

MAY 11, 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, May 11, 2010 at 7:00 p.m.

PRESENT:	Sara Idleman	Supervisor
	Bob Jeffords	Councilman
	Steven Patrick	Councilman 7:55 pm
	George Perkins	Councilman
ABSENT:	Eric Whitehouse	Councilman

Others Present: Elaine Kelly, Kellie Blake, Alan Wrigley, Rick Sullivan, Tim Tefft - The Journal Press, Meaghan Wilkins - The Eagle, Deborah Dedeo, David Dedeo, Ed Holland, Linda Reese, Sharon Kruger, Michael Connors, Marilyn Boyd, Jim Allen, Rebecca Sampson and Mary Green.

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

RESOLUTION NO. 51-10
App. of Minutes 4/13 & 4/27/10

Resolution by Councilman Jeffords
Seconded by Councilman Perkins

and passed unanimously by said Board,

RESOLVED, that the minutes of April 13 & 27, 2010 be approved and accepted as submitted.

CORRESPONDENCE:

- 1) A thank you note was received from Cornell Cooperative Extension and WI\$H (Washington County Inspiring Successful Habits) thanking the Town for the use of the office building as one of twelve sites for the Volunteer Income Tax Assistance. The program offered free tax preparation to 749 clients with refunds totaling \$1,637,000.
- 2) A letter was received from NYS Department of Transportation stating that the Department has conducted speed limit studies on Derby Road, McDougal Lake Road and Hartshorn Road and has determined that speed limit reductions are warranted. A Notice of Order for a 40 MPH speed limit has been written for Hartshorn Road between Spraguetown Road and McClay Road. Notice of Orders for 45 MPH speed limits have been written for Derby Road between North Road and Richards Road, and for McDougal Lake Road between State Route 29 and Kilburn Road.
- 3) A letter was received from Hubbard Hall Projects requesting use of The Commons to perform its production of "The Taming of the Shrew" at 7 PM on Tuesday, July 20, 2010. HHP will provide the Town with a Certificate of Insurance naming the Town as an additional insured.

MAY 11, 2010

RESOLUTION NO. 52-10
Hubbard Hall Projects

Resolution by Councilman Jeffords
Seconded by Councilman Perkins

and passed unanimously by said Board,

RESOLVED, that upon receipt of a Certificate of Insurance naming the Town of Greenwich as an additional insured in the minimum amount of \$1,000,000, Hubbard Hall Projects be granted permission to use The Commons to perform its production of "The Taming of the Shrew" at 7 PM on Tuesday, July 20, 2010.

- 4) The Town Board received an invitation to participate in the 2010 Turning Point Parade in Schuylerville on Sunday, August 1st at 1:00 P.M. There was no commitment at this time.
- 5) A thank you note was received from the Chris McCormick family for the dish garden that was sent in Chris' memory.

COMMENTS FROM THE PUBLIC:

- 1) Marilyn Boyd stated that she would like to have the Assessor in attendance for the town board meetings. She also requested that there be a "Comments from the Public" segment after the reports are reviewed to allow for comments. Supervisor Idleman stated that would be fine but please be aware of the time.
- 2) Jim Allen of Allen Forestry stated that he had submitted the project sign off letter and that all contractual agreements and job specifications had been met for the timber harvesting project. A final inspection was completed and all was in order. By signing off, Mr. Allen was releasing Ben Jackson from the job and requested that Mr. Jackson's performance bond be released and returned in full.

REPORTS:

- 1) Planning Board Report: Board members received the minutes of the Planning Board meetings that were held on April 8 & 15, 2010.
- 2) ZBA Report: No meeting in April.
- 3) Assessor Report: Assessor Colleen Adamec submitted the following report: This is a recap of my office. I am still doing informal hearings. I have very few. Grievance day is May 26th. We have 11 formally filed grievances. I am assisting the village to get their roll on RPS. We will also be attempting to run the tax bills at the village level to save money. 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 six building permits had been issued during the month of April.
- 5) Dog Control & Animal Control Report: DCO & ACO Ed Holland & Nancy Quell's report stated that 10 calls were documented for the month of April. A full copy of the report is available at the Town Clerk's Office. The Town received a copy of the Municipal Shelter Inspection report from Ag & Markets which showed that the inspection was satisfactory.

