

OCTOBER 13, 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, October 13, 2009 at 7:00 p.m.

PRESENT:	Donald Wilbur	Supervisor
	Bob Jeffords	Councilman
	Steven Patrick	Councilman 7:25 PM
	George Perkins	Councilman
	Eric Whitehouse	Councilman

Others Present: Elaine Kelly, Kellie Blake, Marge Wilbur, Alan Wrigley, Rick Sullivan, Stanley Mattison, Tim Tefft - The Journal Press, Jolene Corlew, Jennifer Holden, Thomas Dimopoulos, Thomas Trombly, Kelly Trombly, Dick Allen, Steve Grimes, Megan Stalter, Michael Stalter and Sara Idleman.

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

RESOLUTION NO. 99-09
Budget Amendment & Transfer 10/13/09

Resolution by Councilman Jeffords
Seconded by Councilman Perkins

and passed unanimously by said Board,

RESOLVED, that the following budget amendment and transfer be approved:

Budget Amendment:

Highway Fund: Increase appropriations in DB5130.4 Machinery Repair by \$2,133.52 from Revenue Account DB3960 State Aid Emergency Disaster Relief for repairs to trucks.

Transfer: General Fund: Transfer \$418.82 from A7140.1 Playgrounds & Rec. Personal Services to A7140.4 Playgrounds & Rec. Contractual Expense.

RESOLUTION NO. 100-09
Payt. of Bills 10/13/09

Resolution by Councilman Perkins
Seconded by Councilman Whitehouse

and passed unanimously by said Board

RESOLVED, that the following bills on Abstract #9010 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:	0325 & 0327	\$505.06

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Special District Lighting (SL) Pre-pay: 0326		\$ 728.61
General Town-wide (A): 0328-0351		\$ 5,490.21
General Outside Village (B): 0352-0353		\$ 23.68
Highway Town-wide (DA) Pre-pay: 5140-0141		\$143,774.26
voucher 5142		void
Highway Town-wide (DA): 5143-5147		\$ 6,918.64
Highway Outside Village (DB): 5148-5163		\$ 8,349.28

RESOLUTION NO. 101-09
App. of Minutes 9/8, 9/22 & 10/6/09

Resolution by Councilman Whitehouse
Seconded by Councilman Jeffords

and passed unanimously by said Board,

RESOLVED, that the minutes of September 8 & 22 and October 6, 2009 be approved and accepted as submitted.

CORRESPONDENCE:

1) A letter was received from GCS Biology teacher Nicole Dixson thanking the Board for letting the school utilize the town beach for Project GREENwich last year. The students were truly engaged and felt a great connection to their local resources. Ms. Dixson is hoping to continue the project this year and following years to promote stewardship of our local resources as well as a connection to our community. The students hope to present this year’s data at the Hudson Clearwater Congress in December. The letter also requested the use of the Town Beach from 11:45 am-2:15 pm on October 22nd 2009 for this project. Laura Collins a certified lifeguard will be present to oversee the field trip and a certificate of insurance was also received.

RESOLUTION NO. 102-09
GCS Biology Class-Use of Town Beach

Resolution by Councilman Jeffords
Seconded by Councilman Perkins

and passed unanimously by said Board,

RESOLVED, that with the presence of certified lifeguard Laura Collins, , GCS Biology teacher Nicole Dixson be granted permission for the school to utilize the town beach for Project GREENwich on October 22, 2009 from 11:45 AM to 2:15 PM.

COMMENTS FROM THE PUBLIC:

1) Jennifer Holden Prevention Educator for the Council for Prevention of alcohol and substance abuse addressed the Board. The Council serves Washington and Warren Counties and focuses on risk and

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protection programs for youth. Natural Helpers is one of the new programs, where students mentor to one another, which has been instituted in ten school districts throughout the two counties. Also the local SADD chapter will be participating in the "Stocker Shock" program which is a program where the students will actually go into a store and place stickers on multi-packs reminding adults about the penalties they would face for supplying beer and alcohol to minors. Stewarts has agreed to participate while Hannaford and Thruway Beverage have not.

