use. That being the case, the title would be with the private property owners. Coseo, C. asked what the Land Conservancy plan was for the property. Supervisor Janik stated that they would like to be able to drive in and park so they can enter the property. He felt that the Town was well within their right to formally abandoned the roadway since the Town pretty much abandoned it 30+ years ago. Board members were in agreement to start the abandonment process.

RESOLUTION # 165 – Schedule Public Hearing – Abandon a Portion of
Woodland Road

Motion: Osborne, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Board hereby schedules a public hearing to be held on Thursday, November 9th, 2006 at 7:15 PM regarding the possible abandonment of a section of Woodland Road.

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

Noes: None

North Country ATV Association – Supervisor Janik stated that he had received a request by the North Country ATV Association to post the upper half of Plank Road, from Ridge Road to the new Town turn around area, to allow ATV and Snowmobile use. Fay DeTraglia, President, was present. He stated that they are looking to make it safe for the club members. They lease 1500 acres from Finch & Pruyn Paper. They used to be able to park their vehicles part way down the road on private property and travel up the road to access the property. Since the road has been paved and striped, they can no longer travel on the road unless it has been posted. Supervisor Janik asked why they did not park after the steel bridge where the road has been abandoned. Mr. DeTraglia stated that they do park some vehicles there, however there is only room for 4 or 5 vehicles and they have over 100 members. Supervisor Janik stated that a subdivision was just approved for that area and that there may be several new homes built in that area. Mr. DeTraglia stated that he was aware of that. He felt that if the Town adopted an ATV Law which regulated the speed limits, etc. they would be able to get the Encon Officers to help to patrol the area. Linus Howard, Locust Grove Road, stated that he has been a resident of the Town for over 35 years. He felt that the area being accessed by Plank Road was an important area for ATV & snowmobile recreation. This was one of the main trail heads to access the thousands of acres that are back in there. Mr. Howard stated that by not posting the roads it would deprive the residents of the community of a major source of recreation. He added that this was an important family activity. Many youths are involved with the activity and it was a good educational tool to teach youth about responsibility, safety, etc. Kinsella, C. asked if the Code Enforcement Officer has received a lot of complaints from that area regarding the noise related to the activity. Supervisor Janik was not aware of any complaints. He felt that there was probably irresponsible ATV use everywhere and he did not believe the members of this association

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were in that category. He was concerned about the exposure to the Town if the road were to be posted. By doing so, he felt that what they were saying was that the road was safe for both motor vehicle and ATV use. Coseo, C. stated that he has seen the good work with group does and applauds their safe riding and family activities, however there is a group that travels up to that area, using Town roads, traveling at 45 to 65 mph on their ATV's doing wheelies, etc. If the road were to be posted, many of these same irresponsible people, who are not members of this group would also be there. Fay DeTraglia agreed and hoped that they could get increased enforcement. These vehicles were probably also unregistered and uninsured. Linus Howard stated that there are always going to be outlaws riding up the roads and they are not going to be the people who park in the area. He felt that the responsible members of the group are going to be the ones who are punished. He added that the trails up in that area were part of the New York State Trail System. Coseo, C. asked if there was any way that they could get a larger parking area from the private landowner at the end of the road. Mr. DeTraglia did not feel that this would be possible since there was a great deal of ledge, etc. Coseo, C. stated that perhaps some of the liability could be mitigated by setting some restrictions, such as 5 mph speed limit, riding permitted on the shoulder only and single file riding. Pemrick, C. felt that the Town would still be exposed. Kinsella, C. wanted to look into this further and obtain more information. Mr. DeTraglia stated that he would provide the Town Board with a packet of information from other Towns and Counties.