MAY 11, 2010

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

- 686.0 gallons of fuel used.
- Changed 13 culvert pipes: 9 on Spraguetown Rd, 3 on North Rd, 1 on McDougal Lake Rd
- Maintenance: oil changes & greasing all equipment
- Speed limit reduction request for John Robertson & Christie Rd – 45 MPH

RESOLUTION NO. 53-10

Speed Limit Request John Robertson and Christie Roads

Resolution by Councilman Jeffords

Seconded by Councilman Perkins

and passed unanimously by said Board,

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

RESOLVED, that the Board requests that said speed limit on John Robertson Road not exceed 45 mph and that said speed limit on Christie Road not exceed 40 mph..

Quotes for Magnesium Chloride:

Innovative:	Magnesium Chloride Flakes	1 metric ton bags (2204 lbs)	393.00/bag
	Calcium Chloride Flakes	1 metric ton bags (2204 lbs)	363.00/bag
Schoenberg Salt Co.:	Dow Flakes	1 ton bags (2000 lbs)	405.00/bag
Capital Tractor:	Magnesium Chloride Flakes	1 metric ton bags (2205 lbs)	445.00/bag
	Calcium Chloride Flakes	1 ton bags (2000 lbs)	460.00/bag

Rick stated that he would like to try calcium chloride this year.

RESOLUTION NO. 54-10

Calcium Chloride Flakes

Resolution by Councilman Perkins

Seconded by Councilman Jeffords

and passed unanimously by said Board,

RESOLVED, that Highway Superintendent Rick Sullivan be authorized to purchase 20 metric ton bags of calcium chloride flakes from Innovative at a cost of \$363.00 per bag.

The Board decided to discuss the truck and grader specs as well as the “2010 Agreement to Spend Highway Funds” later in the meeting when the remaining board members were present.

7) Supervisor Report: Supervisor Idleman’s report:

- Motocross on John Robertson Road – continued concerns by residents of the area. Still need a way to prove that it is a commercial venture.

MAY 11, 2010

Deborah Dedeo: Provided Supervisor Idleman with a file of information that she began collecting in 2004. Pictures were also provided. Last week the track seemed to have a “junior” day as the place was full with children. Seems like there would be a lot of liability incurred there.

David Dedeo: Stated that he talked with DEC last fall and was told that it did not have to be deemed commercial to shut the operation down as it also falls under the classification of dust pollution and the owner does not have to be getting paid to fall under that classification. The dust pollution impacts the quality of their hay crop and they cannot continue to take a loss.

Mary Green: Why is the focus on it being a commercial activity?

Councilman Jeffords: The only town law that addresses this is our Zoning law where it falls under commercial. The other laws are state laws which are enforced by state agencies such as DEC.

David Dedeo: In Fort Edward it was the Town that went forward with DEC.

Councilman Jeffords: Fort Edward has a nuisance law that would cover this.

Attorney Wrigley: If DEC needs our assistance that’s ok but if DEC has an anti-dust statute or air pollution statute that is theirs to enforce. We would be happy to work with them if that is what they need but it is their statute, not ours, and there is nothing we can do about it.

David Dedeo: So if it’s not commercial we basically have to put up with it?

Attorney Wrigley: No, that’s not what I am saying. The Town of Greenwich has certain tools and those are the tools that we can enforce. DEC has certain tools and those are the ones that they enforce such as air pollution so you will need to get a DEC enforcement action.

Sharon Kruger: Lives 1 ½ miles away and can hear the noise. It is a noise pollution problem and would like to see the Town institute a nuisance law to preserve the quality of life.

Deborah Dedeo: Would like the Town to take the initiative with DEC to pursue this issue on behalf of the residents. Need to have concrete steps taken to move forward.

Supervisor Idleman: Understands the frustration and knows that the Town needs to keep moving on this. No one disagrees but we need to move in a direction that will guarantee some results or come as close to guaranteeing results as we can. We need to move in such a way that we do exactly what we can legally with the rules and the tools that we have such as zoning or site plan review.

Deborah Dedeo: Encouraged the Board to take a ride on a Sunday afternoon and see the business in full fledge operation and all kinds of noise, dust and disturbance. Property values are deteriorating and this has been going on for several years. Now the assessments need to be looked at because the property is being devalued.

Councilman Jeffords: Maybe we need to look again at a nuisance law.

Supervisor Idleman: We will continue to move forward and do everything we can in our power to take the necessary actions.