2) Michael and Megan Stalter of Hardscrabble Road spoke to the Board about the danger of the Hardscrabble and Route 29 intersection. The Stalters mentioned that a) During storms there is a large amount of runoff that collects at the bottom thus making a hazard for vehicles traveling on Route 29, b) There is a blind spot for drivers coming off of Hardscrabble which sometimes forces traffic to proceed east, turn around and return west and 3) icy conditions in the winter make it difficult to come off the hill and be able to stop before entering Route 29. Richard Allen who owns property on Hardscrabble stated that in the past he and another Hardscrabble property owner had offered land to the Town to create a bypass which would allow Hardscrabble to enter onto Ray Road instead of Route 29.

Highway Superintendent Rick Sullivan stated that he had met with Ian Miller from State DOT who felt that the best solution would be to put down 4-5" of blacktop, do some ditching and fill the shoulders in with rock. Mr. Miller told Rick that this would benefit the state as well and he would help supply the equipment. The Board was concerned with this recommendation as in the winter the blacktop may make it more slippery entering onto the state highway. Councilman Perkins stated that as long as the adjoining property owners are willing to allow this, he would like to have a study done as to what the cost would be to bring Hardscrabble out to Ray Road and cure this problem forever. The highway committee (Councilmen Patrick and Whitehouse) will contact the other property owner and see if this would still be an option.

7:50 Truck Bid Opening: Sealed proposals for One (1) "New 2009/2010 10,000lb GVW Pickup Truck 6 man cab, single rear wheels, 4 x4 with 6' box", and one for a "New 2009/2010 10,000lb GVW Pickup Truck regular cab, single rear wheels, 4 x4 with 8' box. West Herr Ford of Hamburg, New York was the only company to bid and the proposal was as follows:

2010 Regular Cab	\$26,790	2010 6-man cab	\$31,099
Option #1 plow	3,788	Option #1 plow	3,788
Option #2 V-plow	4,333	Option #2 V-plow	4,333

Supervisor Wilbur asked Highway Superintendent Rick Sullivan what his preference was. Rick stated he would leave that up to the Board as there were pros and cons both ways. A 6 man cab would obviously hold more men but it would have a shorter box. Supervisor Wilbur stated that it should be up to Rick as to what he feels would work best for his department. Rick stated that he would choose the single cab with the V-plow.

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Resolution No. 103-09
Highway Truck Purchase

Resolution by Councilman Perkins
Seconded by Councilman Whitehouse

and passed unanimously by said Board,

RESOLVED, that the Town of Greenwich hereby purchases One (1) "New 2010 10,000lb GVW Pickup Truck regular cab, single rear wheels, 4 x4 with 8' box and V-plow from West Herr Ford in the amount of \$31,123.

Resolution No. 104-09
Highway Truck Purchase/FEMA

Resolution by Councilman Jeffords
Seconded by Councilman Whitehouse

and passed unanimously by said Board,

RESOLVED, that the Town of Greenwich hereby purchases One (1) "New 2010 10,000lb GVW Pickup Truck regular cab, single rear wheels, 4 x4 with 8' box and V-plow from West Herr Ford in the amount of \$31,123 with reimbursement funds received from FEMA (Federal Emergency Management Agency).

COMMENTS FROM THE PUBLIC: Con't

3) Riddle Road residents Tom & Kelly Trombly stated that their road is the best it's been in 20 years. They questioned why the school bus has never traveled that road and why their children needed to walk almost a mile to the bus. They felt it was good for the kids to walk but wondered why. Supervisor Wilbur stated that he didn't know why and that would be a question for the school. The Tromblys stated that Riddle Road was never plowed until 3 or 4 in the afternoon on Sundays until recently and they are happy with Mr. Sullivan and the work he has done.

REPORTS:

- 1) Greenwich Fire Department Report: No report.
- 2) Planning Board Report: Board members received the minutes of the Planning Board meetings that were held on September 10 & 17, 2009 as well as the minutes of the ZBA meeting that was held on September 3, 2009.
- 3) Assessor Report: Assessor Colleen Adamec submitted the following report:
 "This letter is an update of my office. We have sent out the agricultural, non-profit, and Enhanced Star (non-income verification) renewals. We are starting to get a response. I will be starting to review the new construction in the field. I have completed my field reviews for this year as mandated under the six-year plan.

