

July 13, 2010

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 13, 2010 at 7:00 p.m.

PRESENT:	Sara Idleman	Supervisor
	Bob Jeffords	Councilman
	Steven Patrick	Councilman
	George Perkins	Councilman
	Eric Whitehouse	Councilman

Others Present: Elaine Kelly, Kellie Blake, Alan Wrigley, Rick Sullivan, Tim Tefft - The Journal Press, Jenni Waite-Harsha, Karen Maiurano, Kathy Keitel, Tom Ryan, Mimi Boyd, David Moore, Deb Moore, Dan O'Connor and Ed Holland.

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

RESOLUTION NO. 87-10
App. of Minutes 6/8 & 6/17/10

Resolution by Councilman Perkins
Seconded by Councilman Whitehouse

and passed unanimously by said Board,

RESOLVED, that the minutes of June 8 and 17, 2010 be approved and accepted as submitted.

CORRESPONDENCE:

- 1) NYS Renewal Application Notice was received from the VFW Post #7291 stating that they are filing for the renewal of their liquor license. The Board had no objections.
- 2) A letter was received from "Food For Kids" thanking the Board for their generous contribution to the 2010 "Food For Kids" summer program.
- 3) A certified letter was received from the Zoning Board of Appeals notifying the Town of Greenwich, as an adjoining property owner to property at 664 County Route 77, that a ZBA public hearing will be held concerning a setback encroachment. The property owner of 664 County Route 77 built a porch without obtaining a permit and is now requesting a 20 foot area variance.
- 4) A letter was received from Marta Foster Ward stating how grateful she is for all the preliminary work that has been done to reroute Hardscrabble Lane. She understands that there are still issues to resolve but looks forward to the new route exiting onto Ray Road. She specifically wanted to recognize Councilman Patrick who has been busy working to make this happen.

REPORTS:

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1) Planning Board Report: Board members received the minutes of the Planning Board meetings that were held on June 10 & 17, 2010. The following resolution was received from the Planning Board concerning Hardscrabble Lane:

*Resolution # 33-2010
Hardscrabble Lane Redirection*

Resolution by William Tomkins

Seconded by Michelle Wright

and passed unanimously by said Board;

RESOLVED, that having reviewed the Hardscrabble Lane redirection situation described by Town Councilman Steve Patrick and after consultation with Planning Board Attorney Tony Izzo and reviewing the definitions in the Subdivision Regulations that the redirection of Hardscrabble Lane is not a subdivision because it does not result in a new parcel neither is it a boundary line adjustment because there is no change in the boundary line between two contiguous parcels and be it further;

RESOLVED, that for the purposes of the Planning Board and the Town of Greenwich Subdivision Regulations that a public road such as Hardscrabble Lane is not a parcel, therefore, it does not need to be reviewed under the Town of Greenwich Subdivision Regulations.

2) ZBA Report: Board members received the minutes of the ZBA meetings that were held on June 3 & July 1, 2010.

3) Assessor Report: Assessor Colleen Adamec submitted the following report: This is a recap of my office. The Board of Assessment Review has completed their decisions. The final roll was filed on July 1, 2010. I went to my equalization and valuation meetings at the state. Currently we are waiting for more stabilization at the state to really get anything accomplished. Amanda and I are currently reviewing inventory both in the office and in the field. If you have any questions or problems, please feel free to call.

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

5) Dog Control & Animal Control Report: DCO & ACO Ed Holland & Nancy Quell's report stated that eleven calls were documented for the month of June. A full copy of the report is available at the Town Clerk's Office. A second fox was seen today at the beach. Ed will set traps tomorrow and report daily to the Town Office on his findings.