- Town Property on Route 77: Supervisor Idleman stated that the Town’s property located on the north side of County Route 77 as well as an adjoining piece of property owned by Linda Reese has large, muddy ruts caused by 4 wheelers and trucks using the area. Ms. Reese said it has come to the point that she is getting her car stuck on her own property. Unauthorized use has increased over the years and this year there have been targets put up on her property and a red tailed hawk was shot. A neighbor told Ms. Reese that on one particular night there were several trucks stuck. Highway

MAY 11, 2010

Superintendent Rick Sullivan said the same group has been riding on the Town property near the highway garage, through the parking lot as well as going onto the Town’s sand pile and that is all posted land. It was suggested to take photos, if possible gather license plate information and to call the State Police.

- Health Insurance – gathering information on various plans to look into cost savings for the town without affecting coverage.
- Finance School, May 13 and 14 in Saratoga – will be attending with Kellie.
- Budget Officer Kellie Blake submitted the April financial report for the Board’s review.

8) Youth Report: Councilman Perkins reported that a “goose buster” has been installed at the beach. The goose buster emits a distress call and is a harmless way to get the geese to leave. He has been at the beach many times with Dan Spigner and the system is working. The geese are gone. The next youth committee meeting will be May 25th to review applications and set times for interviews. The volley ball court needs the sand loosened up and Rick will take care of that. The committee has started a Junior Counselor program. DOH requires that counselors be 16 years of age and the committee is finding it difficult to find counselors as many have started other jobs by that age. By instituting the Junior Counselor program, younger counselors will be able work the Friday field trips and hopefully this will keep them interested enough to stay with the program when they turn 16.

Youth Program Pay Schedule:

RESOLUTION NO. 55-10
Youth Program Pay Schedule

Resolution by Councilman Perkins
Seconded by Councilman Jeffords

and passed unanimously by said Board,

RESOLVED, that the Board approves the 2010 Youth Program Pay Schedule as follows:

2010 YOUTH PAY SCHEDULE

Beach Administrator:	\$ 2575.00	Morning Program Director	\$ 1700.00
Aquatics Director:	\$ 1700.00	Arts & Crafts Coordinator	\$ 1200.00
Swim Instructors:	\$ 7.75/ hr	Morning Program Instructors	\$ 7.25/hr

<u>Head Lifeguard</u>		<u>Ass’t Head Lifeguard</u>		<u>Lifeguards</u>	
1 Year	\$ 9.00/hr	1 Year	\$ 8.25/hr	1 Year	\$ 7.75/hr
2 Years	\$ 9.25/hr	2 Years	\$ 8.75 /hr	2 Years	\$ 8.00/hr
3+Years	\$ 9.50/hr	3+Years	\$ 9.00/hr	3+Years	\$ 8.25/hr

MAY 11, 2010

Kellie stated that registration forms for the morning program and swim program have been sent home via the school. Complete registration forms are the key this year as DOH is very strict with immunization records etc. This is the most difficult task to accomplish but is required before a child may attend the program.

COMMENTS FROM THE PUBLIC:

1) Marilyn Boyd mentioned that she had seen two bears already this year and wanted to make people aware that they are in the area. Ed Holland stated that DEC handles the bear issues but bears have been seen passing through the area.

UNFINISHED BUSINESS:

1) Dog Control & Animal Control Officer: Ed Holland & Nancy Quell – Current appt. expires 5/13/10. Ed was in attendance and reviewed his report with the Board.

RESOLUTION NO. 56-10
Dog Control/Animal Control

Resolution by Councilman Perkins
Seconded by Councilman Patrick

and passed unanimously by said Board,

RESOLVED, that Ed Holland and Nancy Quell be appointed as Animal Control and Dog Control Officers through June 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 June board meeting.

2) Abandonment of a Portion of Post Office Lane. No new information tonight.

3) Garden Maintenance: At the April 27th meeting the Board hired Sara Scheeren for garden maintenance for the 2010 season at a rate of \$9.00 per hour. Supervisor Idleman stated that Sara is actually requesting \$10.00 per hour.

RESOLUTION NO. 57-10
Commons-Garden Maintenance

Resolution by Councilman
Seconded by Councilman

and passed unanimously by said Board,

RESOLVED, that Sara Scheeren be hired for garden maintenance for the 2010 season at a rate of \$10.00 per hour and not to exceed the 2009 expenditure.

