

JULY 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, July 14, 2009 at 7:00 p.m.

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

Others Present: Elaine Kelly, Kellie Blake, Rick Sullivan, Stanley Mattison, Tim Tefft - The Journal Press, Ryan Farrell – The Eagle, Jill Autiello, Sara Idleman, Dick Allen, Dan O’Connor and Lyle Schultz.

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

RESOLUTION NO. 67-09
Budget Amendment 7/14/09

Resolution by Councilman Jeffords
Seconded by Councilman Perkins

and passed unanimously by said Board,

RESOLVED, that the following budget amendment be approved: Increase appropriations in H38160.202 by \$370.00 from Capital Fund Landfill for landfill monitoring test.

RESOLUTION NO. 68-09
Payt. of Bills 7/14/09

Resolution by Councilman Patrick
Seconded by Councilman Whitehouse

and passed unanimously by said Board

RESOLVED, that the following bills on Abstract #9007 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:	0203-0204	\$ 475.03
General Town-wide (A):	0206-0251	\$18,528.28
General Outside Village (B):	0252-0253	\$40,019.38
Special District Lighting (SL): Pre-pay	0205	\$ 660.63
Capital Fund Landfill Closure :	3004	\$ 370.00

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Highway Town-wide (DA) Pre-pay:	5083	\$ 20.85
Highway Town-wide (DA):	5084-5090	\$13,843.71
Highway Outside Village (DB):	5091-5104	\$12,138.87

**RESOLUTION NO. 69-09
Highway Garage Boiler Permissive Referendum**

Improvements to Town Highway Garage Capital Reserve for Facility Improvement Fund

Resolution by Councilman Patrick
Seconded by Councilman Whitehouse

WHEREAS, the Town of Greenwich has a Capital Reserve for Facility Improvement Fund that has been established for the express purpose of setting aside monies for capital improvements to Town owned real property; and

WHEREAS, there exists a need for certain capital improvements to the Town Highway Garage, specifically the installation of a new boiler; now therefore be it

RESOLVED, pursuant to the provisions of Article 7 of the Town Law which requires this resolution is subject to a permissive referendum, the Town of Greenwich is authorized to expend not more than \$4,025.88 from the Capital Reserve for Facility Improvement Fund for purposes of performing capital improvements to the Town Highway Garage; and be it further

RESOLVED that pursuant to Section 90 of the Town Law that within ten (10) days from the date of this resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the resolution, shall contain an abstract of such resolution concisely setting forth the purpose and effect thereof, shall specify that this resolution was adopted subject to a permissive referendum; and shall publish such notice in the Journal Press newspaper published in Washington County having general circulation in the Town of Greenwich and in addition thereto that the Town Clerk shall post, or cause to be posted, on the sign-board of the Town of Greenwich, a copy of such notice within ten (10) days after the date of the adoption of this resolution.

Unanimously approved.

**RESOLUTION NO. 70-09
App. of Minutes 6/9 & 6/30/09**

Resolution by Councilman Jeffords
Seconded by Councilman Perkins

and passed unanimously by said Board,

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RESOLVED, that the minutes of June 9 and June 30, 2009 be approved and accepted as submitted.

CORRESPONDENCE:

1) A letter was received from "Food For Kids" thanking the Board for their generous contribution to the 2009 "Food For Kids" summer program.

COMMENTS FROM THE PUBLIC:

1) Jill Autiello updated the Board on the Gannon Youth Project. A playground is being built on Village property near the school. Currently, the parcel is home to the Wiffleball field and ice skating rink. The newest addition to the parcel will be a playground with water activities planned for the future. \$15,000 is being spent from the Gannon fund to purchase the playground equipment. Jill has been assigned to find as much equipment as possible for the \$15,000.00 This leaves the handicap/stroller access to the playground unfunded. The Gannon committee is requesting a \$960 donation from the Town of Greenwich to fund the purchase of a handicap/stroller accessible ramp to the playground. The Village of Greenwich is supplying labor for the preparation work at the site .

