

September 13<sup>th</sup>, 2007

The regular meeting of the Town Board was held at the Town Hall on Thursday, September 13<sup>th</sup>, 2007 with the following members present: Albert Janik, Supervisor; Carol Osborne, Daniel Pemrick, Peter Coseo and Thomas Kinsella, Councilman. Also present were Town Counsel Mark Schachner, Highway Supt. Walter Barss, Town Engineer Charlie Baker, 2 reporters and approximately 9 residents.

At 7:15 PM a Public Hearing opened on Proposed Local Law #3-2007 to amend the Town Code Provisions regarding Fire Prevention and Building Construction. Clerk presented proof of legal publication. Town Engineer, Charlie Baker, gave the Board the background as to why this section was in the Code and what prompted prior boards to include this. He stated that this section has been in the Code for at least 20 years. The reason that it was enacted back then was due to the unique soil conditions. There is a lot of rock, shallow ground water and heavy soils. Twenty to twenty-five years ago there were a number of systems that had failed due to poor separation to the water table. In order to try and prevent some of the systems from failing in the future, one of the suggestions was to increase the separation requirement from 2 feet as required by the State to 4 feet. Several other Towns have also increased the separation requirements, such as Wilton, Providence, Galway and Charlton. One of the reasons for doing this is that it can be very difficult to determine where the seasonal water table is depending upon the time of year. By requiring 4 feet of separation it provides a little bit of a safety factor in case the level of the seasonal water table is incorrectly determined. Since the time of the enactment, there have not been a lot of systems in the Town which have failed. Mr. Baker felt that this was a good requirement, however that it could make systems more expensive. If it is determined up front during new construction, the cost could be built in to the construction costs and is a little bit easier to absorb. Replacing an existing system could be more of an economical hardship when you have to come in and rebuild a system that was not designed with the 4 foot separation. He believed that what the Board was trying to do with this proposed law was to try and be able to find a way to help people in those types of situations. Supervisor Janik asked what was meant by the 4 foot separation. C. Baker explained that with a typical septic system there is 12" of stone with a pipe and 6" to 8" of topsoil over the top. In addition, the State requires 2 feet from the bottom of the stone to water table or rock. The Town requires 4 feet from the bottom of the stone to water table or rock. Coseo, C. clarified that this would be for the leach field and not the tank. C. Baker stated that that was correct. Supervisor Janik stated that it may require that a mound system be installed in order to meet the separation requirements. C. Baker stated that 90% of the systems that he has looked at over the years were modified shallow fill systems. A mound system is very expensive under the State requirements. The modified shallow fill system will allow you to use the native material that is already on the lot if the perk is okay. You do not have to bring in special sand, etc. Supervisor Janik stated that what the Board is considering is some kind of a remedy for those people who would have real difficulty in putting in a modified shallow fill system. He added that this would not apply to new construction and they were dealing only with those systems that have failed. C. Baker felt that what the Board is looking at doing is good. He stated that there are situations where people have existing homes and the location of their septic systems are such that it would be impossible for

