

# APRIL 14, 2009

The Regular Monthly Meeting of the Town Board of the Town of Greenwich, Washington County, New York was held at the Town Office Building, 2 Academy Street, Greenwich, New York on Tuesday, April 14, 2009 at 7:00 p.m.

PRESENT:	Donald Wilbur	Supervisor
	Bob Jeffords	Councilman
	Steven Patrick	Councilman
	Eric Whitehouse	Councilman
ABSENT:	George Perkins	Councilman

Others Present: Elaine Kelly, Alan Wrigley, Stanley Mattison, Tim Tefft - The Journal Press, Tammara Van Ryn, David Guyette, Sara Idleman, Lynne Bittner, Richie Bittner and John Farndell.

Supervisor Wilbur led the Pledge of Allegiance to the Flag and the Clerk called the roll.

RESOLUTION NO. 33-09  
Budget Amendment 04/14/09

Resolution by Councilman Patrick  
Seconded by Councilman Jeffords  
and passed unanimously by said Board,

RESOLVED, that the following budget amendment be approved:  
Increase appropriations in H3 8160.202 by \$1,485.20 from Capital Fund Landfill for landfill monitoring test.

RESOLUTION NO. 34-09  
Payt. of Bills 04/14/09

Resolution by Councilman Whitehouse  
Seconded by Councilman Patrick  
and passed unanimously by said Board

RESOLVED, that the following bills on Abstract #9004 be approved and audited and the Supervisor be authorized to pay said bills from their respective funds:

<u>FUND</u>	<u>BILL #</u>	<u>AMOUNT</u>
General Town-wide (A) Pre-pay:	0093	\$ 595.81
Special District Lighting (SL): Pre-Pay	0094	\$ 798.72
General Town-wide (A):	0095-0120	\$ 6,132.07
General Outside Village (B):	0121-0123	\$ 247.40
Capital Fund Landfill Closure :	3001	\$ 1,485.20
Highway Town-wide (DA) Pre-pay:	5041	\$ 133.89
Highway Town-wide (DA):	5042-5045	\$ 307.17
Highway Outside Village (DB):	5046-5054	\$ 9,545.22

RESOLUTION NO. 35-09  
App. of Minutes 03/10 & 03/17/09

Resolution by Councilman Jeffords  
Seconded by Councilman Whitehouse

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and passed unanimously by said Board,

RESOLVED, that the minutes of March 10 & 17, 2009 be approved and accepted as submitted.

### CORRESPONDENCE:

- 1) A letter was received from the VFW Post #7291 and American Legion Post #515 inviting the Town Officials to participate in the Memorial Day Parade to be held at 6:00 P.M. on Friday evening, May 22<sup>nd</sup>. Refreshments will be served at the VFW after the parade. Participants should assemble at 5:00 P.M. at Bridge Street. The Board will march in the parade.
- 2) Notices were received from Greenwich House of Pizza and Fiddlers Elbo Wrek that both are applying for renewal of their liquor licenses.
- 3) A thank you note was received from the Sloan family for the flowers that were sent in memory of Randy's mother and Stanley's mother-in-law.
- 4) A letter was received from Whiteman, Osterman & Hanna as well as Young, Sommer, LLC notifying the Town that Independent Towers, LLC is proposing to construct and operate a wireless communications facility. The facility will be located at the Saratoga Landfill located on Hayes Road in the Town of Saratoga.

### COMMENTS FROM THE PUBLIC:

Sara Idleman: This is a great place to live.

### REPORTS:

- 1) Greenwich Fire Department Report: An activity report for March was received from the Greenwich Fire Department.
- 2) Planning Board Report: Board members received the minutes of the Planning Board meetings that were held on March 12 & 19, 2009.
- 3) Assessor Report: Assessor Colleen Adamec left a message stating that she is getting ready to mail out approximately 500 change of assessment notices.

A letter of resignation was received from Board of Assessment Review Member Jeremiah Cronin. Mr. Cronin was appointed in August 2008 but has changed his mind.

