

March 10, 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, March 10, 2009 at 7:00 p.m.

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

Others Present: Elaine Kelly, Kellie Blake, Rick Sullivan, Stanley Mattison, Dan O'Connor, Tony Basile - The Journal Press, Tom Foster, Carl Thygesen, Greg Edinger, Dieter Drake, Tim Whalen, Ann Whalen, Bill Tomkins, Gail Fryer, Pam Fryer, Marianne Vernon, Sheila Rider, Jeff Sharts, Rich Bittner, Lynne Bittner, Dawn Sharts and David Guyette.

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

RESOLUTION NO. 16-09
Budget Amendment 03/10/09

Resolution by Councilman Jeffords
Seconded by Councilman Whitehouse

and passed unanimously by said Board,

RESOLVED, that the following budget amendment be approved:

1) Increase appropriations in H38160.202 by \$370.00 from Capital Fund Landfill for landfill gas monitoring test.

RESOLUTION NO. 17-09
Payt. of Bills 03/10/09

Resolution by Councilman Whitehouse
Seconded by Councilman Perkins

and passed unanimously by said Board

RESOLVED, that the following bills on Abstract #9003 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:	0059	\$ 1,109.98
General Town-wide (A):	0060-0089	\$ 6,445.68
General Outside Village (B):	0090-91	\$ 97.99
Special District Lighting (SL):	0092	\$ 867.47
Capital Fund Landfill Closure :	3001	\$ 370.00
Highway Town-wide (DA) Pre-pay:	5028	\$ 213.67
Highway Town-wide (DA):	5029-5031	\$16,274.11
Highway Outside Village (DB):	5032-5040	\$ 7,916.79

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RESOLUTION NO. 18-09
App. of Minutes 2/10/09

Resolution by Councilman Whitehouse
Seconded by Councilman Jeffords

and passed unanimously by said Board,

RESOLVED, that the minutes of February 10, 2009 be approved and accepted as submitted.

CORRESPONDENCE:

- 1) A letter was received from Kilburn Road resident Ann Casselman thanking the Highway Department for their hard work. Ms. Casselman stated that the maintenance on Kilburn Road has been wonderful this year.
- 2) A letter was received from resident Dawn Sharts stating that she wanted this letter to be considered a formal complaint on 76 and 329 Mahaffey Road. Ms. Sharts states that this property is being used for a business and is in violation of the Town's zoning law. This complaint had been given to Code Enforcement Officer Dan O'Connor who investigated it and found no violation.
- 3) A letter was received from Ryan Road residents Gail & Robert Dewey asking the Board to do whatever is necessary to stop Larry Burch from burying carcasses on Ryan Road.
- 4) A letter was received from State Route 29 resident Joseph LaBarbera whose property is situated directly to the south of the parcel in question for carcass burial. Mr. LaBarbera cited many issues with the carcass dumping and asked the Board to immediately address the problem.

COMMENTS FROM THE PUBLIC:

- 1) Dieter Drake addressed the Board about the Tour of the Battenkill bicycling race scheduled for April 18 & 19. The Tour of the Battenkill is the largest cycling race in the USA with 1800-2000 racers expected for the amateur race on Saturday and 200 racers for the professional race on Sunday. The race will begin in Cambridge and travel 62 miles around the Battenkill Valley, passing through the Towns of Cambridge, White Creek, Jackson, Salem, Easton and Greenwich and the Villages of Cambridge, Salem and Greenwich. The professional race on Sunday will be the same course but two laps for a total of 124 miles. Mr. Drake is looking for volunteers and also asked the Board for a letter of support. Web address is *TouroftheBattenkill.com*.
- 2) Dawn Sharts addressed the Board by reading a prepared statement. Dawn stated that she was not representing any Board and doesn't want anyone to take it personally but she cannot sit by while someone is blatantly breaking the law and is allowed to do so. She doesn't like the fact that she has to address the Board with a complaint as complaints are supposed to be anonymous. Dawn referred to the correspondence which was read tonight and stated it was a prime example of a complaint that was sent to Code Enforcement Officer Dan O'Connor and supposed to be anonymous but yet it was read aloud.
Town Clerk Elaine Kelly stated that the letter was addressed to the Town Board and that as Town Clerk she did not have the right to pick and choose what was read as correspondence. She is obligated to present it. The Clerk also said that if the letter had not been addressed to the Town Board but only to the Code Enforcement Officer, it would not have come across her desk therefore not being Board correspondence. Dawn said that she understood and would be sure not to make that mistake again.

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Dawn stated that she feels the laws are not properly enforced and is extremely unhappy with the carcass dumping issue and blames the Planning Board, the Town Board, the Town Attorney and the Code Enforcement Officer.