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them to bring in the material to meet the 4 foot separation requirement. Kinsella, C. added that the elevation may not be right either once the fill is brought in. If they have to raise the whole thing they may be above grade and a pump system may be required. C. Baker stated that he spoke with NYS Department of Health regarding this matter. They do not review replacement systems. Their view is that you do the best you can with what you have to deal with. They recognize that it is not always possible to meet the requirements. New construction and/or modification or expansion of an existing structure is totally different. In that case, you would need to build a system that meets the separation requirements. Supervisor Janik noted that the Health Department differentiates between a homeowner adding to the size of their home, where they might be adding bedrooms and increasing the need for additional capacity versus someone who is merely replacing an existing system that has failed. C. Baker stated that the Health Department has suggested that the Town might want to consider adopting some type of a percentage increase. For example, if they want to add 25% to their home then they would have to look at the septic system and make sure that it is compliant. Philip Gargan, Locust Grove Road – Mr. Gargan stated that he believed that this proposed law was intended for remedial work and not new construction. He did not see where there was anything in the proposed law that stated that and felt that it should be added. He stated that he spoke with the Code Enforcement Officer regarding this and he was told that this was specifically to deal with replacement systems on smaller lots. Scott Waterhouse, Brigham Road – Mr. Waterhouse stated that he and his wife operated a small farm on Brigham Road. Their house was built in approximately 1810. They need to replace their septic system since it is failing. They have about 3 ½ feet of separation. There are 2 spots where they can put a new system, where it currently exists or approximately 250' away from the house. In order to do that, they would have to bring in 2 ½ to 3 feet of soil. Currently, the septic system is located in the front of the house and the well is in the rear. Mr. Waterhouse stated that they originally received a quote to replace the system for \$4,500. to \$5,000. They began the procedure to get a building permit etc. and found that they would be required to do some additional things that would bring the cost up to \$12,000. to \$13,000. Now that they have found out that they will be required to bring in all this fill, the cost has gone up to \$25,000. to \$27,000. Mr. Waterhouse was concerned that if they had to go through the paddock area to install a new system at the back of his property he would no longer be able to use that area for horses. He asked that the Board members put themselves in his circumstance and asked what each person would do if you were given a quote of \$4,000. and when you pursue the appropriate process you find out that it will actually cost \$27,000. Mr. Waterhouse stated that several people have told him that he shouldn't even had gone to the Town. It bothered him that what they told him that what he should have done was to bypass the law. He wants to go through the process and do the right thing. He wants to install a system that will work. There being no further comments, the hearing closed at 7:32 PM.

The regular meeting was called to order by the Supervisor at 7:33 PM and opened with the pledge to the flag. On motion of Coseo, C. and seconded by Kinsella, C. the minutes of 8/9/2007 and 9/6/2007 were approved as submitted.

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Request from Town Justice Varley asking for the Town Board to consider passing a resolution in support of the Greenfield Town Court. There has been some discussion regarding the possible elimination of Town and Village Justice Courts in favor of larger regional district courts.

Letter from the Town of North Elba Supervisor thanking the Town Board for allowing the Highway Department to bring the Peterbilt Truck to the annual Lake Placid Show.

Report from Karyn Zanetti indicating that the Greenfield Elementary School will not be available for use for the Summer Recreation Program next year. Supervisor Janik asked her to put together a report as to what will be needed in order to continue the program at the Middle Grove Park. The one downside is that the pavilion can not accommodate all of the children that attend on a daily basis and in case of bad weather the program has to be canceled.

Letter from Attorney Daniel Chertok concerning the Harris Cemetery. His client is offering to sell the property to the Town in consideration for \$350, which is the amount she has paid in the past in taxes.

Letter from NYS Dept. of Transportation announcing a Land Use and Transportation Connection Planning Conference to be held on October 3<sup>rd</sup>.

Notice of Cancellation from Travelers Insurance Company regarding the Tower Removal Bond of National Grid Communications Inc.

Letter from Rose Schumacher who had 2 children who attended the Summer Recreation Program. She commented on what a wonderful job the Recreation Department and the Town of Greenfield did in running the program.

Check in the amount of \$500. from Jamie & Gene Ellis for Open Space Fees.

Check from Prime Point Properties LLC in the amount of \$1,000. for Open Space Fees.

Renewal Letter of Credit for Mary Griffin – Greenfield Manor Subdivision.

Proposed Local Law # 3-2007 - Supervisor Janik stated that the Board had copies of the proposed draft of the law. He added that Mr. Gargan had commented during the public hearing that the law should indicate that it only applies to failed existing systems and not new systems. He agreed that whatever the Board considers passing should include that language. Kinsella, C. felt that that was a reasonable comment. Coseo, C. suggested that a (5) under Article 2 be added which states that the provisions of this article shall only apply to failed or replacement of existing systems and not to new construction. Pemrick, C. commented about the notification process. He noted that they would be using the same standard that would be used for the Zoning Board of Appeals, etc. He questioned whether 500 feet was excessive and wondered whether it should be just contiguous property owners. Coseo, C. asked the Town Engineer what the distance was that a septic system could effect other people's water systems or even their own. Charlie Baker felt that 500 feet would be more than enough. Adjacent owners may even be enough. In most cases a lot would be at least 150 feet wide and that is typically the separation requirement from a well. Town Counsel Schachner recommended against