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I am working on the new equalization rate procedures for the 2010 roll with the equalization rate committee. This needs to be approved by the state board in November. There is some verbiage that needs clarification. We will be discussing this at our October 21st meeting.

The Washington County assessors have voted not to go with the Citrix proposal suggested by the county. The reasons behind this vote are: (1) there are still several towns not on roadrunner or a high speed internet access. Therefore, we do not know how they would get their job done. (2) I asked Bill McCarty what percentage of data is out there now and how much would have to be added to get us up to a full county data base. I know one or two towns still do not have data and many still do not have all their pictures out there. Bill did not answer my question on this. I would estimate about 60%. So, why buy a server when it will become obsolete when we get the full data. (3) Other assessor concerns were county support. They are not confident with the county staff now. (4) The county would have to do all our printing. My question is at what expense. Now, we are paying them \$1.00 per parcel for just impact notices. (5) Pictures may be a problem. Apparently many counties have had issues with loading pictures at the assessor level.

I am telling you this, because Bill McCarty said at a board of supervisor meeting the assessors think this is heading towards countywide assessment and we do not want to be apart of it. This is not an accurate statement. We do not feel this county is ready yet.

We had Anne Sapienza, assessor for many towns in Genesee and Livingston counties, speak to us on Citrix. She said it works well, (1) if you have good county support. Their county director is an excellent valuation person and their IT person. We do not have that here. (2) All the towns are on roadrunner. (3) She pays the county \$2.50 per year per parcel to run information for her. She did say she is cutting down on the towns she does and is waiting to see what county she wants to be in, because one of the county directors will be retiring soon. If you have any questions or problems, please let me know. Colleen.”

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

5) Highway Report: Highway Report: Highway Superintendent Rick Sullivan gave the following report:

- 724.8 gallons of fuel used in the month of September.
- 2nd round of roadside mowing is done and have started on 3rd round.
- Christie Road bridge is 90% complete and the rest is not needed.
- Bunker Hill Road – replaced 55’ of culvert.
- Finished shoulders on Derby Road.
- Ditched Pulp Mill and Kilburn Roads.
- Finished all major projects for 2009.
- Working on trucks getting them ready for snow and ice.
- G-8 truck needs telescopic cylinder; G-2 truck needs a hydraulic pump and sprockets; G-4 needs a cross-chain.
- A lot of production work done this year and now the trucks need to get back in shape.
- Woodshed will be started this week and will take 2 weeks to complete. Plenty of wood on hand.

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Seasonal Roads: Town Highway Law Section 205-a states that the Town Highway Superintendent is authorized to annually designate, on or before the first day of November in each year, a town highway as a seasonal limited use highway. Seasonal limited use highways shall be those town highways without occupied residences or commercial buildings dependent on such highways for access. Seasonal limited use highways shall be appropriately posted and the town is authorized to temporarily discontinue snow and ice removal and maintenance from the first day of December until the first day of April on any highway so designated.

Highway Superintendent Rick Sullivan designated the following roads to be Seasonal Roads effective December 1, 2009 until April 1, 2010:

1. John Sears Road beginning at House #117 continuing southwesterly to Kilburn Road;
2. Larmon Road from Anthony Road to Lick Springs Road.

6) Supervisor Report: Supervisor Wilbur stated that the County Board of Supervisors is in its 3rd round of budget workshops leading up to the October 29th presentation of the 2010 tentative budget. Clerk to the Supervisor Kellie Blake distributed the quarterly report for the Board's review.

UNFINISHED BUSINESS:

1) Request for Nuisance Law. At the August meeting Rob Seabury of Galesville Drive addressed the Board concerning a neighbor's barking dog. Mr. Seabury stated that he had tried to deal with this issue for the last two years with no solution. Mr. Seabury had called the Dog Control Officer who said he couldn't do anything about it because there was no ordinance in place. The Town Clerk had gathered copies of ordinances from the Town of Fort Edward, the Town of Saratoga and the Village of Greenwich for the Board's review. Attorney Wrigley stated that these types of ordinances are very difficult to enforce. A short discussion followed and this was tabled to allow for review of the ordinances from the neighboring towns.