RESOLUTION NO. 71-09
Gannon Park – Access Ramp

Improvements to Gannon Park

Resolution by Councilman Jeffords

Seconded by Councilman Whitehouse

WHEREAS, the Town of Greenwich has a Parks and Recreation Fund that has been established for the express purpose of setting aside monies for parks, playgrounds and other recreational areas; and

WHEREAS, there exists a need for certain capital improvements to Gannon Park, specifically the installation of a handicap accessible ramp for the new playground; now therefore be it

RESOLVED, pursuant to the provisions of Article 7 of the Town Law which requires this resolution is subject to a permissive referendum, the Town of Greenwich is authorized to expend not more than \$960.00 from the Parks and Recreation Fund for purposes of performing capital improvements to Gannon Park; and be it further

RESOLVED, that pursuant to Section 90 of the Town Law that within ten (10) days from the date of this resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the resolution, shall contain an abstract of such resolution concisely setting forth the purpose and effect thereof, shall specify that this resolution was adopted subject to a permissive referendum; and shall publish such notice in the Journal Press newspaper published in Washington County having general circulation in the Town of Greenwich and in addition thereto that the Town Clerk shall post, or cause to be posted, on the sign-board of the Town of Greenwich, a copy of such notice within ten (10) days after the date of the adoption of this resolution.

Unanimously approved.

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2) Lyle Schultz of Schultz Plumbing and Heating addressed the Board concerning some existing problems that he encountered at the Town Garage while installing the wood boiler. Lyle found two bad circulators among other things including heat that never shuts off in the office. Lyle would like to do some diagnostic testing at a cost of \$886.00 and stated that the repairs could be done at a cost not to exceed \$400.00.

RESOLUTION NO. 72-09
Highway Garage Heating Repairs

Resolution by Councilman Patrick
Seconded by Councilman Perkins

and passed unanimously by said Board,

RESOLVED, that Schultz Heating and Plumbing be authorized to perform diagnostic testing and repairs to the heating system at the Town Highway Garage at a cost not to exceed \$1300.00.

3) Richard Allen of Hardscrabble Road addressed the Board concerning a December 17, 2008 accident when a Town of Greenwich snowplow hit his barn and knocked it from its foundation. For the record let it be known that Mr. Allen stated the date of the accident was December 17, 2008 and snow plow driver Rick Sullivan stated the date was January 2, 2009. The Town's liability insurance does not cover this and referred to section 1103 (b) of the Vehicle and Traffic Law. This law exempts vehicles that are engaged in highway work from complying with the rules of the road and limits liability in this regard to reckless conduct. After talking to the driver, the insurance company feels any damage did not occur because of any recklessness on behalf of the driver. Highway Superintendent Rick Sullivan estimated the damage at \$400, however Mr. Allen received a \$5100 estimate from Brophy Construction. Mr. Allen stated that he is looking for restitution and wanted the Board to know before he institutes a lawsuit.

REPORTS:

1) Greenwich Fire Department Report: An activity report for June 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 June 11 & 18, 2009.

3) ZBA Report: Board members received the minutes of the ZBA meeting that was held on June 16, 2009 as well as a memo stating that the ZBA's monthly meeting date is changed to the 1st Thursday of each month as needed.

The Board also received the following from the ZBA: *The Zoning Board of Appeals feels that in the future, when there is another Joint Meeting of the three Boards, there is a discussion of an addition to the Use Table in the Zoning Ordinance regarding the transportation of products or people for hire. The*

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ZBA recently received an interpretation application regarding a business that uses buses to transport people. The buses are being stored at a second residence to the business owner and the ZBA had a difficult time relating the matter to the Use Table. The ZBA feels that this will help in the future and they wanted to bring it to everyone's attention so they could think about it for the next Joint Meeting.

4) Assessor Report: The June report from Assessor Colleen Adamec stated that the 2009 Grievance period was over and the roll from 2008 to 2009 changed by \$17,036,931, which equates to 4% of the 2009 roll. The July report stated that Colleen is out in the field reviewing properties. Her office is processing sales as they come in but the sales have slowed down. Colleen has met with Attorney Wrigley and appraisals will need to be done on the open certioraris. A copy of both reports is on file in the Town Clerk's office.

5) Code Enforcement Report: Code Enforcement Officer Dan O'Connor's report stated that twelve building permits had been issued during the month of June.