6) Highway Report: Highway Superintendent Rick Sullivan's report:

- 979.2 gallons of fuel used.
- Started second round of mowing
- Graded and applied calcium to Langley Hill, Mahaffey, River and Rabbit Roads
- Cut trees on North and Mahaffey Rd.
- Filled pot holes on Joe Bean, Bunker Hill, East Lake, North, Spraguetown and Meader Roads

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- Screened and delivered 120 yards of gravel to the Village of Greenwich
- Built up gravel on Ferguson and Riddle Roads
- Built shoulder shoot for G-8 and G-7 Trucks
- Screening gravel and sand on Irwin Road
- Spoke with Steve Patrick about replacing a stop sign with a yield sign on the corners of Hartshorn and Spraguetown Roads. Will table until August to allow time for the board members to speak with area residents.
- Speed limit request on Cottrell Road entire road 45 mph
- Hedges 42 Academy Street-have been taken care of.
- Thanked Leo Flynn for his help on Hardscrabble Lane.
- Was away at Reserves for 2 weeks and thanked Working Foreman Stan Mattison for doing a good job in his absence.
- Councilman Perkins thanked Rick for his military duty.
- Discussed the fact that only two of the three vehicles that were to be out for sale had been put out. The Board asked where the 3rd one was. Rick said they were still using it. The Board told him to put a for sale sign in the window of the truck even though they are still using it.

RESOLUTION NO. 88-10
Speed Limit Request Cottrell Road

Resolution by Councilman Whitehouse
Seconded by Councilman Patrick

and passed unanimously by said Board,

RESOLVED, that the Town Board of the Town of Greenwich hereby requests Washington County to perform a speed limit study to extend the 45 mph speed limit on Cottrell Road from the intersection of Lick Springs Road to the intersection of County Route 77.

7) Supervisor Idleman's report:

- Economic Development Roundtable; Monday, June 28, IDEARS
22 participants – Business leaders, Planners, Elected Officials
Some very concrete ideas came out of the meeting
Identify types of businesses appropriate for Greenwich
Identify land in commercial zones that is available for business use
Completing an inventory of available spaces for business
Bring together group of business people to reach out to new businesses
Work with Agriculture community to diversify
- Consider restructuring the Youth Program
Essentially a day camp with over 100 children involved
Current structure does not have a director of full day program from the planning stages through its completion.

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Responsibilities include: paperwork, working with Department of Health, registration, planning, and directing.

- Senior Housing
A local builder is interested and Supervisor Idleman has been in contact with him.
- County
The Public Health Committee is hiring a consultant to look at Pleasant Valley, Long Term Health Care, Hospice and Palliative Care, and the Certified Home Health Agency. Can those four entities be run more efficiently, can there be consolidation, should the sale of some of those entities be considered?

Budget Officer Kellie Blake submitted the June financial report for the Board's review.

8) Youth Report:

- Beach opened on June 20, 2010.
- Youth program began June 30, 2010.
- 111 Youth signed up for the program, had to close out any more for the Morning Program, still openings at Swim Lessons.
- Administrative issues addressed by Youth Committee.
- Attendance and accountability issues addressed by Youth Committee.
- Fox bite at beach, Swim Director Patrick Dore handled the situation with calm and professionalism.
- A couple children sent home this week because of the heat.
- Program Administrator position needed for next year – someone to begin in March and end in August setting up the program, trips, etc. from start to finish.
- Councilman Perkins thanked Kellie Blake for her service to the Youth Committee which was above and beyond the call of duty. Kellie has put in a great deal of time and effort and it's great to have her doing this.
- Councilman Perkins stated that when the youth program ends in August the Youth Committee needs to begin work on re-evaluating the program. It needs to be restructured, specific guidelines need to be developed for the program to ease the transition from year to year. This may lead to the recommendation of new Director position that would oversee the entire program and restructure the staff.

COMMENTS FROM THE PUBLIC:

1) Thomas J. Ryan Deputy Director, Government Relations New York State Canal Corporation and Sebastian Fanai-Danesh addressed the Board about navigational dredging. The Canal Corporation is currently attempting to gather resolutions from municipalities along the Hudson River/Champlain Canal corridor in support of expanding the GE/EPA cleanup to include navigational dredging in the next phase of the Hudson River dredging project.

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The EPA/GE project is not designed to restore navigability to the Champlain Canal and the Canal Corporation estimates that over 600,000 cubic yards of contaminated sediments will remain in the navigational channel when the dredging project is completed. These sediments will continue to restrict traffic, commerce, and recreation in the Champlain Canal long into the future unless they are incorporated into the larger project. This was tabled until the August meeting.

2) Christie Road residents David and Debbie Moore addressed the Board concerning the motocross track on John Robertson Road. Mr. Moore stated that he had been following the motocross issue in the paper and felt compelled to come and share a different viewpoint.

