

October 8th, 2009

The regular meeting of the Town Board was held on Thursday, October 8th, 2009 with the following members present: Richard Rowland, Supervisor; Daniel Pemrick, Peter Coseo, Thomas Kinsella and Daniel Cochran, Councilman. Also present was Town Counsel Mark Schachner and 4 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 Pemrick, C. and seconded by Cochran, C. the minutes of 9/10/2009 were approved as submitted by all members present.

Town Code Revisions - Cochran, C. stated that he provided Board members with a final draft of the proposed changes to the Town Code. Coseo, C. stated that he had missed that last workshop on the Code Revisions and asked if the Board had elected not to take into consideration his request to make a change to 105-45 Contiguous Lots. Board members stated that they had inadvertently overlooked the request and they were in agreement with the requested change. Cochran, C. will add to the proposed changes and send an update to all Board members. Kinsella, C. noted that the next step would be to hold the public hearing. Town Counsel Schachner reminded the Board that they would also need to prepare an Environmental Assessment Form prior to voting on adopting the law. Town Clerk to post a copy of the proposed changes on the website and will have a hard copy available at her office for review.

RESOLUTION # 130 – Schedule Public Hearing Proposed Local Law
#2-2009 – Town Code Revisions

Motion: Kinsella, C.

Seconded: Cochran, C.

RESOLVED, That the Town Board hereby schedules a public hearing on Proposed Local Law #2-2009 for 7:25 PM on Thursday, November 5th, 2009.

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

Noes: None

Court Audit - Supervisor Rowland advised that Pemrick, C. and himself had completed the audit of the Court Records, using an audit form prepared by the Unified Court System, and that a copy of the report had been provided to each Board member. He stated that there is an overage of approximately \$500. in each account. The Town Justices have requested that the Comptroller come in and take a look at the records since the overage is from prior to the present Court Clerk being hired. Supervisor Rowland noted that they reviewed the books for the past year, the time since the present clerk was hired. Her books were found to be balanced, other than this overage. Pemrick, C. found the process quite interesting and now has a better understanding of what the Justices and Clerk have to go through as far as the amount of paperwork, reporting, etc. He found the Court Clerk to have a very good understanding of what had to be done. Pemrick, C. stated that she was very eager to learn more. Supervisor Rowland felt very confident that the present Court Clerk has kept the books in true and accurate form. Supervisor Rowland and Pemrick, C. recommended that this audit be done quarterly, rather than on an annual basis.

October 8th, 2009 continued

RESOLUTION # 131 - Accept Court Audit

Motion: Cochran, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Board hereby accepts the audit of Court Records conducted by Town Supervisor Rowland and Deputy Town Supervisor Pemrick dated 9/09.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Cochran

Noes: None

Abstained: Coseo

County Mutual Aid Agreement - Supervisor Rowland advised that he had not heard anything back yet from County Emergency Services regarding the questions/corrections the Town Board had. The matter was tabled until next month.

Workplace Violence Policy – Supervisor Rowland stated that the Town Clerk had provided the Board with a couple of sample policies. Coseo, C. stated that the Board was going to have to create a person to be in charge of this program. A program has to be created, over and above the policy. Coseo, C. felt that the sample policy was geared more toward larger facilities. Supervisor Rowland agreed and felt that the Shelter in Place procedure should be removed. It seemed to be geared toward larger, County buildings. He suggested that the Emergency Lockdown be kept. Coseo, C. stated that he would work on rewording the policy and bring a draft back to the next meeting.

New Town Garage - Duane Wright, Highway Clerk, stated that just about everything had been moved in. They still need to do a little bit more work with the phone system and internet access. The locking system is now in place. Kinsella, C. asked when the Mechanical Contractor was going to finish up. He believed that there was some insulation and a few other things that needed to be finished up. D. Wright stated that he was not sure and that there were a few minor items on a punch list that he needed to finish up.

Intermunicipal Stormwater Grant – Supervisor Rowland stated that he had provided the Board members with a copy of a cooperative resolution that is being requested for the Stormwater Grant Application for 2009. He stated that the Stormwater Program is administered by Saratoga County/Cornell Cooperative Extension. They are applying for a Grant that will continue the program and they are in need of a Resolution from all Towns involved. Kinsella, C. asked what would happen if the grant was not received. Would the Town have to contribute some portion of the \$150,000. that is being applied for. Supervisor Rowland stated that they did not. Kinsella, C. asked if the Town would receive a portion of the money if they receive the grant. Supervisor Rowland stated that the money will be used to fund the program. They would continue to coordinate the program, provide training and help with the reporting process. Kinsella, C. asked if they have received grants in the past. Supervisor Rowland advised that that was how the program has been funded. Town Counsel Schachner stated that it was his understanding that if successful with this grant, the intention is for Cooperative Extension to complete more of the reporting and lessen the need for the Town Engineer to do so. The reporting requirements in the future are going to continue to grow. Pemrick, C. asked if there was local training provided. Town Counsel Schachner stated that it is required under the plan.