6) Highway Report: Highway Superintendent Rick Sullivan stated:

- 845.2 gallons of diesel fuel used in June
- 1st round of roadside mowing has been completed; 2nd round started
- Blodgett Road bridge has been removed
- Wood boiler has been installed at the Highway garage
- Finished paving McDougal Lake and Derby Roads

"2009 Agreement to Spend Highway Funds Part 2"

Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected for the repair and improvement of highways, and received from the State for repair and improvement of highways, shall be expended as follows:

1. GENERAL REPAIRS. The sum of \$175,000.00 may be expended for general repairs upon 77.77 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

2. IMPROVEMENTS: The following sums shall be set aside to be expended for the improvement of town highways:

a) Spraguetown Road commencing at North Greenwich Road and leading to approximately 307 Spraguetown Road, a distance of 4,225.00 feet, there shall be expended not over the sum of \$43,411.50.

Type: Resurface

Width of traveled surface: 20 ft.

Thickness: 1.5"

Subbase:

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RESOLUTION NO. 73-09
2009 Agreement to Spend Highway Funds Part 2

Resolution by Councilman Patrick
Seconded by Councilman Whitehouse

and passed unanimously by said Board,

RESOLVED, that the Town Board accepts the "2009 Agreement to Spend Highway Funds Part 2" as presented.

- Rick told the Board that he has an old Wisconsin motor that came off the old sweeper and Robert Welch has offered him \$100 for it and wanted the Board's opinion. Supervisor Wilbur stated that the history of this transaction was that he had a check for \$100 from Robert Welch on his desk. He did not deposit the check as the Town Board is the one that decides on selling the Town's assets. If we are to sell something, Supervisor Wilbur suggested putting it in the County auction where the items are sold on EBay. Mr. Welch could bid on it there. Councilman Patrick stated that because nothing has been done to value the motor, we really don't know how much it is worth. Councilman Whitehouse agreed and stated that in the best interest to the Town he feels that it should go to auction. There is also an old Toro riding mower that will go to auction. Rick will contact Willy Grimmke about the items.

RESOLUTION NO. 74-09
Highway – Auction Surplus Items

Resolution by Councilman Jeffords
Seconded by Councilman Perkins

and passed unanimously by said Board,

RESOLVED, that the Town of Greenwich places two pieces of equipment (the Wisconsin motor and the Toro riding mower) into the County Surplus Equipment Auction on EBay.

- Highway Superintendent Rick Sullivan requested that a 45 mph speed limit be adopted for the entire length of both Derby and McDougal Lake Roads. These are the newly paved roads and Rick feels that is a reasonable request.

RESOLUTION NO. 75-09
Speed Limit Request Derby Road & McDougal Lake Road

Resolution by Councilman Patrick
Seconded by Councilman Perkins

and passed unanimously by said Board,

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RESOLVED, that the Town Board of the Town of Greenwich hereby requests Washington County to perform speed limit studies on the full length of Derby Road and McDougal Lake Road, and be it further

RESOLVED, that the Board requests that said speed limits not exceed 45 mph.

- Discussion continued from last month on the purchase of a new pickup truck for Rick. Rick would like to keep his current pickup and let Foreman Stan Mattison use it. However it is in bad shape and frequently needs repair. A 2009 F-Series single cab pickup with plow was quoted by Carmody Ford at a state contract price of \$36,236.99. Supervisor Wilbur stated that state contract is not always the lowest price. This purchase is not included in this year's budget so it was decided that there was time to go out to bid. Bids will be solicited for both standard cab and quad cab. Rick will get together with Councilmen Patrick and Whitehouse as well as Patrick Greeno at the County to draw up the specs. Supervisor Wilbur asked Rick to bring the information back to the August meeting.

- Councilman Jeffords brought up for discussion the procedure for holiday pay for highway department employees. During the summer the department is on a ten hour, four day work week, therefore holiday pay is being paid at ten hours rather than eight hours. Councilman Jeffords stated that what should be done is one of two things. 1) During a holiday week, revert to four, eight-hour work days with one, eight-hour paid holiday for a total of 40 hours, or 2) Work three, ten-hour days with one, eight-hour paid holiday for a total of 38 hours. Highway Superintendent Rick Sullivan previously told Councilman Jeffords that NYS DOT follows the first option and Councilman Perkins said that this also the way that the telephone company does it. Supervisor Wilbur asked if this is something that the Town should establish as policy. Councilman Jeffords feels that it should be policy that holiday pay should reflect the lesser of normal scheduled working hours or 8 hours maximum. This would be due to the fact that the employees in the office work less than 8 hours for a normal work day.