- Why didn't Dee Burch receive penalties for breaking the law when it states in the Zoning Ordinance that there are penalties?
- Why is the Board bending over backwards for one person who is continually breaking the law?
- Why isn't the Code Enforcement Officer being reprimanded instead of complimented?
- Why is it that the Supervisor and the Code Enforcement Officer after seeing a downed animal in an ice storm do nothing?
- Feels Larry and Dee Burch should have gotten another cease and desist order and had it delivered to their attorney immediately.
- Concerned that the smell will intensify as the weather gets warmer.
- Doesn't understand why they are allowed to continue.
- Feels the Code Enforcement Officer should recuse himself because of conflict of interest.
- Why isn't Mr. Burch being made to clean up the animals that have been dumped?
- Surrounding residents are very concerned about their wells.
- Asked the Board to do the right thing before it is too late.

3) Ann Whalen also addressed the Board concerning the carcass dumping issue. She stated that she has done a lot of research and made a lot of phone calls. The Battenkill Conservancy is worried about the possible pollution of Trout Brook and the Battenkill Watershed as well as the health and safety of the neighbors on Ryan Road. As a citizen, she doesn't feel that it is fair that the neighbors have been coming to meetings twice a month since last summer, they have to worry about paying for water testing of their wells for a very long time and they are left to watch their neighbors and monitor what they are doing.

She went to the Town of Hartford and read one year of minutes in regards to the C & C rendering plant that was located there. Neighbors complained of an odor for a year before the odor was gone. Supervisor Nancy Hall said that the smell could be detected for two miles from the site. During this whole time, C & C was trying to compost. The owner was given a video and also received advice from DEC. The owner was also quoted in the Hartford minutes that "It just didn't work out for me".

Composting sounds easy but is not as easy as one might think. It takes knowledge, training and education. The owner was issued a cease and desist order and was required to clean up the mess; unlike Greenwich where the owner got nothing. In Greenwich, there was no provision to have it cleaned up nor was there any provision for on-site monitoring. She doesn't feel this is right and thinks that Hartford made the right move. Lastly, even though the Town of Hartford tried repeatedly to get help from DEC and Ag & Markets they couldn't get any help as they were told there were no regulations. Their only resolution was to pass a local law to ban this sort of activity. Ann asked this Board to think about these things as this issue continues. There is more to this than just stopping it in Greenwich, it is a state-wide problem.

4) Gail Fryer stated that her property borders the LaBarbera's property and both properties are near the dumping site. She had gone for a walk on Sunday and saw pools of bloody water, rotting flesh, and bones protruding from the dirt piles. It was quite unnerving and there was also a foul odor in the area.

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5) Dave Guyette addressed the Board concerning the complaint that was filed on 76 & 329 Mahaffey Road. Mr. Guyette stated that he rents part of the building at 76 Mahaffey Road and shares that residence with a handicapped individual who attends the Battenkill Community Service program. The buses for Battenkill Community Services are parked there. The other property at 329 Mahaffey Road is rented by two people, one of whom works for Battenkill Community Services and the other works somewhere else. He then stated that it is actually a family that lives there. There is no business there except for buses being parked in the driveway.

REPORTS:

1) Greenwich Fire Department Report: An activity report for February 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 February 12 & 19, 2009. Planning Board Chairman Bill Tomkins addressed the Board concerning the carcass dumping on Ryan Road. He stated that some of the issues that came up are not typically handled in land use regulations but rather in a licensing procedure. There is a mechanism in our Zoning Ordinance that allows for renewable permits but the more typical way of regulating an ongoing operation is through licensing. The Planning Board's recommendation is that this becomes a County licensing issue rather than just a Greenwich issue as the problem of disposing of animal carcasses is county-wide.

Rich Bittner questioned why it should go to the County and not remain a Greenwich decision. Bill stated that if it is handled just by the Town of Greenwich then we may be just driving the problem over the border to the next town. If the County would do this it could be their approach to ongoing regulations and not be in a land use regulatory position.

Planning Board member Carl Thygesen stated that he agrees with Bill that it is a county-wide problem and that it should be a county-wide regulation. If these operations are licensed and bonded then there would be a lot more control.

Supervisor Wilbur stated that we have home rule and that is important to people.

The Planning Board requests that Supervisor Wilbur still bring this to the County for consideration. Supervisor Wilbur agreed and the Planning Board will put the licensing request in writing for Washington County to consider.

Jeff Sharts agreed with Bill and Carl as the farmers do need a place to send their animals. He doesn't want to bury animals on his property and it was great when the rendering plant was open as you could send the animal there and not have to worry about it.