October 8th, 2009 continued

RESOLUTION # 132 - Intermunicipal Stormwater Management
Program Cooperative Resolution

Motion: Cochran, C.

Seconded: Pemrick, C.

WHEREAS in 2003 the New York State Department of Environmental Conservation (DEC) issued the first State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges for Small Municipal Separate Storm Sewer Systems (MS4; GP-02-02 or as amended or revised); consisting of six (6) Minimum Control Measures (MCM) which are:

1. Public Education and Outreach
2. Public Participation and Involvement
3. Illicit Discharge Detection and Elimination
4. Construction Site Runoff Control
5. Post-Construction Runoff Control
6. Good Housekeeping and Pollution Prevention; and

WHEREAS the Saratoga County/Cornell Cooperative Extension (CCE) Intermunicipal Stormwater Management Program (I-SWM Program) was created in 2004 to assist, where possible affect direct works, and facilitate a framework of intermunicipal cooperation among the MS4 Permit holders of Saratoga County for the express purpose of meeting the requirements of the DEC SPDES MS4 Permit; and

WHEREAS a contractual agreement has been entered into by the County of Saratoga and Saratoga County Cornell Cooperative Extension (CCE) for the administration of this Program (ref. Saratoga County Resolution 69-09); and

WHEREAS these MS4 Municipalities include: Town of Ballston, Village of Ballston Spa, Town of Charlton, Town of Clifton Park, Town of Greenfield, Town of Halfmoon, Town of Malta, Town of Milton, Town of Moreau, Village of Round Lake, Saratoga County, City of Saratoga Springs, Village of South Glens Falls, Town of Waterford, Village of Waterford and the Town of Wilton;

WHEREAS it is understood by all involved MS4 Municipalities that the I-SWM Program works include:

- County-wide Public Education & Outreach
- Material support for Local Stewardship activities
- Material, technical and training support for MS4 Illicit Discharge Detection and Elimination (IDDE; MCM 3) Programs
- Material, technical and training support for MS4 Construction Site Runoff (MCM 4) Programs
- Material, technical and training support for MS4 Post-Construction Runoff (MCM 5) Programs
- Material, technical and training support for MS4 Good Housekeeping/Pollution Prevention (MCM 6) Programs
- All required record keeping and administrative support as required by DEC for Annual Reporting and/or auditing purposes for actions and outputs of the I-SWM Program and are detailed in the I-SWM Plan v1; 2009; and

October 8th, 2009 continued

WHEREAS it is understood that the I-SWM Program Coordinator will be responsible for the production, record keeping, and reporting on behalf of the involved MS4s for such outputs of the I-SWM Program AND report the results annually to the NYS DEC; and

WHEREAS it is further understood by all the involved parties that the MS4 Municipalities shall provide “in-kind” service to the I-SWM Program through designated representative/s to the I-SWM Program for the purposes of direct participation in, direction to, and the development and implementation of the substantive outputs of the I-SWM Program for any or all of the works cited above; and

WHEREAS the DEC has ruled that “...when a permittee relies upon any third party entity to develop or implement any portion of its SWMP [Stormwater Management Program].” a certification statement must be signed by that 3rd party or a duly authorized representative thereof (GP-0-08-002 Part IV.G); and

WHEREAS the DEC has concluded that the signing of such a statement would affect a formal agreement and enable the signatory to provide some or all of the required annual reporting to the DEC and other specific outputs herein described on behalf of one or all of MS4 Permittees; and

WHEREAS the DEC has further concluded that cooperative efforts, like the I-SWM Program, must have a formal agreement signed and adopted by all parties and participants in order to qualify for any current or future State funding through the Water Quality Improvement Projects Grant Program

THEREFORE it is the intent of this certifying statement to hereby formally recognize the intent, structure, and arrangements of the Saratoga County/Cornell Cooperative Extension Intermunicipal Stormwater Management Program between all the aforementioned parties listed above for the purposes herein described.