Motion by Councilman Jeffords

that the following be added to the Town's Employee Policy: The Town of Greenwich will pay the lesser of normal scheduled working hours or a maximum of 8 hours for Holiday pay.

Councilman Perkins doesn't feel that there should be a choice of a 38 hour week. He would like it to say that holiday weeks are reverted to eight hour days. Councilman Patrick agreed. Highway Superintendent Rick Sullivan stated that he doesn't like this at all. He said that with the ten hour days, we are talking about three holidays which would only add up to six hours and would the Town really save that much money. The guys work well together and sometimes work through their breaks and lunch hours. Councilmen Jeffords and Patrick stated that it wasn't a money issue; it was a fairness issue as no other employees get paid 10 hours for a holiday. The full Board agreed that this has nothing to do with anyone in particular; it has to do with fairness to other employees. Supervisor Wilbur

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suggested tabling this until next month thereby allowing time to look into how the County and other Towns handle this. Everyone agreed.

Councilman Jeffords withdrew his motion.

7) Supervisor Report: Supervisor Wilbur stated that in early August the County Board of Supervisors will begin budget workshops for the 2010 budget. Some items that are being discussed are:

- Not filling five vacancies at the Transfer stations.
- Cutting transfer station days to three days per week.
- 40 hour work weeks being cut back to 35 hours wherever possible (benefits would not be affected). This would be a 12 ½% cut in pay but that might be better overall than to eliminate people's jobs. More than 50% of the workforce is unionized so this would have to be negotiated. It may be time consuming and difficult but perhaps the unions could see that this could save some of their members' jobs.
- The State has already cut revenues a couple times and will probably be cutting more, therefore the County needs to make some changes as well. The only alternative is a big tax increase and that is something the Board doesn't want to see happen. Expenses need be to cut but so many things have been cut over the past couple years the only things left are salaries and benefits. It is not a great position to be in but Washington County is not alone.
- If anyone has any suggestions on what might work... please let the Supervisors know.
- Councilman Jeffords said that the State is projecting that retirement contributions will rise to 11%.
- Bed tax has been approved by the State. A public hearing is now needed. Projections show this could bring in approximately \$30,000 to be used to promote tourism.
- Hopefully enough cuts can be made to avoid having a large increase in taxes. A lot will need to be cut to make that a reality.

8) Youth Report: Councilman Patrick stated that the New York State Department of Health had done inspections of the youth program on two different days. Some minor things were noted and have been corrected. There is a question of whether the beach program actually falls under "youth camp" or not. If not, then we will not have the requirements that we thought we had, but the things that have been done are all good things regardless.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

1) Washington County Planning Board Exemption Agreement: In the past, the Washington County Planning Board has entered into exemption agreements with local boards to streamline the referral of local projects to the County under GML 239 l and m. These agreements exempt certain projects deemed to have no inter-municipal impact from referral to the County Planning Board. These

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agreements are structured to last for three years, and the current round of exemptions expired at the end of June.

RESOLUTION NO. 76-2009
Planning Board - County Exemption

Resolution by Councilman Patrick
Seconded by Councilman Whitehouse

and passed unanimously by said Board,

Exemption of Matters of Local Concern from County Planning Review

WHEREAS, the Washington County Planning Board was created by the Washington County Board of Supervisors as provided by Article 12 B of the General Municipal Law; and

WHEREAS, the provisions of General Municipal Law Article B, Section 239 l and m (GML 239) require local municipal bodies in Washington County to submit certain planning and zoning actions to the Washington County Planning Board for said Board’s review and recommendation unless excepted by an agreement approved by the municipal body; and the County Planning Board that such matter is of a local rather than an inter-municipal or county-wide concern; and

WHEREAS, it is in the interest of the County and local municipal bodies for a local municipal body to be able to take action on matters of local concern without being bound by the referral requirements of GML 239; and