RESOLUTION NO. 36-09  
BAR Resignation

Resolution by Councilman Jeffords  
Seconded by Councilman Whitehouse  
and passed unanimously by said Board,

RESOLVED, the Board accepts the resignation of Board of Assessment Review Member Jeremiah Cronin.

RESOLUTION NO. 37-09  
BAR Ad

Resolution by Councilman Jeffords  
Seconded by Councilman Patrick

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and passed unanimously by said Board,

RESOLVED, that the Town of Greenwich advertise to fill a five-year term on the Board of Assessment Review, with letters of interest being received no later than 4:00 PM on Thursday, May 7, 2009.

4) Code Enforcement Report: Code Enforcement Officer Dan O'Connor's report stated that eight building permits had been issued during the month of March. Dan also stated that two formal complaints have been forwarded to the Zoning Board of Appeals.

5) Highway Report: Superintendent Rick Sullivan is away on Guard duty but left the following report for the Board: 612.5 gallons of fuel used in March; pot holes repaired; tree and brush cleanup; pulled plows and wings; started grading roads but are limited because of amount of rain; all in all the department is in very good shape. Highway Clerk Kellie Blake left report that FEMA forms have been filled out and submitted for December 2008 ice storm. Approximate expenses were \$63,000. Possible federal reimbursement of 75% which would be \$47,250. Diesel usage report for March was submitted.

Foreman Stanley Mattison stated that the Town Office parking lot has been re-stripped; the box taken off the truck and truck has been sent to get the new box put on; the street broom has been assembled and the department has been out sweeping. Questions have arisen about having "School Bus Stop Ahead" signs erected at the corner of Lick Springs Road and Cottrell Road and whose responsibility it is. A call was made to Willy Grimmke to ask how the County handles such requests. Willy said the request should come from the school and then the County will do a "sight distance" report. The Board asked Stanley to have GCS Transportation Supervisor Randy Justin submit a letter of request.

Shawn McCormick, owner of 8 Center Falls Road, stated that his driveway actually is the dead end of Bypass Road and requested that it be swept. Stan said that one of the highway employees had worked for the Town for 30 years and no maintenance has ever been done during that time.

Town Clerk Elaine Kelly thanked the highway department for removing and chipping the Everlasting Lights Memorial trees.

Rick left the following three quotes for 19 (1) ton bags of magnesium chloride flakes delivered to the Highway Department:

• Country Power Products	\$389.10 per bag	\$7,392.90
• Capital Tractor	\$390.00 per bag	\$7,410.00
• IMUS	\$393.80 per bag	\$7,482.20

RESOLUTION NO. 38-09  
Magnesium Chloride Flakes

Resolution by Councilman Patrick  
Seconded by Councilman Whitehouse  
and passed unanimously by said Board,

RESOLVED, that Highway Superintendent Rick Sullivan be authorized to purchase 19 (1) ton bags of magnesium chloride flakes from Country Power Products a cost of \$389.10 per bag for a total of \$7,392.90.

6) Supervisor Report: Supervisor Wilbur stated that the County Board has completed its first round of budget workshops going over the 2008 budget. In May the Board will review the 2009 budget and then the workshops for the 2010 budget will begin. The State is continuing to make unfunded mandates which make the budget process more difficult every year. Supervisor Wilbur stated that the shortfall in the Social Services Department is approximately \$400,000 not the \$2.5 million that the newspaper stated. This is due to no wrongdoing on anyone's part but has happened because 1) the State capped

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reimbursements after the County had already prepared budgets expecting the higher reimbursement amounts and 2) that more people are applying and qualifying for programs and there is no way to predict this. This problem is occurring everywhere not just Washington County.

Ted Berndt of Cambridge is expected to be appointed to the IDA at Friday's board meeting.

The Town's quarterly financial report was submitted for the Board's review.

7:40: ZBA Interviews – 2 Applicants

Motion by Councilman Whitehouse

Seconded by Councilman Jeffords

and passed unanimously by said Board,

that the Board enters into Executive Session at 7:42 P.M. to conduct interviews for Zoning Board of Appeals Alternate member.

