

MAY 12, 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, May 12, 2009 at 7:00 p.m.

PRESENT:	Donald Wilbur	Supervisor
	Bob Jeffords	Councilman
	Steven Patrick	Councilman
	George Perkins	Councilman
	Eric Whitehouse	Councilman 7:45 PM

Others Present: Elaine Kelly, Kellie Blake, Alan Wrigley, Rick Sullivan, Stanley Mattison, Tim Tefft - The Journal Press, James Allen – Allen Forestry, Sara Idleman, Tom Foster, Don Sullivan, Shirley Dewey, Chris Ballentine, Bill Tomkins, Ron Dewey, Lyle Schultz, Kyle Vandewater, Chris Fraher, Claire Houston, Jim Houston, Rich Bittner, Lynne Bittner, Ann Whalen, Tim Holmes, Cecilmarie Palange, Joseph Palange, Jennifer Schroeder, Tom Thomas, Dan O'Connor and Pete Wilkinson.

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

RESOLUTION NO. 45-09
Payt. of Bills 05/12/09

Resolution by Councilman Perkins
Seconded by Councilman Patrick

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):	0124-0156	\$12,918.44
General Outside Village (B):	0157-0158	\$ 1,170.00
Special District Lighting (SL):	0159	\$ 751.68
Highway Town-wide (DA):	5055-5057	\$ 198.06
Highway Outside Village (DB):	5058-5070	\$26,966.04

RESOLUTION NO. 46-09
App. of Minutes 4/14/09

Resolution by Councilman Jeffords
Seconded by Councilman Patrick

and passed unanimously by said Board,

RESOLVED, that the minutes of April 14, 2009 be approved and accepted as submitted.

CORRESPONDENCE:

1) A thank you note was received from the Sharts family for the flowers that were sent in memory of Mr. Sharts.

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- 2) A thank you note was received from Cornell Cooperative Extension 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 672 clients with refunds totaling \$1,246,595.
- 3) The Town Board received an invitation to participate in the 2009 Turning Point Parade in Schuylerville on Sunday, August 2nd at 1:00 P.M. There was no commitment at this time.
- 4) A letter was received from the "Food For Kids" committee asking the Board for a donation. A well-balanced lunch can be provided for less than 75 cents per child with a \$5.00 donation providing lunch for the week.

RESOLUTION NO. 47-09
Food For Kids

Resolution by Councilman Jeffords
Seconded by Councilman Perkins

and passed unanimously by said Board,

RESOLVED, that the Town of Greenwich hereby authorizes \$100 for the "Food For Kids" summer lunch program.

COMMENTS FROM THE PUBLIC:

Jim Allen – Timber Harvesting

Nov. 7, 2007: *Supervisor Wilbur stated that Forester Jim Allen had recently coordinated the harvesting and sale of timber at Pleasant Valley Infirmary and that he had asked Mr. Allen to walk the Town's land on County Route 77 and evaluate the timber there. Mr. Allen did so and was present tonight to address the Board. He said there was definitely good timber there and with a "light cut" it could generate revenue between \$15,000 - \$20,000 and possibly more. He explained to the Board the process of marking the timber and handling the bidding process to loggers for the sale of the timber. An additional benefit would be the additional space and sunlight to the trees that would be left after the thinning process. Mr. Allen's compensation would be 10% of the accepted bid. The Board agreed to move forward with this. Mr. Allen will work with the Town's Attorney Alan Wrigley to draw up a contract.*

Nov. 5, 2008: *Jim Allen of Allen Forestry addressed the Board regarding the sale of timber from Town property in Bald Mountain. Mr. Allen has finished the inventory of the timber as well as the marking of such. There are approximately 2000 trees marked which could generate as much as 600 cords of wood. Notices of the timber sale will be published in the paper as well as being sent to 20 potential bidders. Mr. Allen estimates the revenue between \$27,000 - \$36,000 and maybe as much as \$45,000.*

Dec 8, 2008: A bid in the amount of \$31,000 was accepted from Ben Jackson of Argyle.

Tonight: Mr. Allen informed the Board that the timber harvesting behind the town garage was completed the second week of April and all cleanup has been finished. Harvesting near the transfer station will be done either late summer or early fall when the pine prices are higher.

REPORTS:

1) Greenwich Fire Department Report: An activity report for April 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 April 9 & 16, 2009 as well as the minutes of the ZBA meeting that was held on April 21, 2009. Planning Board Chairman Bill Tomkins said things have been quiet with one subdivision before the Board and some minor changes to the Glens Falls Health Center plans.