- Has not seen the traffic that has been referred to
- Has not seen the bikes racing on the road
- Seen a few trucks carrying 1 or 2 bikes
- Has taken his grandchildren to watch the races which are enjoyable
- Drives John Robertson Road every Sunday and has not ever seen cars parked on the road
- Is not a nuisance
- Outlet for parents and kids to motocross as a hobby
- Positive outlook as parents and their children have a chance to bond
- Personally no interest in motocross but doesn't have anything against it either
- Debbie Moore stated that their grandchildren are 5 and 6 and really enjoy watching the motocross. Young children are riding, feels it is good exercise, a source of parent/child bonding and is a good activity.

7:45 PM: Public Hearing on Proposed Local Law #1 of 2010 – A Local Law to Amend the Code of the Town of Greenwich by Amending Chapter 190, entitled, "Zoning".

The Clerk read the Public Hearing Notice.

Motion by Councilman Jeffords
Seconded by Councilman Whitehouse

and passed unanimously by said Board,

that the Public Hearing on Proposed Local Law #1 of 2010 be opened at 7:47 P.M. for public comment.

No Comments.

Motion by Councilman Jeffords
Seconded by Councilman Perkins

and passed unanimously by said Board,
that all persons desiring to be heard, having been heard, the Public Hearing be closed at 7:48 P.M.

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RESOLUTION NO. 89-10
Local Law #1 of 2010

Resolution by Councilman Perkins
Seconded by Councilman Whitehouse

RESOLVED, that Town of Greenwich Local Law #1 of 2010 be approved and adopted as presented:

A LOCAL LAW TO AMEND the Code of the Town of Greenwich
By Amending Chapter 190, entitled "Zoning".

BE IT ENACTED by the Town Board of the Town of Greenwich as follows:

Section 1. Two new definitions defining "AUCTION FACILITY" and "LIVERY" are hereby added to Section 190-5 of Article II of Chapter 190, Zoning, as follows:

"AUCTION FACILITY" Any building or lot, or part of a building or lot, primarily used for the public sale of goods, wares, merchandise or livestock to the highest bidder.

"LIVERY" A business which transports people by motor vehicle for a fee and may include facilities for the storage and/or maintenance of said vehicles. Excludes situations where no fee is charged.

Section 2. The definition of "AGRICULTURAL STRUCTURE" AS SET FORTH IN Section 190-5 of Article II of Chapter 190, Zoning, is hereby amended to read as follows:

"AGRICULTURAL STRUCTURE" Any barn, stable, shed, silo, garage, farm housing, farm stand less than 500 square feet, observation tower or other structure directly and customarily associated with agricultural or forest management activities and used in connection with an agricultural use.

Section 3. Subsection D (1) of Section 190-61 of Article VIII of Chapter 190, Zoning, is hereby amended to read as follows:

An off-site commercial sign with a face size in excess of 6 square feet.

Section 4. Subsection B of Section 190-77 of Article X of Chapter 190, Zoning, is hereby amended to read as follows:

B. Substantial damage or destruction. In the event that any nonconforming structure or use is substantially damaged or destroyed, by any means other than demolition, to the extent of more than 50% of the cost of replacement of such structure new, proof should be supplied by the applicant in written estimate form of replacement value and work to be done by a minimum of two reputable agencies. Such structure shall not be restored unless, if within six months after the substantial damage,

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the owner of said nonconforming use notifies the Code Enforcement Officer, in writing, of his intent to restore said nonconforming use substantially to the conditions existing prior to the disaster. It is the owner's responsibility to provide documentation of existing nonconforming conditions prior to the disaster to satisfy the Code Enforcement Officer. In that instance, the Code Enforcement Officer shall permit the issuance of a building permit within 30 days of receipt of the written notice of intent for such substantial restoration without further action. Restoration under this section shall be commenced within six months of the date of issuance of a building permit, and restoration shall be completed within one year of the issuance of the building permit. In the event that the Code Enforcement Officer is not notified of the intent to restore the nonconforming use within the time limit stated, such structure shall not be restored unless the structure and use thereof shall conform to all current regulations of this chapter.

Section 5. LIVERY as added to in 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 Livery. Under the heading of Rural Agricultural District, add SUP and under the heading of Industrial District, add SPR.