Motion by Councilman Whitehouse

Seconded by Councilman Patrick

and passed unanimously by said Board,

that the regular meeting be resumed at 8:08 P.M.

Supervisor Wilbur stated that the Executive Session was devoted to the interviews of 2 applicants for the position of Zoning Board of Appeals Alternate member.

RESOLUTION NO. 39-09  
ZBA Alternate Member Appt.

Resolution by Councilman Jeffords

Seconded by Councilman Whitehouse

and passed unanimously by said Board,

RESOLVED, that Tammara Van Ryn be appointed as Alternate Member to the Zoning Board of Appeals to fill an unexpired term through December 31, 2012.

7) Youth Report: Councilman Patrick gave the following report: Four applications were received for Morning Director and Arts & Crafts Director. Interviews were conducted and Nicole Carner - GCS Librarian was hired for the Morning Director position and Nicole Walker was hired for the Arts & Crafts Director position. Ads for the lifeguards and counselors will be in the Journal & Eagle the weeks of April 13 & 20th. Applications are available on the town website and at the school office and are due by May 1<sup>st</sup>. Interviews will then be scheduled. Kellie received the renewal forms from DOH for the "Youth Camp" and is working on getting those processed to be mailed by April 27th. These have to be in 60 days prior to the start of the program.

Things that need to be done before beach opens:

1. Playground equipment installed.

2. Load of sand and beach leveled.

3. Paint inside of bathrooms, exterior of building and lifeguard chair. - GCS National Honor Society students will be doing this.

4. Need to purchase one more buoy, couple of basketballs, volleyball net and one more beach umbrella. Two guard stations have been recommended by DOH.

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5. Paper towel dispensers and soap dispensers need to be installed. (getting a quote from Tim Loftin - who cleans the Town Office)

Next meeting is Monday, May 4<sup>th</sup>. John Fardell told Councilman Patrick that if any more work needs to be done that Eagle Scouts are always looking for service projects.

### UNFINISHED BUSINESS:

1) Review Proposed Amendment to Zoning Ordinance and set Public Hearing Date.

At the March 17<sup>th</sup> joint meeting of the Town Board, the Planning Board and the Zoning Board of Appeals, proposed changes to the Town's Zoning Ordinance were discussed. Planning Board Chairman Tomkins reminded the Boards that there was a process in the Zoning Ordinance that needed to be followed for proposed amendments. Under Section 190-93 Amendments. B. It states: "Advisory report by the Planning Board. Each such proposed amendment or change shall be referred to the Planning Board for report thereon before public hearing in front of the Town Board. The Planning Board shall submit to the Town Board its advisory report within 30 days after receiving notice from the Town Clerk of the proposed change. The failure to make such report within 30 days shall be deemed to be a favorable recommendation."

The Planning Board met and reviewed the proposed changes and issued an Advisory Report which was provided to the Town Board members and Attorney Alan Wrigley. The complete report is also on file with the Town Clerk. Attorney Alan Wrigley drafted the proposed changes into proposed Local Law #1 of 2009.

Discussion: Councilman Jeffords stated that he is against all the composting changes that the Planning Board is suggesting because he feels it actually opens the door to animal composting. He said that the fact that the State doesn't have any guidelines and that the scientific community doesn't know what's happening with pathogens nor with the pharmaceuticals, that he is concerned with the health, safety and welfare of the people of the Town. He does not feel that our residents want an animal composting facility in the Town of Greenwich and that this is opening it up as an entrée for someone to do an animal composting facility.

Supervisor Wilbur agreed and stated that the Town Board had this same discussion at our last meeting. ZBA Chairman John Fardell stated that he feels the definition is fine as it clarifies that it is not part of a slaughterhouse operation.

Councilman Jeffords stated later it refers to adding the definition to the use table. John agreed that adding it to the use table may not be a good idea but still felt the definition was good.

Supervisor Wilbur asked why we would need a definition for something that we are not going to allow. John stated that he thinks the definition clarifies that it is not part of a slaughterhouse operation and as long as it isn't added to the use table then it is fine.