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3) Assessor Report: Assessor Colleen Adamec's report stated that her office is currently going through the grievance process. Informal hearings began on April 21st with 58 to date. Four stipulation agreements have been made based on condition or size. This year appears to be a slow year. Grievance Day is May 27th.

No letters of interest were received for the vacancy on the Board of Assessment Review. The vacancy is for a five-year term from October 1, 2009 through September 30, 2014. The Board will re-advertise at a later date.

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

5) Highway Report: Highway Superintendent Rick Sullivan stated that he had been away at Reserves for three weeks and thanked Working Foreman Stanley Mattison for doing a great job while he was gone.

- 534.2 gallons of fuel were used during April.
- Started road grading and screening sand.
- Have done quite a bit of chipping on Thomson & River roads but still a lot more to do.
- Took G-1 truck to get the new box when truck came back lights not working. Returned to have lighting system repaired.
- Hard hats and vests are outdated. New ones have been ordered at a cost of \$300.
- Putting up more sand this year than last.
- Guys are doing a great job.
- Would like to purchase a new lawn mower for mowing the lawn at the garage. The current one is old and was repaired last year and Rick doesn't want to invest any more money in it. Three quotes were presented:

Sears	Craftsman	42"	21 Hp	1299.99
Lowes	John Deere	42"	19 ½ Hp	1849.00
Home Depot	John Deere	42"	21 Hp	1899.00

It was decided to contact Empire Lawn Service for a quote to see what their price would be as they already mow other Town property.

- At the January meeting it was noted that the wood boiler was having problems and the possibility of having it remanufactured was discussed. At the March meeting Rick stated that he had two quotes for a new boiler and would hopefully have a 3rd one for the April meeting. Councilman Patrick stated at last month's meeting that Fort Miller had a wood boiler that they were willing to sell very reasonably and he would check into it.

Tonight: A report was received from Schultz Plumbing and Heating stating that the current boiler is in disrepair and has seen its life expectancy. The report also stated that all Central boilers are a wood furnace that are to be wood fired, not a trash incinerator. Mr. Shultz stated that on numerous visits to the site that he had seen trash and waste oil in the boiler. The acids that are in these products mixed with condensation are a major reason for the premature failure of the furnace. Mr. Schultz has inspected the boiler at Fort Miller Co. and stated that the fire box is solid and strong. He estimates the boiler to worth \$19,000 - \$22,000 and Fort Miller is willing to sell the boiler to the Town for \$1,000.

RESOLUTION NO. 48-09
Highway-Wood Boiler

Resolution by Councilman Patrick
Seconded by Councilman Jeffords

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and passed unanimously by said Board,

RESOLVED, that the Town of Greenwich purchases a used, 1997 CL75 Central Boiler from Fort Miller Company at a cost of \$1,000.00.

A quote was received from Mr. Schultz for the installation of the boiler and Rick will gather two more quotes for the June meeting.

A lengthy discussion was held concerning the road paving plans for 2009. Rick told the Board that he would like to pave Derby Road and McDougal Lake Road. Prior to paving, Derby Road needs some shoulder work and sweeping. McDougal Lake Road needs to have a couple of culvert pipes ditched and cleaned out before paving begins. Rick stated that would leave enough CHIPS funding for approximately another ½ mile. He would like to use that money to have Peckham put down the shoulders. Councilman Patrick questioned using CHIPS funding for shoulders as this has never been done in the past. Town funds have always been used for this.

It was now time for the Public Hearing so the highway report was recessed to be continued after the hearing.

7:45 PM: Public Hearing on Proposed Local Law #1 of 2009 to Amend the Code of the Town of Greenwich by Amending Chapter 190, entitled "Zoning" and that the Town is hereby designating all the lands located within the Rural Agricultural (RA) District, as noted on the map set forth in the Town Code as Attachment 8 to Chapter 190 entitled "Zoning", as a critical environmental area. The Clerk read the Public Hearing Notice aloud.

Motion by Councilman Patrick
Seconded by Councilman Perkins

and passed unanimously by said Board,

that the Public Hearing on Proposed Local Law #1 of 2009 as well as the designation of all the lands located within the Rural Agricultural (RA) District, as noted on the map set forth in the Town Code as Attachment 8 to Chapter 190 entitled "Zoning", as a critical environmental area, be opened at 7:50 P.M. for public comment.