Section 6. LIVERY as added to Section 190-5 of Article II of Chapter 190, Zoning, is hereby added to Table 2A as follows: Under the heading Use, add Livery; under the heading Minimum Lot Size add 3; under the heading Minimum Road Frontage add 300; under the heading Minimum Front Yard Setback add 50/75; under the heading Minimum Side Yard setback add 50; under the heading Minimum Rear Yard Setback add 50; under the heading Maximum Height add 50; and under the heading Maximum Lot Coverage add 20%.

Section 7. LIVERY as added to Section 190-5 of Article II of Chapter 190, Zoning, is hereby added to Table 2E as follows: Under the heading Use, add Livery; under the heading Minimum Lot Size add 1; under the heading Minimum Road Frontage add none; under the heading Minimum Front Yard Setback add 50; under the heading Minimum Side Yard setback add 35/50; under the heading Minimum Rear Yard Setback add 15; under the heading Maximum Height add 60; and under the heading Maximum Lot Coverage add 60%.

Section 8. AUCTION FACILITY as added to Section 190-5 of Article II, Zoning, is hereby added to Table 1 as follows: Under the heading Use, add Auction Facility, under the heading Rural Agricultural District, add SUP.

Section 9. AUCTION FACILITY as added to Section 190-5 of Article II of Chapter 190, Zoning, is hereby added to Table 2A as follows: Under the heading Use, add Auction Facility; under the heading Minimum Lot Size add 5; under the heading Minimum Road Frontage add 300; under the heading Minimum Front Yard Setback add 50/75; under the heading Minimum Side Yard setback add 50; under the heading Minimum Rear Yard Setback add 50; under the heading Maximum Height add 50; and under the heading Maximum Lot Coverage add 20%.

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Section 10. Effective Date

This local law shall become effective immediately upon filing with the New York Department of State.

ROLL CALL:	Councilman Whitehouse	Aye
	Councilman Perkins	Aye
	Councilman Patrick	Aye
	Councilman Jeffords	Aye
	Supervisor Idleman	Aye

Carried.

COMMENTS FROM THE PUBLIC (con't)

3) Kathy Keitel stated her displeasure with the condition of the flags at the roundabout and would like to see them replaced. Councilman Jeffords stated that the flags are changed once a year and it will be done. Councilman Perkins stated that the flag in the Commons will be replaced as well.

UNFINISHED BUSINESS:

1) Dog Control & Animal Control Officer: Ed Holland & Nancy Quell – Current appt. expires 7/15/10. The Board has decided to increase this to a 3 month appointment.

RESOLUTION NO. 90-10
Dog Control/Animal Control

Resolution by Councilman Perkins
Seconded by Councilman Jeffords

and passed unanimously by said Board,

RESOLVED, that Ed Holland and Nancy Quell be appointed as Animal Control and Dog Control Officers through October 15, 2010, with a pay rate of \$15.00 per call for Animal Control and a prorated salary for Dog Control based on the annual salary of \$2500.00 and be it further

RESOLVED, that this appointment be re-visited at the October board meeting.

2) Facilitation Agreement and Polling Site Operations Agreement with Washington County Board of Elections. This is the second year, that under the "Help America Vote Act" (HAVA), elections now fall under the duties of the County. However, several items that need to be ready for Election Day are still done at the Town level; therefore Washington County has requested the Town Clerks to continue to provide these services to assure the day runs smoothly. Thus, the Facilitation Agreement has been written to address exactly what things need to be done and by whom. The Polling Site Operations Agreement is an annual agreement with the County for the use of the polling sites on Primary Day and Election Day. These agreements were initially reviewed by Attorney Wrigley and now are annual renewals.

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RESOLUTION NO. 91-10

Elections – Facilitation & Polling Site Operations Agreements

Resolution by Councilman Whitehouse
Seconded by Councilman Perkins

and passed unanimously by said Board,

RESOLVED, that Supervisor Sara Idleman is authorized to sign the Facilitation & Polling Site Operations Agreements with Washington County Board of Elections.

NEW BUSINESS:

1) NYS Retirement Reporting Resolution.