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adjacent property owners or contiguous property owners due to the fact that in some cases you can come across funny shaped pre-existing properties. It was determined that the standard distance for notification throughout the Code was 500 feet and it was decided to leave that as is. Supervisor Janik asked what the criteria for granting a variance would be. What would the Board look at for consideration? He knew that there were going to be some cases where there are some real physical considerations such as size of lot, grade of lot, etc. How much consideration is the Board going to give to cost, if any? Charlie Baker felt that the cost of the system was going to be driven by meeting the minimum New York State Health Department standards. Supervisor Janik stated that the Board would not be able to grant a variance for below that minimum. Kinsella, C. thought that what the Supervisor was saying was that the Town would really like the 4 foot separation. If a replacement system that meets the 4 foot separation requirement was only a couple thousand dollars more than one that did not meet the 4 foot requirement, would that be reason enough for a variance? Kinsella, C. suggested twice the cost. Coseo, C. felt that the specific criteria as to why a variance was granted or not would be determined when an application is brought in front of the Board.

RESOLUTION # 146 – Adopt Local Law #3-2007 - Amending Town Code Provisions regarding Fire Prevention and Building Construction

Motion: Coseo, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Board hereby adopts Local Law #3-2007 Amending the Town Code Provisions regarding Fire Prevention and Building Construction as drafted with the exception that the following be added:

ARTICLE 2 – (5) The provisions of this article shall only apply to failed or replacement of existing systems and not to new construction.

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

Noes: None

Barney Road – Supervisor Janik asked what the status was with Barney Road. Town Engineer stated that he just spoke with the State Forester. They received the application and have forwarded it to the DEC Attorneys. The Forester had stated that everything looked good. There was one question on the map where a property line needed to be adjusted.

MS4 Legislation – Town Engineer reminded the Board that the new MS4 legislation needed to be adopted by the end of the year. Supervisor Janik will work on putting together information for the next meeting.

Unsafe Building – 319 Spier Falls Road – Supervisor Janik reviewed the report from the Code Enforcement Officer. The Building located on this property has been torn down.

Unsafe Building – 322 Spier Falls Road – Supervisor Janik reviewed the report from the Code Enforcement Officer. He indicated that there had been no change in the site conditions. The property owner, Armond LaFerriere stated that he spoke with the Code Enforcement Officer approximately 2 hours before the meeting. The Code Enforcement Officer indicated to him that the back porch needs to be taken down. Mr.

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LaFerriere agreed that he would remove the porch. Supervisor Janik reviewed the previous report of the Code Enforcement Officer and asked if the front porch had been removed. Mr. LaFerriere stated that he would either fix or remove it if it was necessary. He stated that he would do whatever needed to be done. Pemrick, C. suggested that if he was unclear as to what needed to be done he should contact the Code Enforcement Officer. Mr. LaFerriere stated that he tried to contact Mr. McKenna over 2 weeks ago and finally just heard from him today. He did not even know until he spoke with him a few hours ago that there was even a meeting tonight. Supervisor Janik explained that the reason the Code Enforcement Officer suggested that he speak with the Town Board was that the original unsafe building notice was dated June 19<sup>th</sup>. You have 60 days from that date to make the building safe or remove it and they are past that point. Coseo, C. felt that it looked like the front porch and the rear addition needed to be removed. He asked Mr. LaFerriere how long he thought it would take him to remove those 2 sections. Mr. LaFerriere hoped that his son could have it done in a couple of weeks. Supervisor Janik stated that the Board could consider granting an extension of time to comply. The deficiencies would have to be corrected to the satisfaction of the Code Enforcement Officer. Mr. LaFerriere stated that he just found out today what still needed to be done and he would need some time to get it done. Board was in agreement to give Mr. LaFerriere until October 4<sup>th</sup> to complete the necessary work.

Unsafe Building – 16 Medbury Road – Supervisor Janik stated that the property owner was at the last meeting and is in the process of correcting the deficiencies.