Supervisor Wilbur stated that he understands that, but we had just read a letter encouraging farmers to bury on their own land, so it shows there are lots of different opinions.

Ann Whalen stated that she is also trying to come up with a solution and has spoken with Jean Bonhotal, a senior Extension associate with Cornell Waste Management Institute. Because the rendering plants are closing and this is becoming a problem all over the State, Ms. Bonhotal organized a meeting with DEC, Ag & Markets, Farm Bureau and Cornell Waste Management.

They are trying to come up with a set of state guidelines for animal carcasses and Ann suggested that Supervisor Wilbur speak with Ms. Bonhotal.

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Supervisor Wilbur stated that it is the Town Board's intention to set a special meeting with the Planning Board and Zoning Board of Appeals to address some possible changes to the Zoning Ordinance.

RESOLUTION NO. 19-09
Special Meeting

Resolution by Councilman Jeffords
Seconded by Councilman Perkins

and passed unanimously by said Board

RESOLVED, that a Special Meeting be held on Tuesday, March 17 at 7:00 PM to address possible changes to the Town's Zoning Ordinance.

3) Assessor Report: No Report.

4) Code Enforcement Report: Code Enforcement Officer Dan O'Connor's report stated that three building permits had been issued during the month of February and one complaint was filed. The complaint was investigated and found that the property was not in violation of the Town's zoning ordinance.

5) Highway Report: Highway Superintendent Rick Sullivan stated that 1280 gallons of fuel were used in February and the crew is doing a lot of vehicle maintenance, tree removals and pot hole repair. The department is getting ready to sweep the roads but is finding a great deal of problems with the sweeper. Rick would like to take the pull behind broom, add two motors to it and attach it to a plow frame on the front of one of the trucks. Rick stated that he has money in his equipment account for this purchase. Quotes for the motors were as follows:
Meridian Hydraulics - \$500 ea; Adirondack Highway - \$785 ea; and M & B \$793.56 ea.

RESOLUTION NO. 20-09
Highway - Hydraulic Motors

Resolution by Councilman Whitehouse
Seconded by Councilman Perkins

and passed unanimously by said Board

RESOLVED, Highway Superintendent Rick Sullivan be authorized to purchase two (2) hydraulic motors from Meridian Hydraulics at a total cost of \$1,000.

Clerk to Supervisor Kellie Blake told Rick that the money in the equipment account was earmarked for a sander. Was he foregoing the sander? Rick stated that yes, he was.

Rick told the Board that he had also gathered the following quotes for a 1-piece, 12 foot set of grader bits which he had allocated \$3400 in the budget:
Wholesale Distributors - \$2874.00; Chemung Supply - \$2939.00; Adirondack Highway \$2999.91.

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Highway Foreman Stan Mattison said that the bit holders they currently have are welded in and the new ones are molded into the steel. The difference being that on the current one, where each bit holder comes together, it catches rocks and breaks the tip off. The new one being molded makes it much stronger. Supervisor Wilbur asked Councilman Whitehouse, that as a member of the Highway committee, what his thoughts on this were. Councilman Whitehouse stated that Stan is extremely familiar with this machine and that he would trust his advice on what it needs.

RESOLUTION NO. 21-09
Highway Grader Bits

Resolution by Councilman Whitehouse
Seconded by Councilman Jeffords

and passed unanimously by said Board

RESOLVED, Highway Superintendent Rick Sullivan be authorized to purchase a one piece, 12 foot set of grader bits from Wholesale Distributors at of cost of \$2874.00

Rick stated that he has contacted four contractors for quotes on a new wood boiler but only two had provided quotes at this time. Hopefully by next meeting he will have a 3rd one. The highway crew has been working very hard and turnout has been 100% for call-ins. Councilman Perkins thanked the Highway department for the good report that the Town received on the roads.

6) Supervisor Report: Supervisor Wilbur announced that Councilman Bob Jeffords is the newest member of the Warren & Washington Counties IDA and will attend his first meeting on Monday at 4pm. Congratulations were extended to Bob. The County is ready to start its first round of budget workshops for the 2010 budget. Information is received almost daily on the federal stimulus package and how it will impact the County. Currently it looks as though the County will receive Medicaid funding of approximately \$4 million over nine quarters retroactive to the 4th quarter of 2008 and continuing through the last quarter of 2010. This will be a big help and about the same time that the stimulus payments end, the trash plant contract payments will end. These stimulus payments will help to bridge the gap and help in the budget process. No word has been received on the other projects that have been applied for.