RESOLUTION NO. 92 -10

Retirement- Standard Work Day and Reporting Resolution

Resolution by Councilman Jeffords
Seconded by Councilman Whitehouse

and passed unanimously by said Board,

BE IT RESOLVED, that the Town of Greenwich hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body:

ELECTED OFFICIALS					
TITLE	NAME	STANDARD WORK DAY (HRS/DAY)	TERM BEGINS/ENDS	EMPLOYER RECORD OF TIME WORKED (Y/N)	Days/Month (based on Record of Activities)
Town Clerk	Elaine A. Kelly	6	01/01/2010 - 12/31/2013	N	22.57
Board Member	Steven J. Patrick	6	01/01/2010 - 12/31/2013	N	3.06
Board Member	Robert W. Jeffords	6	01/01/2008 - 12/31/2011	N	3.67
Board Member	George R. Perkins	6	01/01/2008 - 12/31/2011	N	3.75
Board Member	Eric W. Whitehouse	6	01/01/2010 - 12/31/2013	N	3.00
Supt of Highways	Rick E. Sullivan	8	01/01/2010 - 12/31/2011	N	26.63
APPOINTED OFFICIALS					
Clerk to the Supervisor	Kellie A. Blake	6	01/01/2010 - 12/31/2010	N	22.58
Assessor	Colleen A. Adamec	6	09/20/2007 - 09/20/2013	N	13.14
Dog/Animal Control Officer	Edward A. Holland	8	01/01/2010 - 10/15/2010	N	2.10

2) Proposed Local Law #2 of 2010. Amendments to the Code the Town of Greenwich. These amendments are Resolutions #39 and #76 which address the Highway Call-In Policy and First Refusal Policy respectively.

RESOLUTION NO. 93-10

LL #2 of 2010 Code Amendments

Resolution by Councilman Whitehouse
Seconded by Councilman Perkins

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RESOLVED, that the Town Board adopt Proposed Local Law #2 of 2010, "A Local Law to amend the Code of the Town of Greenwich by amending Chapter 54, entitled "Personnel Policies", and be it further

RESOLVED, that a public hearing be held by the Greenwich Town Board at the Town Hall, 2 Academy Street, Greenwich, NY on Tuesday, August 10, 2010 at 7:45 P.M. for the purpose of obtaining public comment on said proposed law.

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

Notice was received from the Federal Surplus Property Program. Policies in their program mandate that every three years each participant be recertified. This certifies that the Highway Superintendent and members of the Town Board are designated representatives for the Town of Greenwich.

RESOLUTION NO. 94-10
Federal Surplus Property Program

Resolution by Councilman Jeffords
Seconded by Councilman Patrick

and passed unanimously by said Board,

RESOLVED, that the Supervisor is authorized to sign the recertification application with Federal Surplus Property Program.

Motion by Councilman Perkins
Seconded by Councilman Whitehouse

and passed unanimously by said Board,

that the Board enters into Executive Session at 8:08 P.M. to discuss pending litigation.

Motion by Councilman Perkins
Seconded by Councilman Whitehouse

and passed unanimously by said Board,

that the Regular meeting be resumed at 8:33 PM.

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Supervisor Idleman stated that the executive session was devoted to pending litigation and further instructions were given to the Attorney for negotiations.

BUDGET AMENDMENT:

RESOLUTION NO. 95-10
Budget Amendment 7/13/10

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

RESOLVED, that the following budget amendment is approved: Increase appropriations in H38160.202 Landfill Closure – Contractual Expense by \$2,450.20 from Capital Fund Landfill Account for landfill monitoring tests and landfill mowing.

AUDIT BILLS & AUTHORIZE PAYMENT.

RESOLUTION NO. 96-10
Payt. of Bills 7/13/10

Resolution by Councilman Jeffords
Seconded by Councilman Perkins
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:	0204	\$ 576.52
General Town-wide (A):	0205-0254	\$12,652.47
General Outside Village (B):	0255-0260	\$40,126.78
Special District Lighting (SL):	0261	\$ 841.36
Highway Town-wide (DA) Pre-pay:	5096	\$ 20.49
Highway Town-wide (DA):	5097	\$ 149.22
Highway Outside Village (DB):	5098-5107	\$ 7,045.62
Capital Fund Landfill Closure:	3002-3003	\$ 2,450.20

Motion by Councilman Jeffords
Seconded by Councilman Whitehouse
and passed unanimously by said Board,
that the meeting be adjourned at 9:04 P.M.

Respectfully submitted,
Elaine A. Kelly, RMC, CMC
Town Clerk