Unsafe Building – 11 Forrest Road – Supervisor Janik stated that there has been no change to this property. There has been no contact or communication with the property owner since July 26, 2007. A phone message was left for them on September 5<sup>th</sup> and again on September 13<sup>th</sup> requesting their intentions, however they have gone unanswered. Supervisor Janik stated that this particular structure is falling down. It was a trailer with an addition. He felt that at this point the Town needed to do something. Town Counsel Schachner asked if all the necessary notices had been sent. Supervisor Janik advised that the notices had been sent and the property owner signed for them.

RESOLUTION # 147 – Authorize Highway Department to Remove  
Unsafe Building at 11 Forrest Road

Motion: Coseo, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby authorizes the Town of Greenfield Highway Department to remove the building at 11 Forrest Road owned by George & Susan Garrison, and

FURTHER RESOLVED, that all costs incurred by the Town shall be billed back to the property owner.

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

Noes: None

Unsafe Building – 21 Coombs Roadway – Supervisor Janik advised that the building has been removed.

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Unsafe Building – 19 Coombs Roadway – Supervisor Janik stated that there has been no change in the site condition, however the Town did receive a phone call and a letter of intent from the property owner, Thomas Halturewicz. The property owner has engaged the services of a surveyor to have the property surveyed. He has been in contact with an engineering company to design a septic system. A local contractor has also been contacted to dig a test hole. Mr. Halturewicz will be at the property this weekend to reattach the electrical service to the property and plans to make further advances to clean up the property in order to better prepare the property for the rehabilitation of the structure. Supervisor Janik stated that he appears to be working on a plan. He added that this structure had been the subject of a previous unsafe building violation at which time it was boarded up. The house is now starting to shift on the piers. Pemrick, C. suggested that the Board give him until October 4<sup>th</sup> to complete additional work. Board members in favor.

UDAG Revolving Loan Fund Committee Vacancy – Supervisor Janik stated that following the resignation of a member of the UDAG Committee an advertisement was placed looking for volunteers. Two letters of interest have been submitted. Supervisor Janik proposed that as been done in the past, the applications be sent to the Committee for their review and recommendation to the Board as to who they would like to see appointed. Town Board members in agreement.

Scott Waterhouse, Brigham Road – Thanked the Board for their consideration and understanding regarding the proposed local law regarding failed septic systems.

Town Assessor – Supervisor Janik stated that the term of office for the Assessor expires on September 30<sup>th</sup>, 2007. By law, it is a 6 year appointment.

RESOLUTION # 148 – Reappointment of Town Assessor

Motion: Kinsella, C.

Seconded: Osborne, C.

RESOLVED, That the Town Board hereby reappoints John C. Bonanno as Town Assessor, with said term to expire September 30<sup>th</sup>, 2013.

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

Noes: None

RESOLUTION # 149 – Reappointment to Board of Assessment Review

Motion: Osborne, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Board hereby reappoints Richard Lindenmann as member of the Board of Assessment Review, with said term to expire September 30<sup>th</sup>, 2012.

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

Noes: None

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RESOLUTION # 150 – Authorization to Attend Town Justice  
Conference

Motion: Pemrick, C.

Seconded: Kinsella, C.

RESOLVED, That the Town Board hereby authorizes that Town Justice Paul Varley may attend the New York State Magistrates Association Conference from September 30<sup>th</sup> to October 3<sup>rd</sup>, 2007.