WHEREAS, having such an agreement for exception of matters which are not of an inter-municipal or county-wide concern is not detrimental to the County or the Town of Greenwich; and

WHEREAS, the Washington County Planning Board has established a process for exempting matters and actions of local concern from the referral requirements of GML 239; now, therefore, be it

RESOLVED, that the attached agreement entitled “*Exemption of Matters of Local Concern from County Planning Review Agreement*” shall exempt action of local concern under this agreement from the referral requirements of GML 239 shall exist between the County Planning Board and the Town Board of Town of Greenwich; and be it further

RESOLVED, that said agreement shall apply to zoning reviews and actions of the Town Board of Town of Greenwich: and be it further

RESOLVED, that a copy of this resolution with the attached agreement shall be provided to the Washington County Planning Board; and be it further

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RESOLVED, that this agreement shall take effect immediately.

2) Landfill Mowing.

The 20+ acres at the closed town landfill needs mowing. Supervisor Wilbur presented three quotes as follows: Kyle McPhail \$1450.00; Ken McPhail \$800 and Ted Emerson \$700.

RESOLUTION NO. 77-09
Landfill Mowing

Resolution by Councilman Patrick

Seconded by Councilman Jeffords

and passed unanimously by said Board,

RESOLVED, Ted Emerson be hired to mow the Town’s landfill at cost of \$700.00.

3) The Cossayuna Volunteer Fire Department is in the process of purchasing a 2009 Engine-Rescue to replace their 1981 Engine. The department is requesting the Town to hold a public hearing on the purchase. After the public hearing, it will be requested that the Town Board approve a resolution which authorizes and approves the Fire Department borrowing the money to purchase the new apparatus, with no obligation to the Town. This will fulfill the requirement of 147 (f) and 150 (e) of the Internal Revenue Code so that the interest on said obligations can be treated as tax exempt by the holder, thereby reducing the interest rate that the Fire Department needs to pay for financing.

RESOLUTION SETTING PUBLIC HEARING REGARDING THE COSSAYUNA VOLUNTEER FIRE DEPARTMENT,
INC.'S PROPOSAL TO INCUR FINANCIAL OBLIGATIONS FOR A 2009 ENGINE RESCUE APPARATUS

RESOLUTION NO: 78-09
Cossayuna Fire Department

INTRODUCED BY: Councilman Jeffords

WHO MOVED ITS ADOPTION

SECONDED BY: Councilman Whitehouse

WHEREAS, the Town of Greenwich and THE COSSAYUNA VOLUNTEER FIRE DEPARTMENT, INC. (Fire Company) have entered into an Agreement for fire protection, which Agreement sets forth a number of terms and conditions, and

WHEREAS, the Fire Company has requested approval to borrow up to \$250,000.00 to finance the purchase of a new 2009 Engine Rescue, so that the interest on the Fire Company's indebtedness will be considered tax exempt interest pursuant to the provisions of the Internal Revenue Code; and

WHEREAS, In accordance with the Fire Company's request, the Town Board wishes to

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set a public hearing on the Fire Company's request for approval, with 14 days notice in accordance with the Internal Revenue Code and Regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Greenwich Town Board shall conduct a public hearing concerning the proposed borrowing of \$250,000.00 by the Fire Company to purchase a 2009 Engine Rescue on August 11, 2009 at 7:45 P.M. in the meeting room of the Greenwich Town Office Building, 2 Academy Street, Town of Greenwich, Washington County, New York; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes and directs the Greenwich Town Clerk to publish a Notice of Public Hearing in the Journal-Press newspaper once at least fourteen (14) days prior to the Public Hearing.

Duly adopted this 14th day of July, 2009.

Roll Call:	Councilman Whitehouse	Aye
	Councilman Perkins	Aye
	Councilman Patrick	Aye
	Councilman Jeffords	Aye
	Supervisor Wilbur	Aye

AYES: 5
NOES: 0
ABSENT: 0

Motion by Councilman Perkins
Seconded by Councilman Whitehouse

and passed unanimously by said Board,

that the meeting be adjourned at 9:03 P.M.

Respectfully submitted,

Elaine A. Kelly, RMC, CMC
Town Clerk