MAY 11, 2010

4) Recommended Amendments to the Zoning Ordinance. As per section 190-93 Amendments -A of the Town of Greenwich Zoning Ordinance the Town Board may, from time to time, on its own motion or by recommendation or petition of the Planning Board, amend, supplement, change, modify or repeal the regulations and provisions of this chapter following a public hearing and in accordance with this article. At the April meeting the Board received five recommended amendments from the Planning and Zoning Boards. The Town Board was in agreement with all of the proposed changes except item **(1) 190-77, B. Substantial damage or destruction**. The Board sent this item back to the Planning Board for them to consider replacing, ***“if within 1 (one) year after the substantial damage”***, with ***“if within 6 (six) months after the substantial damage”***.

The Planning Board responded stating they are in agreement with the Town Board’s request.

RESOLUTION NO. 58-10
LL #1 Code Amendments

Resolution by Councilman Jeffords
Seconded by Councilman Perkins

and passed unanimously by said Board,

RESOLVED, that the Town Board adopt the following proposed changes, that came from the Planning Board and the Zoning Board of Appeals correspondence dated April 1st & 29th, and be it further

RESOLVED, that the Town Board amend the Code of the Town of Greenwich by Amending Chapter 190, entitled “Zoning” and that Attorney Wrigley be directed to draft these changes into Proposed Local Law #1 of 2010.

(1) 190-77, 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 30 days after the substantial damage, 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.*

Change the paragraph to read:

MAY 11, 2010

**Such structure shall not be restored unless, if within 6 (six) months after the substantial damage, 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.*

(2) LIVERY: Add definition of Livery to Article II, Definitions, Section 167-3:

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.

Addition to Use Table as:

USE	Rural Agricultural District	Residential District	Hamlet/ Mixed-Use District	Commercial District	Industrial District
Livery	SUP				SPR

Addition to Rural Agricultural District Area Requirements:

USE	Minimum Lot Size (acres)	Minimum Road Frontage (feet)	Minimum Front Yard Setback (feet)	Minimum Side Yard Setback (feet)	Minimum Rear Yard Setback (feet)	Maximum Height (feet)	Maximum Lot Coverage
Livery	3	300	50/75	50	50	50	20%

Addition to Industrial District Area Requirements

USE	Minimum Lot Size (acres)	Minimum Road Frontage (feet)	Minimum Front Yard Setback (feet)	Minimum Side Yard Setback (feet)	Minimum Rear Yard Setback (feet)	Maximum Height (feet)	Maximum Lot Coverage
Livery	1	None	50	35/50	15	60	60%

(3) CURRENT DEFINITION: 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 agriculture or forest management activities.*

Change definition of Agricultural Structure in Article II, Definitions, Section 167-3:

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 agriculture or forest management activities **and used in connection with an agricultural use.**

(4) AUCTION FACILITY: Add definition of Auction Facility to Article II, Definitions, Section 167-3:

MAY 11, 2010

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.

Addition to the Use Table as:

USE	Rural Agricultural District	Residential District	Hamlet/ Mixed-Use District	Commercial District	Industrial District
Auction Facility	SUP				

Addition to Rural Agricultural District Area Requirements:

USE	Minimum Lot Size (acres)	Minimum Road Frontage (feet)	Minimum Front Yard Setback (feet)	Minimum Side Yard Setback (feet)	Minimum Rear Yard Setback (feet)	Maximum Height (feet)	Maximum Lot Coverage
Auction Facility	5	300	50/75	50	50	50	20%

(5) Signs:

Change – Article VIII Signs. D. (1) to read: An off-site commercial sign with a face in excess of 6 square feet.

5) Washington County Multi-Hazard Mitigation Plan. This plan is intended to identify potential hazards which have in the past caused damage to people, property, and the environment in Washington County, to examine the potential for future occurrences of such natural hazards, and to propose mitigation measures to prevent future damage. The County has asked each individual Town to adopt it as their Multi-Hazard Mitigation Plan, and resolve to execute the actions in the Plan.