VOTE: Ayes: Janik, Osborne, Pemrick, Kinsella

Noes: None

Abstained: Coseo

2008 Budget – Supervisor Janik stated that the Budget Officer and himself have been working on the tentative budget for next year. As always, the bulk of the budget is for the Highway Department. To prepare for the budget, the Board needs to consider some items that have come up recently. Highway Supt. Barss stated that the Towns of Ballston and Malta have shown interest in splitting off from the Tri-Town Gravel Pit Agreement. They do not believe that they need the material any longer for their Town. He noted that as part of the old shared agreement, each Town put in \$8,000. to purchase the land and according to that agreement that is what they could get back out of it. Any other improvements, such as equipment, building, etc. would be split between the three Towns. He received one verbal estimate on the value of the crusher which was \$60,000. The small pole barn building is probably worth around \$9,000. Osborne, C. asked if this would be split 3 ways. Highway Supt. Barss stated that each Town would get approximately \$31,000. each, minus the cost for reclamation. Supervisor Janik stated that this could be a substantial expense to the Town next year. Kinsella, C. asked if the pit would be closed completely or would we still operate it for our Town. Highway Supt. Barss stated that he would like to keep it going. He uses a lot of material from the gravel bank and estimates that the Town could get another 5 to 10 years of use. By redoing the roads the way they are, grinding and adding sub base using the gravel from the pit area, the next time you have to go back and redo the roads you would just have to mill them and repave. There would not be as much rebuilding of the sub base, etc. Coseo, C. noted that reclamation will not be cheap. Town Counsel Schachner asked if a Reclamation Plan had been prepared. Highway Supt. Barss stated that there is one. The first phase has been almost completely reclaimed. The County Soil and Water is working on the phase that they are in now. Pemrick, C. felt that some thought should be given as to what the cost would be to keep the land for 5 or so more years and giving the land up now, in terms of cost of operation, maintenance of the equipment, etc. Coseo, C. asked if it would be more feasible to sell the property and reclaim it now while there are 3 Towns to share the cost rather than having to do it ourselves later. You could use the money you make to buy fill. Supervisor Janik asked how many yards of material the Town takes from the pit each year. Highway Supt. estimated that they took out approximately 10,000 yards this year in gravel alone. Peckham has the County contract and the cost is approximately \$5.00 per yard. Kinsella, C. offered to work with the Highway Supt. to do an economic analysis and cost out several options. Coseo, C. felt that there needed to be an estimate of reclamation costs before anyone leaves the current agreement.

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Highway Supt. Barss stated that for the past three years they have applied for a shared municipal grant with the Towns of Ballston and Malta with no success. They were looking to purchase a brand new paver. Another round of grant applications is coming up. One of the other Towns is not sure that they want to participate since they hire out all of their paving work. The Town of Greenfield still needs to get a paver in order to keep the road program going. Highway Supt. Barss noted that the Town purchased the current paver approximately 6 years ago for \$55,000. They have had to put a lot of money into it each year to keep it going. This was a piece of equipment that needed to be upgraded. Coseo, C. asked if there were any companies who lease this type of equipment. Highway Supt. Barss believed that they could be leased, usually on a monthly basis.

Highway Supt. Barss stated that the other piece of equipment that the Town needs to think about replacing is the grader. They are currently using a 1964 Cat grader. This piece of equipment is one major breakdown away from parking it. He stated that he also thought about leasing one of these, but it is so spread out when they use it. The biggest time is during road repair/rebuilding mode. They also have to use it on the dirt roads and sometimes in the winter when there is ice and snow build up on a road. He felt that it would be better to upgrade and purchase a newer used grader.

Supervisor Janik stated that the current budget was based on an assessment base of \$510 million with a tax levy of \$663,000. They came up with a rate of \$1.30 per thousand. The assessment base this year is slightly in excess of \$700 million. Of that amount, about 15 million is attributable to new property construction. The rest of it the result of the reevaluation. The reval added approximately 175 million to the tax base, which is approximately a 30% increase. To say that we are not raising Town taxes, the rate per thousand has to come down accordingly. He calculated that to be around 97 or 98 cents per thousand. Supervisor Janik stated that last year they took \$248,000. out of unappropriated fund balance. At the end of the year about \$75,000. was put back in. He was not sure what the salary increase would be, however for sake of calculation he used 3%, which would increase the budget by approximately \$40,000. To keep the tax rate level they would need to take about \$288,000. out of the unappropriated fund balance. Supervisor Janik stated that luckily the Town has a sufficient fund balance to allow that, even given the extra cost of paving, salary increases, etc. He added that it is too early to tell how much of a balance there will be at the end of the year. Generally we end up with a slight surplus in the General Fund. Coseo, C. asked if the 98 cents would be the Town General Tax or Highway Tax. Supervisor Janik stated that it would be a total of both. Coseo, C. asked the Highway Supt. if he was hoping to do as many miles of road next year as he has been doing. Highway Supt. stated that he would like to be able to do this for the next five years. Kinsella, C. asked if the Supervisor was assuming, in coming up with his \$288,000. figure, that all the other line items would stay flat. Supervisor Janik agreed and added that he did not anticipate any big swing. There has been a pretty aggressive paving project and he did not see needing to budget for more than that. The only thing that the Board has informally agreed to is the additional \$33,000. for the paving of Lincoln Mountain Road. Coseo, C. noted that the \$288,000. estimate may change in order to meet the increase to any other increases that might come