Tonight: Councilman Whitehouse stated he felt that this was a fairly isolated incident and did not want to impose any more regulations on the residents of the town.

Resolution No. 105-09
Nuisance Law

Resolution by Councilman Whitehouse
Seconded by Councilman Perkins

and passed unanimously by said Board,

RESOLVED, that the Town of Greenwich hereby dismisses the consideration of a nuisance law.

2) Tentative Budget.

Excerpt from October 6th meeting: *Rick had requested \$8,000 to hire part-time summer help and also had stated that old equipment has got to go. It was discussed that if the budget has been cut so much that current employees are not getting any raises, how does the Board justify hiring a new position*

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when they aren't even sure if it is really needed. Discussion continued and of the two requests from Rick for more help and replacing equipment, it was decided that the equipment was the priority. Thus the \$8,000 would be put into the Capital Reserve for Highway Equipment. This will be discussed with Rick at next week's meeting.

Currently the Capital Reserve for Highway Equipment is budgeted for \$26,000 for 2010. Marge would like to see at least \$50,000 be put in that account. It was decided that with the \$26,000 original appropriation, the \$8,000 and also \$16,000 from the Highway Outside Village Improvement Account that this would bring the appropriation to \$50,000.

Tonight: Rick stated that he thought that was a good idea to add it to the Reserve for Highway Equipment so DB5110.1 would become \$113,000; DB5112.202 would become \$84,000 and DB09950.901 would become \$50,000. This does not make any difference to the tax levy as they are all within the same fund.

Councilman Whitehouse stated that everyone had agreed that we needed to be much more aggressive in replacing equipment. Rick stated that was very good. Councilman Patrick told Rick that the Board considered both of his requests and felt that equipment replacement was much more important than part time help. By building up the equipment replacement fund hopefully that would cut down the expense of repairs.

	<u>2009 TAX RATE</u>	<u>2010 PROPOSED TAX RATE</u>
TOWNWIDE	1.17	1.01*
TOWN GENERAL	.15	.11
HIGHWAY 1&3	1.10	1.00
FIRE PROTECTION	.68	.735

*Plus various costs that the County adds such as Workers Comp., etc. Last year it was .04/1000.

1. **Townwide Tax Rate** for the Tentative 2010 Budget shows a **13.7% decrease** from the 2009 Tax Rate.
2. **General Fund Outside Village Tax Rate** for the Tentative 2010 Budget shows a **26.7% decrease** over the 2009 Tax Rate.
3. **Highway Outside Village Tax Rate** for the Tentative 2010 Budget shows a **9% decrease** over the 2009 Tax Rate.

- Fire Contracts: At the current rate of .735/1000 of assessed valuation the 2010 fire contract amounts will be as follows:

	<u>2009</u>	<u>Increase</u>	<u>2010</u>
Village of Greenwich	\$ 83,007	7,015	90,022
Village of Schuylerville	\$ 13,288	1,310	14,598
Middle Falls Fire Department	\$ 68,270	12,020	80,290
Cossayuna Volunteer Fire Co.	\$ <u>58,393</u>	<u>0</u>	<u>58,393</u>
	\$ 222,598	25,742	243,303

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Supervisor Wilbur stated that this is one of the best budgets that he has seen in many, many years.

RESOLUTION NO.106-09
Budget Changes

Resolution by Councilman Patrick
Seconded by Councilman Jeffords

RESOLVED, that the following changes be made to the 2010 Tentative Budget and upon acceptance of said changes that the 2010 Tentative Budget becomes the 2010 Preliminary Budget for the Town of Greenwich.

- DB 5110.1 Highway Outside Village General Repairs be reduced by \$8,000 from \$121,000 to \$113,000
- DB 5112.202 Highway Outside Village Improvements be reduced by \$16,000 from \$100,000 to \$84,000
- DB 9950.901 Highway Outside Village Transfers Capital Reserve Equipment be increased by \$24,000 from \$26,000 to \$50,000.