RESOLUTION NO. 59-10
Mitigation Plan

Resolution by Councilman Perkins
Seconded by Councilman Jeffords

and passed unanimously by said Board,

WHEREAS, the Washington County Multi-Hazard Mitigation Plan has been prepared in accordance with FEMA requirements at 44 C.F.R. 201.6; and

WHEREAS, the Town of Greenwich, participated in the preparation of a multi-jurisdictional plan, Washington County Multi-Hazard Mitigation Plan; and

MAY 11, 2010

WHEREAS, the Town of Greenwich is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, the Greenwich Town Board has reviewed the Plan and affirms that the Plan will be updated no less than every five years.

NOW THEREFORE, BE IT RESOLVED by the Greenwich Town Board that the Town of Greenwich adopts the Washington County Multi-Hazard Mitigation Plan as the jurisdiction's Multi-Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

ADOPTED this 11th day of May, 2010, at the meeting of the Greenwich Town Board.

NEW BUSINESS:

1) Retirement Reporting: Last year NYS finalized new retirement regulations which more clearly defined the process of reporting hours worked for elected and appointed officials. The new regulation added additional requirements for both employers and elected and appointed officials. Among the changes were: an expanded record of work activities, a more detailed resolution and specific time frames within which requirements must be completed. The new regulation affected new terms of office or appointments that began on or after August 12, 2009. The first time these new requirements affected our currently elected or appointed officials was the start of their new term, which for most was January 1, 2010. Since elected and appointed officials usually do not work a fixed schedule or have preset hours, determining the number of days they've worked requires a different process. Daily logs were distributed at the beginning of the year for retirement system members to notate their work hours for a three month period. Tonight's request was for the logs to be turned in so the next step in the process could begin.

2) Tardiness Policy for Employee Handbook. The Personnel committee will meet to discuss this policy and make recommendations to the Board.

Return to Highway report:

“2010 Agreement to Spend Highway Funds”

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 \$162,500.00 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:

MAY 11, 2010

and passed unanimously by said Board,

RESOLVED, that the following budget amendment be approved:
Increase appropriations in A1010.4 Town Board – Contractual Expense by \$696.70 from A2652 Revenue Account – Sale of Forest Products for final payment to Jim Allen for Timber Contract.

RESOLUTION NO. 62-10
Timber Harvesting Performance Bond

Resolution by Councilman Patrick
Seconded by Councilman Perkins

and passed unanimously by said Board,

RESOLVED, that now upon the completion of the Timber Harvesting Contract with James Allen and Ben Jackson, that the Timber Harvesting Performance Bond in the amount of \$3100 be returned to Ben Jackson.

AUDIT BILLS & AUTHORIZE PAYMENT.

RESOLUTION NO. 63-10
Payt. of Bills 5/11/10

Resolution by Councilman Perkins
Seconded by Councilman Jeffords

and passed unanimously by said Board

RESOLVED, that the following bills on Abstract #9005 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:	0125-0127	\$ 592.68
Special District Lighting (SL):	0128	\$ 786.83
General Town-wide (A):	0129-0158	\$12,170.20
General Outside Village (B):	0159-0160	\$ 20.40
Highway Outside Village (DB) Pre-pay:	5064	\$ 66.01
Highway Town-wide (DA):	5065-5069	\$ 3,116.88
Highway Outside Village (DB):	5070-5080	\$ 4,618.71

Motion by Councilman Patrick
Seconded by Councilman Jeffords

and passed unanimously by said Board,

MAY 11, 2010

that the Board enters into Executive Session at 8:58 P.M. for personnel discussions.

Motion by Councilman Perkins
Seconded by Councilman Patrick

and passed unanimously by said Board,

that the Regular meeting be resumed at 9:48 PM.

Supervisor Idleman stated that the Executive session was devoted to litigation involving tax assessment and the Attorney will pursue the matter and that personnel issues were also discussed.

Councilman Perkins stated that Ray Bussing had been called to replace the ballast in one of the light fixtures in the Town Clerk's Office, which he replaced. Councilman Perkins further stated that when he met with representatives from NYSERDA they had suggested changing the old thermostat to a digital one and to replace the ballasts on the older lights to new energy efficient ones. Ray gave a quote for approximately \$1700 to change out the old light fixtures. The Board decided not to have them replaced until it could be determined what the actual savings would be and how long it would take to recoup the initial costs.

Motion by Councilman Jeffords
Seconded by Councilman Perkins

and passed unanimously by said Board,

that the meeting be adjourned at 9:49 P.M.

Respectfully submitted,

Elaine A. Kelly, RMC, CMC
Town Clerk