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up. Pemrick, C. stated that earlier there was some discussion regarding equipment needs for next year. He asked if there was a point where it was worth spending more money on better equipment, if indeed we do have this number of miles to do. We seem to keep looking for used or sometimes the cheapest way into a piece of equipment and then we sit here and make it a priority to do as much road repair as we possible can. Coseo, C. noted that there is some money in an equipment reserve that could be used for the purchase of some of this equipment. Osborne, C. asked if the Town were to lease equipment, who would maintain the equipment. Highway Supt. Barss was not sure and felt that it would depend on the length of the lease, etc. He stated that he would still like to look into applying for a grant with some other Towns, however he was not sure that it would be for a paver. He thought that perhaps they could apply for a new excavator that could be used as part of the stormwater management clean out of the retention basins, etc. They do rent one occasionally. This may look better to the State to show that we are trying to meet the requirements of the State Stormwater Management Program.

Harris Cemetery – Supervisor Janik stated that he sent a copy of the correspondence regarding the cemetery to Town Counsel and spoke with him about this briefly. Town Counsel Schachner stated that the Town was not obligated to take ownership of the property. It was more of a policy decision. He added that in his experience he was not familiar with any Town paying money to obtain the property. He noted that the Town has certain obligations to maintain the cemetery, whether or not the Town owns it. Coseo, C. asked if there was any liability to the Town if we do not own it. Supervisor Janik did not feel that there was any advantage to the Town to obtain ownership. Town Clerk advised that the property class on this parcel had been changed to Roll Section 8 and a tax bill will no longer be generated.

Cell Tower Removal Bond – Supervisor Janik stated that the Tower was owned by National Grid Communications Inc.. There have been a couple of changes in the name of ownership. The Cancellation Notice takes effect October 1<sup>st</sup>. He spoke with a representative who indicated that a replacement policy was on the way. That was back in August. He spoke with her again today and she stated that she was going to fax him a copy. He has not received anything as of this time. Supervisor Janik noted that if they provide us with a new bond, it would require the review and acceptance of the bond. He did not see how that could be completed before the cancellation of the existing bond. He believed that the Board should set into motion steps to call the bond. Town Counsel Schachner stated that what could be done would be to authorize the calling of the bond if something acceptable is not received by the cancellation date.

RESOLUTION # 151 – Authorize Town Counsel to Call Tower Bond

Motion: Coseo, C.

Seconded: Osborne, C.

RESOLVED, That in view of the fact that the Town received a Notice of Cancellation of Bond, the Town Board hereby authorizes Town Counsel to begin proceedings to call the bond of National Grid Communications, Inc. unless we receive a new bond that is acceptable to Town Counsel prior to expiration.

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

Noes: None

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Scenic Railroad – Supervisor Janik stated that he attended a meeting at Congressman Gillibrands office concerning the railroad. The railroad line running from Saratoga Springs to Corinth, through the Town of Greenfield, is presently being rehabilitated. At this time they are working off of Braim Road, bringing in fill to repair the section of line that was washed out by the beaver dam. They are proposing to transfer title to the railroad line to an authority which will require a resolution from the Town granting them tax exempt status. Currently the Town of Corinth has title of the property, however they are not tax exempt. The 2 parcels that are in Greenfield are presently assessed at \$476,232. They will be sending a sample resolution to us for our consideration. The new authority does not exist as of this time.

RESOLUTION # 152 – Authorize Use of Community Center

Motion: Osborne, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Board hereby authorizes the following organization to use the Community Center for their regular meetings:

Magic Makers 4-H Club – Maureen Pratt, Leader – Sunday afternoons from 3PM to 7PM – September to June

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

Noes: None

Zoning Law – Kinsella, C. stated that someone had pointed out to him a potential mistake in the Zoning Law that has to do with the operation of a wood furnace. He believed when the Board was having the discussions regarding wood furnaces it was determined that existing furnaces would be exempt from the conditions, such as time of operation, etc. However that is not how the law is written. Board members agreed that it was their intent that existing furnaces were exempt. In reviewing Section 105-145 #B, it states that an existing furnace does not have to comply with the requirements listed in Section C. The time of operation is listed in Section D. Board members agreed that Section D should be made to be C5. Kinsella, C. did not feel that it needed to be changed immediately since we were already past September 1<sup>st</sup>. It should be changed prior to May 31<sup>st</sup> along with any other corrections that might come up.