Councilman Jeffords said that is where it becomes confusing because people will look at the definitions and go from there. Why make it anymore confusing than it already is? John stated that what they look at and what is allowed are two different things. Councilman Jeffords said that he wouldn't have a problem with it being in there if the State or if someone else, other than at the Town level, was going to monitor and administer it. Attorney Alan Wrigley reminded that Board that this is an inclusive document and if it is not included then it is not allowed.

Supervisor Wilbur stated that he agreed with Councilman Jeffords and why would we need to list all kinds of words and their meanings if, in the end, it is not going to be allowed. If it is not going to be in the use table then why describe something up front in the definitions.

Councilman Patrick asked if "Composting Facility, Animal" is removed is there any chance that an Attorney could argue and say that an animal composting facility could somehow fall into or be included in the regular "Composting Facility" description. Supervisor Wilbur stated that he doesn't have a problem with the composting facility definition but he does have a problem with composting facility, animal. Councilman Jeffords stated that is the one he has a problem with as well. Supervisor Wilbur

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said a lot of people do composting in their gardens and if they wanted to do it as a business he doesn't have a problem with that either but what the Board has heard loud and clear for many months is the animal part of it. Councilman Jeffords suggested making it clearer by adding the following sentence to the Composting Facility definition: "This does not include animal composting". Councilman Patrick agreed as well as ZBA Chairman Farndell. Supervisor Wilbur said he knew that several people on the Planning Board wanted to have the ability to have animal composting in the Town but he is not too anxious to be heading down that road after what we've been through. Councilman Jeffords said that he has not had one person call him to say they wanted it but many have called to say they don't want it. Supervisor Wilbur asked Councilman Whitehouse for his thoughts. He said he was okay with it as long as we are not interfering with individual landowner's and farmer's rights to compost their own animals. Councilman Patrick asked if the Board was in agreement to remove Composting Facility, Animal and add another sentence onto Composting Facility that states "This does not include animal composting". All board members present said yes. Discussion continued on the rest of the proposed local law resulting in changes as stated in the following resolution:

RESOLUTION NO. 40-09  
LL #1 Code Amendments

Resolution by Councilman Whitehouse  
Seconded by Councilman Patrick  
and passed unanimously by said Board,

RESOLVED, that the Town Board adopt the following changes to Proposed Local Law #1 of 2009 to Amend the Code of the Town of Greenwich by Amending Chapter 190, entitled "Zoning".

1. Page 1. Section 2. Shall read: The definitions of Composting and Composting Facility are hereby added to Section 190-5 of Article II of Chapter 190, Zoning as follows:  
"COMPOSTING" – The controlled biologic breakdown of organic matter under aerobic conditions.  
"COMPOSTING FACILITY"- A facility for the biological stabilization of waste organic material including manure of any agricultural variety, bedding material, waste silage, produce and flora. This does not include animal composting.
2. Page 4. Section 6. Shall read: COMPOSTING FACILITY as added to Section 190-5 of Article II of Chapter 190, Zoning, is hereby added to Table 1, Use Regulations as follows: Under the heading USE, add Composting Facility; under the heading of Rural Agriculture District add SUP.
3. Page 4. Section 8 is deleted.
4. Page 4. Section 9 becomes Section 8.
5. Page 5. Section 10 is deleted.
6. Page 5. Section 11 becomes Section 9.

RESOLUTION NO. 41-09  
Public Hearing LL #1 Code Amendments

Resolution by Councilman Patrick  
Seconded by Councilman Whitehouse  
and passed unanimously by said Board,

RESOLVED, that a public hearing be held by the Greenwich Town Board at the Town Hall, 2 Academy Street, Greenwich, NY on Tuesday, May 12, 2009 at 7:45 P.M. for the purpose of obtaining public comment on proposed Local Law #1 of 2009 entitled "A Local Providing for Amendments to the Code of the Town of Greenwich by amending Chapter 190, entitled "Zoning" and be it further

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RESOLVED, that the Town is hereby designating all the lands located within the Rural Agricultural (RA) District, as noted on the map set forth in the Town Code as Attachment 8 to Chapter 190 entitled "Zoning", as a critical environmental area.