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

Noes: None

Home Funding Grant - Supervisor Rowland stated that he spoke with company who prepared our last grant application. They suggested that the Town apply as a group with several of the neighboring Towns, such as Edinburg, Providence, Day. It is their belief that the Town would have a better chance of receiving a grant than if we apply alone. Pemrick, C. would be interested in knowing why the Town was denied when we applied on our own. The Town of Saratoga recently received a substantial grant and they applied on their own. Supervisor Rowland believed that their need was greater and that was why they received a grant and we did not. Coseo, C. asked how the money would be allocated to each township if we were successful in getting the grant. Supervisor Rowland felt that the grant application would break that down and state how much was being applied for each town. Coseo, C. stated that he would be in favor of applying as a group if it would give the Town a better chance of receiving a grant, however he would like to know how it would be allocated. Pemrick, C. would like to see the details of the grant applications before it was submitted.

October 8th, 2009 continued

RESOLUTION # 133 – Home Funding Grant

Motion: Pemrick, C.

Seconded: Coseo, C

. RESOLVED, That the Town Board hereby authorizes the Supervisor and Marvin & Company to move ahead with the preparation of the grant application with the adjacent Towns who wish to apply.

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

Noes: None

Mulleyville Snowmobile Club - Supervisor Rowland stated that the Town received a Landowner Permission request from Mulleyville. He believed that they were looking for permission to cross Town roads where their trail access is. Coseo, C. stated that the Town had recently updated Section 84 of the Town Code and that only a few roads allow snowmobile access. Pemrick, C. noted that there was a request in the past to drive along the Town highways which was denied. Coseo, C. was not sure if they needed to have the permission form signed since there was a law that allows them to do it. Town Counsel Schachner did not know if it was necessary, however he did not see where it would hurt. In addition, it appears that the Town would be named additional insured on their insurance policy. Coseo, C. felt that it should be made very clear that the permission was being given for designated roads only and no other Town property or highways.

RESOLUTION # 134 - Snowmobile Trail Landowner Permission

Motion: Coseo, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Board hereby authorizes the Town Supervisor to sign the permission form to authorize Mulleyville Snowmobile Club to cross Town property, and

FURTHER RESOLVED, that this permission shall be granted for those Town highways as designated in Section 84-4 of the Town Code only and shall not apply to any other Town highways or property.

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

Noes: None

Budget Workshops - Workshops were scheduled for October 14 and October 22nd at 7 PM at the Town Hall.

RESOLUTION # 135 – Budget Amendments & Transfers

Motion: Cochran, C.

Seconded: Kinsella, C.

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

Transfer money from General Fund to Capital Projects Fund			
\$25,375.90	From A0201	to	A9950.9
Budget Amendment to General Fund			
\$25,375.90	From A0960	to	A9950.9
Amend Capital Projects for Expenses			
\$ 2,205.00	From H0960	to	H5132.41

October 8th, 2009 continued

\$22,278.20	From H0960	to	H5132.43
3,786.81	From H0960	to	H5132.44
Amend Capital Projects for Revenues			
\$28,270.01	From H5031	to	H0510
Amend Town Justice Budget			
\$113.40	From A0960	to	A1110.4

Transfers:

\$3,413.45	From A8160.45	to	A8160.4
1,105.00	From A1990.4	to	A8810.4

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

Noes: None

RESOLUTION # 136 - Resolution of Honor

Motion: Pemrick, C.

Seconded: Cochran, C.

RESOLVED, That the Supervisor be authorized to prepare a Resolution of Honor for Glen Hammond to be read into the record of the Town Board and presented to his family at the Saratoga County Veterans Ceremony this month.

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

Noes: None

Monthly reports were submitted by the Building Inspector (August), Dog Control Officer, Town Justices, Town Clerk, Highway Supt. and Town Supervisor.

RESOLUTION # 137 – General Bills

Motion: Kinsella, C.

Seconded: Pemrick, C.

RESOLVED, That General Bills #530 to #589 in the amount of \$34,343.35 be paid, subject to audit.

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

Noes: None

RESOLUTION # 138 – Highway Bills

Motion: Pemrick, C.

Seconded: Coseo, C.

RESOLVED, That Highway Bills #169 to #186 in the amount of \$152,963.97 be paid, subject to audit.

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

Noes: None

RESOLUTION # 139 – Capital Project Bills

Motion: Coseo, C.

Seconded: Pemrick, C.

RESOLVED, That Capital Project Bills #63 to #67 in the amount of \$28,270.01 be paid, subject to audit.

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

Noes: None

On motion of Cochran, C. and seconded by Pemrick, C., the meeting was adjourned at 8:10 PM.

Town Clerk