Town Code – Snowmobile Roads – Supervisor Janik stated that the Greenfield Town Code contains a section regarding snowmobile use. In that section there is a list of roads that have been opened for snowmobile use. This section of the Code has not been amended in many years and most of the roads listed were not paved at the time. All of the roads have now been paved, with the exception of a few small areas. Supervisor Janik felt that all the roads should probably be removed. Coseo, C. stated that the State and the County are trying to create a trail system that will have to go through probably some area of Town and asked if there were any maps available showing those trails. He questioned whether there were road crossings for these trails or if they actually traveled down the roadway. Mr. DeTraglia stated that there were some of each. He added that in Warren County there is a stretch of a couple of miles of trails that run along Route 9N. Supervisor Janik stated that they are designed to accommodate snowmobiles and the trail system. The Town does not maintain our roads in a way to allow for snowmobiles, such as clearing brush along the shoulder, leaving snow on the road, etc. Supervisor Janik felt that the character of the Town has changed to the point where he did not believe that snowmobiles should be allowed to operate on the sides of the roads. The Town does not post the roads with signs any longer and has not done so for at least the last 12 years. He added that he would like to see this section of the Code removed or at the very least the majority of the designated roads removed. Pemrick, C. felt that whether the listed roads are removed or left as is, they will be using the road. Coseo, C. stated that none of the roads are safe for an irresponsible driver. He felt that if there were clubs that had a system that they need to get over, then the Board should work with them and see if there is something that can be done. Osborne, C. agreed and felt that the Board should take a closer look at this and not just remove all these roads. She added that many

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of the roads are right up near the Mulleyville Trail System. Pemrick, C. felt that the Town should only allow those roads that are absolutely necessary and appropriate mitigation has been provided for. He suggested that the list of roads be removed from Section 84 of the Town Code and bring back only the necessary roads after further discussion. Kinsella, C. would like to take a look at the State map with all the sanctioned trails and see how it lined up the with listed roads. Further discussion will take place at the next meeting once further information has been received.

Court Clerk Pay – Supervisor advised that he had received a request from Judge Hopkins for overtime pay for her clerk for the extra hours worked due to a recent trial. She worked an additional 24 hours over a 3 day period. Kinsella, C. asked how precedent setting this would be. Osborne, C. stated that this was the first jury trial in over 8 years. Supervisor Janik noted that the clerk receives an annual salary and that amount was arrived at by analyzing the average hours. Kinsella, C. was worried about setting a precedent. He did not want to see similar requests every time a contract employee worked slightly outside of the contract or did something over and above. Pemrick, C. felt that there were a lot of hours put into supporting the Town Justice and he wanted to try and find a way to compensate the clerk for them. Osborne, C. felt that since there hasn't been a jury trial in over 8 years, they would not be setting a precedent. She felt if someone has done a lot of extra work they should be compensated. A discussion was held regarding what the appropriate compensation would be.

RESOLUTION # 166 – Authorize Additional Compensation for
Court Clerk

Motion: Kinsella, C.

Seconded: Osborne, C.

RESOLVED, That the Town Board authorizes additional compensation in the amount of \$250. to Jan Wood, Court Clerk for additional hours worked due to a jury trial.

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

Noes: None

Hall Road – Supervisor Janik stated that he received a letter from Attorney David Harper concerning a decision that was made awhile back regarding an issue between property owners. The defendant in the action has placed rocks, flag, etc. which he believed were in the Town right-of-way and may impede traffic on Porter Road and possibly on Hall Road, a private road. Highway Supt. Barss explained that the flag was at least 5 feet off of the pavement and that the mailboxes were actually closer to the Town road. There is a power pole there also. He thought that there may be an issue with turning as you come out of Hall Road but there was no impact as far as the Town road was concerned. Board members agreed that this did not appear to be a Town matter and no action was necessary.

RESOLUTION # 167 – Transfer of Funds

Motion: Kinsella, C.

Seconded: Pemrick, C.