1. A letter from Robert & Gail Dewey of 2535 State Route 29 was read into the record. Mr. & Mrs. Dewey wished to express that they definitely agree in its passage.
2. Claire Houston: Thanked the Board for coming forth with this law. It is very important to many of us as we are concerned about our property values and our health. It is much appreciated.
3. Tom Foster: Thank you. This law is not only important just to Ryan Road but I think it's important to the whole town and to every citizen. Thank you very much for bringing it to pass.
4. Richie Bittner: Feels this is a good mid-term adjustment to the Zoning Law which seems to be doing good things for the Town and really applauds the sign portion of this law. Hopes the Board sees fit to pass it.

Motion by Councilman Jeffords
Seconded by Councilman Whitehouse

and passed unanimously by said Board,

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that all persons desiring to be heard, having been heard, the Public Hearing be closed at 7:52 P.M.
Carried.

RESOLUTION NO. 49-09
Local Law #1 of 2009

Resolution by Councilman Jeffords
Seconded by Councilman Patrick

RESOLVED, that Town of Greenwich Local Law #1 of 2009 to Amend the Code of the Town of Greenwich by Amending Chapter 190, entitled "Zoning" be approved and adopted as presented and be it further

RESOLVED, that the Town is hereby designating all the lands located within the Rural Agricultural (RA) District, as noted on the map set forth in the Town Code as Attachment 8 to Chapter 190 entitled "Zoning", as a Critical Environmental Area.

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

Carried.

The public gave the Board a round of applause.

Highway Report Cont:

Discussion continued on the 2009 paving plans. In addition to Derby and McDougal Lake Roads, Rick would also like to pave 350 feet of Langley Hill Road and 600 feet of Mahaffy Road (each with a width of 20') at \$4,250 and \$6,871 respectively. Both of these are dirt roads and the proposed paving is at the Ryan Road intersections. Councilman Patrick figured there was approximately \$65,000 more that was budgeted and asked Rick what was that going to be used for. Rick stated that he wasn't sure what the price was to going to be for Peckham to do the shoulder work on Derby Road and McDougal Lake Road.

Supervisor Wilbur stated that he thought we were doing the next mile of a three year plan on North Road. Rick stated he would rather not piece North Road. He would like to pave Spraguetown Road in 2010 and North Road in 2011 and if one is to be done prior to that then he would like it to be Spraguetown Road. Supervisor Wilbur stated that we need to do 4 miles of paved roads a year or we will be in trouble and adding dirt roads like Mahaffy and Langley will get us in more trouble. Rick stated that the department is on Mahaffy and Langley Hill four times a year grading the roads and he would like to pave the first part of each of them. He would like to bring in 7-10 loads of gravel and raise the center of the road 8 inches then pave it.

Councilman Patrick stated that he feels we are hard pressed as it is and we are losing too much in terms of mileage on our four mile maintenance plan. He would like to leave the shoulder work out of this and fund it some other way. Every year we are losing more and more miles that we are covering and all of a sudden we are going to be behind and it is going to catch up with us. Supervisor Wilbur agreed and said that the \$65,000 that is left will do another mile of road in our plan. If we branch out and start paving dirt roads we will never keep up with the roads we've got unless we have a big tax increase. Another concern is the roads that were bad two or three years ago, referring to North Road/Christie Road intersection and cutting down the knoll for sight distance and then Christie Road itself.

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We haven't done them yet and now we are talking about going in a different direction. In an effort to concentrate the CHIPS funding on the Town's paving plan, Councilman Patrick said there was still the \$65,000 to be used which is about a mile. Rick said that the Board could shoot Mahaffy and Langley Hill Road down because in some places it really is 60' wide. He said he doesn't want to put new pavement down on good pavement just to say we are refacing these roads and that he would like to pave Ray Road and all of Mahaffy Hill in the near future. Once paved the roads are good for 10 years. Don agreed but at four miles a year we aren't keeping up with what we already have. Councilman Patrick said the Town made that mistake once before. We got behind and it took awhile to get back where we are now and if we do this then we are going to be behind again. Rick said he disagrees with the Board on that. If the Board knew the amount of calls that he receives on Ray Road and Mahaffy Road then they would understand why he wants to pave them. Don said he could understand why we would want to pave every mile we have but we can't afford to.