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

RESOLUTION NO.107 -09
Budget & Fire Protection Contracts/Public Hearings

Resolution by Councilman Patrick
Seconded by Councilman Perkins

and passed unanimously by said Board,

RESOLVED, that the regular November Board meeting be held on Wednesday, November 4, 2009 at 7:00 PM. with Public Hearings be held at 7:45 PM for the purpose of obtaining public comment on the 2010 Proposed Fire Protection Contracts and at 7:50 PM for the purpose of obtaining public comment on the 2010 Preliminary Budget.

NEW BUSINESS:

1) New Retirement Reporting Regulations for Elected and Appointed Officials. Clerk to the Supervisor Kellie Blake stated that NYS has recently finalized new retirement regulations which more clearly defines the process of reporting elected and appointed officials. The new regulation adds additional requirements for both employers and elected and appointed officials. Among the changes are an expanded record of work activities, a more detailed resolution and specific time frames within which requirements must be completed.

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The new regulation applies to new terms of office or appointments beginning on or after August 12, 2009. The first time these new requirements will affect those who are currently elected or appointed officials is the start of the term after their next election or appointment to office, which for most will be 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. Beginning January 1, 2010 it is advised to keep a daily log of hours and duties performed that are directly related to your elected or appointed position with the Town of Greenwich. This log must be maintained for a three month period and turned in to the Town Clerk no later than 180 days after taking office.

2) Kellie stated that the Town had received funds from NYS for Disaster Relief for the severe winter storm of 2008. The town has received three checks as follows:

07/30/2009 - \$28,887.87 - for work done by Town

10/05/2009 - \$66,832.54 - for work done by Town

\$95,720.41 Town Total

10/05/2009 \$ 7,049.22 for hours donated by MFFD and David Nevins Fire Department - this amount was deposited into the Trust & Agency Fund for disbursement to the two separate fire departments. Marge informed Kellie that the Town Board in Saratoga had passed a resolution stating that they had received the money from State Emergency Management Office and will disperse it to the Fire Departments. She suggested we do the same.

RESOLUTION NO. 108-09
FEMA Funds/Fire Departments

Resolution by Councilman Whitehouse

Seconded by Councilman Patrick

and passed unanimously by said Board,

RESOLVED, that the Town Supervisor has received and deposited into the Trust & Agency Fund \$7,049.22 from the State Emergency Management Office for volunteers provided from the Middle Falls Fire Department (259.25 hours) and the David Nevins Fire Department (63 hours) to help with storm related cleanup for the Severe Winter Storm of December 2008 and be it further;

RESOLVED, that the Town Supervisor shall disperse from the Trust & Agency Fund \$ 5,671.09 to the Middle Falls Fire Department and \$ 1,378.13 to the David Nevins Fire Department for their share of the Emergency Relief Funds received by the Town of Greenwich.

3) Councilman Jeffords reminded everyone that the updated employee handout book had been distributed and that everyone needed to sign the last page and return it to Kellie. Bob handed out 3 pages of the Employee Handbook that dealt with the Town Vacation Policy, the use of the Town's cell phone and the Town's Computer Usage policy. He felt that these three parts in particular should be looked at especially the cell phone policy. Discussion followed on the continual requests that had been

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made to Highway Superintendent Rick Sullivan about using the Town's cell phone for personal use. Rick stated that he no longer wanted the Town cell phone as he has his own phone now and that he would rather use that one because he has so many personal calls. Supervisor Wilbur told Rick that was up to him because the Town does provide him a phone for Town use. Rick said he did not want the Town phone.

Motion by Councilman Patrick
Seconded by Councilman Whitehouse

and passed unanimously by said Board,

that the Board enters into Executive Session at 9:05 P.M. for the purpose of discussing pending litigation.

Supervisor Wilbur declared that the regular meeting be resumed at 9:31 P.M.

Supervisor Wilbur stated that the Executive session was devoted to pending litigation and the Town Board instructed the Attorney on how to proceed.

Motion by Councilman Perkins
Seconded by Councilman Whitehouse

and passed unanimously by said Board,

that the meeting be adjourned at 9:35 P.M.

Respectfully submitted,

Elaine A. Kelly, RMC, CMC
Town Clerk