RESOLVED, That the Supervisor is authorized to make the following transfer of funds:

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\$4,498.28	From	A4540.4	to	A5132.4
5,212,71	From	A1990.4	to	A1440.4
473.25	From	A4540.4	to	A3310.4
187.33	From	A4540.4	to	A8160.4
200.00	From	DA5112.2	to	DA5110.4

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

Noes: None

Joseph Carbonarro, Saratoga Springs, stated that he has contracted with Witt Construction to purchase the one home that is currently in the Old Stone Ridge Development. He was trying to find out what the status was with the subdivision as far as being able to close on the home, which is supposed to take place by the end of the month. Supervisor Janik stated that as far as the road bond is concerned, Town Counsel is currently working with Mr. Witt and his bonding company. A proposed bond was just recently submitted and is being reviewed at this time. There were a few issues with the bond that needed to be addressed. As soon as these issues have been worked out, the bond would come to the Town Board for acceptance. Mr. Witt would be then be able to get his mylar signed and filed, as long as the other Planning Board conditions of approval had been met, and it would then be a legal subdivision. Mr. Carbonarro questioned whether the Town Board approval could only be done at a Board meeting and if so, was the next meeting in November. Supervisor Janik advised that the next regular meeting was November 9th, however the Board would be holding a Budget Workshop on October 19th and may be able to take action at that time. Kinsella, C. felt that there were other issues that needed to be addressed other than the road bond. He thought that it would be pretty unlikely to be able to have a closing on this home and get a CO prior to the end of the month. Coseo, C. stated that there were a lot of legal issues involved and suggested that Mr. Carbonarro and/or his attorney address them with Mr. Witt and/or his attorney. Once the Board is presented with the required information in proper form, they would move on it.

Linus Howard, Locust Grove Road, stated that the Board had some questions regarding where the snowmobiles needed access to the road and suggested that the president of the local snowmobile club be invited to help inform the Board of their needs.

On motion of Osborne, C. and seconded by Kinsella, C. the Board adjourned to Executive Session at 9:15 PM for the purpose of discussing UDAG Loans. Clerk was not present for session and no minutes were filed. On motion of Osborne, C. and seconded by Pemrick, C., the Board returned to regular session at 9:30 PM.

RESOLUTION # 168 – Approve Extension of Loan – Lou’s Welding

Motion: Coseo, C.

Seconded: Osborne, C.

RESOLVED, That the Town Board hereby grants Lou’s Welding a five year extension of their loan effective October 1, 2006 at the rate of 8 percent, and

FURTHER RESOLVED, the UDAG Attorney be authorized to prepare the necessary documents to obtain that modification or extension.

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

Noes: None

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General Code Publishers – Supervisor advised that the new Zoning Law will make substantial changes to the current Town Code. General Code Publishers provided the Board with a Code Revitalization Proposal. To update the existing code with the new zoning regulations the cost would be \$7,652. This code was originally published in 1988. The cost to reformat the code in an 8 ½ x 11 page size, with 20 New Codes in Binders, 10 Zoning Pamphlets and 10 Sub-division Pamphlets would be \$8,800. Any additional copies of the Code could be purchased at \$70.00 each. There is also an option available to have the Code available electronically. General Code would upload the Code onto the internet and will revise the Internet version whenever the Town makes an update to the Code. It will take approximately 18 to 22 weeks to deliver the new code once the agreement is signed. They could start the process now and when the new Zoning Law is adopted it could be forwarded to them at that time. A discussion was held regarding the annual maintenance fee and the possibility of putting our Code online in-house by scanning it in rather than purchasing this option and paying the annual maintenance fee. Board members to look into getting more information about the annual fee and/or the possibility of contracting with a local company to handle the Town website. Further discussion will be held at the next meeting.

Monthly reports were received by the Dog Control Officer, Highway Supt., Town Clerk, Town Justices, UDAG Revolving Loan Fund, Building Inspector (Aug. & Sept.) and the Supervisor.

RESOLUTION # 169 – General Bills

Motion: Osborne, C.

Seconded: Kinsella, C.

RESOLVED, That General Bills # 638 to # 712 in the amount of \$32,763.32 be paid, subject to audit.

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

Noes: None

RESOLUTION # 170 – Highway Bills

Motion: Coseo, C.

Seconded: Pemrick, C.

RESOLVED, That Highway Bills # 189 to #212 in the amount of \$100,998.19 be paid, subject to audit.

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

Noes: None

On motion of Osborne, C. and seconded by Kinsella, C., the meeting was adjourned at 9:50 PM.

Town Clerk