7) Youth Report: Councilman Perkins stated that the first youth committee meeting of the year was held on March 3rd and the dates for the 2009 summer youth program are as follows:
Applications for Supervisory positions due by March 27.
Beach opens Sunday, June 21st and closes Sunday, August 23rd
LIFTS, Arts & Crafts & Swim Signup – Saturday June 6th.
Arts & Crafts & Swim Lessons: Monday, June 29 – Friday, August 7th.
All bus trips for the program have been scheduled.
New playground equipment will need to be installed this spring.
The National Honor Society will paint the guard house, the bathrooms and the lifeguard chair.
The Department of Health regulations require submission of the youth camp application 60 days before the program starts so ads were placed in the papers this week and next week for Beach Administrator, Morning Program Director and Arts & Crafts Director.
Different options are being researched for solutions to the goose problem at the beach. Audible devices have been looked into but no references have been able to be obtained. At this time

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Councilman Perkins does not feel he can make any recommendations and we may have to continue to use the dogs.

Next meeting: March 30, 2009 at 4:00 pm in the H.S. Media Center.

UNFINISHED BUSINESS:

1) ZBA Alternate Member Vacancy. An advertisement to fill a 4-year Alternate Member position on the ZBA has been published for 4 weeks but no applications were received. The Board decided to leave it up to word of mouth advertisements at this point.

NEW BUSINESS:

1) Amendment to Zoning Ordinance: Due to the time required to adequately address these proposals, a special meeting was scheduled for Tuesday, March 17th at 7:00 PM.

2) Facilitation Agreement with Washington County Board of Elections. 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 most efficiently done at the Town level. Personally knowing the election inspectors is a tremendous help when calls are needed to coordinate and schedule workers for the day etc. Therefore, Washington County has requested the Town Clerks to still provide some services to assure the day runs smoothly. Thus an agreement has been written to address exactly what things need to be done, by whom and how monetary reimbursement of expenses will occur. The agreement was brought before the Board tonight for approval and will be addressed on an annual basis.

RESOLUTION NO. 22-09
Elections – Facilitation Agreement

Resolution by Councilman Jeffords
Seconded by Councilman Perkins

and passed unanimously by said Board,

WHEREAS, the Washington County Board of Elections desires to have the Town of Greenwich carry out specific items of Washington County's Election duties, and

WHEREAS, the Town of Greenwich accepts the Washington County Board of Elections request to do so, now therefore be it

RESOLVED, that Supervisor Donald Wilbur is authorized to sign the Elections Facilitation Agreement.

3) Garden Maintenance: A letter was received from Cindy & Jim Schneible stating that they are willing to take care of The Commons again this year and are requesting \$11.00 per hour.

RESOLUTION NO. 23-09
Lawn Care/Garden Maintenance

Resolution by Councilman Perkins
Seconded by Councilman Whitehouse

and passed unanimously by said Board,

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RESOLVED, that Jim & Cindy Schneible be hired for garden maintenance for the 2009 season at a rate of \$11.00 per hour.

Councilman Jeffords stated that the tree behind the Town Office building needs to be looked at and possibly removed. Highway Superintendent Rick Sullivan stated the he has used Sears Tree Service in the past and they charge approximately \$450 per tree. Councilman Perkins will contact Don Dulmer to come and assess the tree.

4) Lawn care for 2 Academy Street, the Town Beach, the sidewalks along Route 29 and maintenance at the roundabout was discussed. It was noted that Empire Lawn Service had done a great job again last year. Mowing and trimming on the north side of guardrails from the Plaza entrance to Betterbee was added this year.

RESOLUTION NO. 24-09
Lawn Care 2009

Resolution by Councilman Whitehouse
Seconded by Councilman Jeffords

and passed unanimously by said Board,

RESOLVED, that the Town of Greenwich contract with Empire Lawn Service to perform lawn care maintenance for the 2009 season at the Town Office Building at 2 Academy Street, the Town Beach at 2128 State Route 29, the grassy areas along the town sidewalks beginning at the west end of the Greenwich Cemetery and continuing to Fiddlers Elbow Road, and mowing and trimming on the north side of guardrails from the Plaza entrance to Betterbee at a cost of \$6065.00.

5) Gail Fryer and her daughter Pam again addressed the Board concerning the carcass issue. They were out for a walk on Sunday and showed the Board some very disturbing pictures of what they saw. Pam asked the Board to please consider the effect that this issue will have on wildlife, future property owners, etc. when making their decision.

Motion by Councilman Perkins
Seconded by Councilman Whitehouse

and passed unanimously by said Board,

that the meeting be adjourned at 8:53 P.M.

Respectfully submitted,

Elaine A. Kelly, RMC, CMC
Town Clerk

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