Unsafe Building – Highway Supt. Barss asked if the unsafe building that the Board has authorized them to take down was on a private road. If so, does he have the authority to go in and do the work? Town Counsel felt that the Town does a good job with the procedures leading up to the removal of a building however there is always a chance that someone will come back on the Town, absent a Court Order. He was not sure about the private road issue. He would have to look into further. Coseo, C. felt that everyone on a private road would have rights to use that road and perhaps they could get permission from one of the other property owners.

Historical Property – Highway Supt. Barss stated that he was asked by the Historical Society if the Town would be able to take some trees down by their building in Middle Grove. He went and took a look at it and found that some of the trees were not even on their property. They were on the neighbors property. Town Board felt that it was a liability issue and that this would be considered private property.

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On motion of Osborne, C. and seconded by Pemrick, C., the Board adjourned to Executive Session at 8:50 PM to discuss pending litigation. Town Clerk was not present and no minutes were filed. On motion of Coseo, C. and seconded by Pemrick, C. the Board returned to regular session at 9:05 PM.

RESOLUTION # 153 – Transfer of Funds

Motion: Pemrick, C.

Seconded: Kinsella, C.

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

\$ 129.82	From A1355.2	to A1355.4
\$2,238.69	From A8160.45	to A5132.4
\$2,374.92	From A8160.45	to A7310.4

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

Noes: None

Philip Gargan, Locust Grove Road – Mr. Gargan asked if the Board had settled on a salary for the Assessor who they had just reappointed this evening. Supervisor Janik stated that the reappointment did not get into the discussion of salary. His salary was established by budget for the current year and it was \$24,000. Mr. Gargan stated that he understood that the purpose of the annual reevaluation was to keep the Town at 100 percent. He questioned what actual benefit the Town received other than staying at 100 percent, aside from the \$18,000. we get from the State to complete the reval. Town Supervisor stated that there is a benefit to the residents in the Town in that the tax levy has been apportioned appropriately throughout the Town. Every property is assessed as close as we can get to full value so that there is no big disparity between property owners. Mr. Gargan stated that the only problem he had with that was the fact the City of Saratoga and the Town of Wilton are not at 100% value. He felt that it was unfair to the citizens of Greenfield to be at 100% value when they were not. He stated that he knew all about equalization rates. He did not believe that the equalization rates take into account the fact that a piece of property that is now worth about \$200,000. but it is only being assessed at the same \$65,000. that it was worth 2 or 3 years ago. He did not think that the Town should continue to stay at 100% until these other two municipalities do it. He felt that it was totally unfair to the residents of the Town of Greenfield. Mr. Gargan added that he had been doing some research in the Town of Wilton and has found that some of the values of the properties in the Town of Wilton are absurd compared to similar properties in the Town of Greenfield. Mr. Gargan stated that as he was going around with his petitions he found that the thing that the people were most upset about was their assessments.

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

September 13<sup>th</sup>, 2007 continued

RESOLUTION # 154 – General Bills

Motion: Osborne, C.

Seconded: Pemrick, C.

RESOLVED, That General Bills # 555 to # 621 in the amount of \$28,714.13 be paid, subject to audit.

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

Noes: None

RESOLUTION # 155 – Highway Bills

Motion: Pemrick, C.

Seconded: Coseo, C.

RESOLVED, That Highway Bills # 159 to # 177 in the amount of \$150,388.83 be paid, subject to audit.

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

Noes: None

RESOLUTION # 156 – UDAG Bills

Motion: Osborne, C.

Seconded: Pemrick, C.

RESOLVED, That UDAG Bills # 15 & # 16 in the amount of \$361.83 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 9:10 PM.

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Town Clerk