### NEW BUSINESS:

1) At the March meeting, Councilman Jeffords stated that the Norway maple tree behind the Town Office building needed to be looked at and possibly removed. Councilman Perkins contacted Don Dulmer to assess the tree. Mr. Dulmer's proposal of \$500 included installing 3 cables and eye bolts for more support as well as trimming the tree where needed. A certificate of insurance has been received.

RESOLUTION NO. 42-09  
Tree Cabling - 2 Academy St.

Resolution by Councilman Jeffords  
Seconded by Councilman Patrick  
and passed unanimously by said Board,

RESOLVED, the Board accepts the \$500 proposal from Donald Dulmer for the cabling and trimming of the Norway maple tree located at 2 Academy Street.

2) Meeting Room Request by Greenwich Senior Citizens. Request withdrawn due to lack of adequate kitchen facilities.

3) Townwide Cleanup: The Townwide Cleanup will be held from April 24 through May 4<sup>th</sup>. Orange garbage bags will be available at the Town Clerk's Office for residents to use to cleanup debris along roadsides. Filled bags will be picked up by the Highway Department. Residents should call the highway garage to let them know the location of the bags.

RESOLUTION NO. 43-09  
Townwide Cleanup

Resolution by Councilman Whitehouse  
Seconded by Councilman Patrick  
and passed unanimously by said Board,

RESOLVED, that April 24 – May 4 be designated as Townwide Cleanup days.

4) The Town of Greenwich is now eligible to participate in the Hudson River Valley Greenway Program. The Hudson River Valley Greenway is a unique State sponsored program established to continue and advance the state's commitment to the preservation, enhancement and development of the world-renowned scenic, natural, historic, cultural and recreational resources of the Hudson River Valley. The Greenway offers small grants and technical assistance to communities for projects consistent with the "Greenway Criteria". To become eligible to receive these benefits, communities need to pass a resolution in support of the Greenway Criteria and Greenway Program.

RESOLUTION NO. 44-09  
Greenway Program

REQUEST FOR DESIGNATION OF THE TOWN OF GREENWICH AS A GREENWAY COMMUNITY

Resolution by Councilman Jeffords

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Seconded by Councilman Whitehouse  
and passed unanimously by said Board,

WHEREAS, the Hudson River Valley Greenway Act, (hereinafter, the "Greenway Act") Chapter 748 of the Laws of 1991, has as a legislative goal the establishment of the Greenway Compact, a process for voluntary regional cooperation and decision-making among the communities of the Hudson River Valley, and

WHEREAS, the process and programs that will comprise the Compact are under development, and

WHEREAS, communities may participate in the initiation and implementation of the compact process, and

WHEREAS, the Town of Greenwich is situated in the Greenway area as it was officially designated in the Greenway Act, and

WHEREAS, the Greenway Act permits the Hudson River Valley Greenway Communities Council (hereinafter the "Council"), and the Greenway Conservancy for the Hudson River Valley, Inc. (hereinafter the "Conservancy") to assist communities in developing local planning and projects related to the five criteria contained in the Greenway Act: natural and cultural resource protection, regional planning, economic development (including tourism, agriculture and urban redevelopment), enhancing public access to the Hudson River and heritage and environmental education, and

WHEREAS, communities can become eligible to receive technical and financial assistance from the Greenway, and

WHEREAS, community participation in the Greenway planning process is voluntary, and

WHEREAS, the Greenway Act does not supersede or change the powers that the State has previously granted municipal governments under the New York State Constitution, the Municipal Home Rule Law or pursuant to the various municipal enabling acts, and

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

The Town of Greenwich supports the criteria contained in the Greenway Act and the process by which the Compact will be achieved, and the Town Board endorses the designation of the Town of Greenwich by the Greenway Council and Conservancy as a Greenway Community.

Motion by Councilman Whitehouse  
Seconded by Councilman Patrick

and passed unanimously by said Board,  
that the meeting be adjourned at 8:55 P.M.

Respectfully submitted,

Elaine A. Kelly, RMC, CMC  
Town Clerk