Discussion continued on the wise use of taxpayers' money, the number of complaints that Rick gets on Mahaffy and Langley Hill every time there is an ice storm, safety conditions at the Christie Road intersection, etc. Councilman Patrick stated that there is still enough money left to do another mile and he thinks that it should be used to update an existing road and that Rick needs to determine what needs it the most. Rick decided that he would do Derby Road, McDougal Lake Road and if anything else then it would be Spraguetown Road coming off of North Road for one mile to almost Richards Road. Rick will contact Kenny Luskin at Peckham to get the estimate for the mile on Spraguetown Road and return at the June meeting. An additional "Agreement to Spend Highway Funds" will be approved at that time. Supervisor Wilbur will get a price from Willie Grimmke to use the County's shoulder machine and Rick will get a price from Peckham for their shoulder machine either of which will be paid for using Town money instead of CHIPS money.

"2009 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 \$175,000.00 may be expended for general repairs upon 77.77 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

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

a) Derby Road commencing at North Road and leading to Richards Road, a distance of 9,100 ft., there shall be expended not over the sum of \$107,749.70.

Type: Resurface	Width of traveled surface: 20 ft.
Thickness: 1.8"	Subbase:

b) McDougal Lake Road commencing at NYS Route 29 and leading to approximately 327 McDougal Lake Road (Akland), a distance of 7,650 ft., there shall be expended not over the sum of \$64,892.68.

Type: Resurface	Width of traveled surface: 20 ft.
Thickness: 1.3"	Subbase:

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For a Grand Total of \$172,642.38.

RESOLUTION NO. 50-09
2009 Agreement to Spend Highway Funds

Resolution by Councilman Patrick
Seconded by Councilman Whitehouse

and passed unanimously by said Board,

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

At the April meeting Rick was authorized to purchase 19 (1) ton bags of magnesium chloride flakes from Country Power Products a cost of \$389.10 per bag for a total of \$7,392.90. Country Power is not able to fill the order at that price. Their new price is \$406.15 per bag which was no longer the lowest price. Due to that, the following actions were taken:

RESOLUTION NO. 51-09
Rescind Res. # 38-09

Resolution by Councilman Whitehouse
Seconded by Councilman Perkins

and passed unanimously by said Board,

RESOLVED, that Resolution #38-09 be rescinded.

RESOLUTION NO. 52-09
Magnesium Chloride Flakes

Resolution by Councilman Patrick
Seconded by Councilman Whitehouse

and passed unanimously by said Board,

RESOLVED, that Highway Superintendent Rick Sullivan be authorized to purchase 19 (1) ton bags of magnesium chloride flakes from Capital Tractor a cost of \$390.00 per bag for a total of \$7,410.00.

Rick stated that the Green Street bridge needs to be repaired and will be shut down for two weeks. He will check with Willy Grimmke to see if DEC needs to be involved because of the stream.

6) Supervisor Report: Supervisor Wilbur stated that the County is in the 2nd round of budget workshops reviewing the 2009 budget and seeing where departments stand at the end of the first quarter. Once this is completed they will begin work on the 2010 budget. Some 40 hour positions have been reduced to 35 hours and more may happen in effort to prevent layoffs. Some layoffs may be necessary but if they can get by through retirements, etc to prevent layoffs they will.

7) Youth Report: Councilman Patrick stated the Youth Committee had met and reviewed applications and interviews will be conducted on Tuesday, May 19th at 4:00PM. Swim instructors and lifeguards are still needed and ads will again be placed in the newspaper. The highway department will bring a load of sand for the beach and then it will be York raked. They will also build a six foot diameter fire pit at the beach. Department of Health now requires that an automatic external defibrillator (AED) be available at the beach. Councilman Patrick will borrow one from GCS.

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Beach Custodian:

RESOLUTION NO. 53-09
Beach Custodian

Resolution by Councilman Patrick
Seconded by Councilman Jeffords

RESOLVED, that the Town of Greenwich enter into a 2009 custodial contract for the Town beach with Donald Perkins, Jr. at a cost of \$400.00.

Ayes 4; Abstain 1 (Councilman Perkins)

Goose Control: The Board decided to remain with Dan Spigner for goose control at the beach. The youth committee had researched several audible devices but no references have been able to be obtained. Dan's price for the 2009 season remains at \$1,650.

RESOLUTION NO. 54-09
Beach - Geese

Resolution by Councilman Patrick
Seconded by Councilman Perkins

and passed unanimously by said Board,

RESOLVED, that the Town of Greenwich hire Dan Spigner to visit the town beach three times a day from May 15 - June 13 and twice a day June 14 - August 16, 2009 at a cost of \$1,650.00 for the purpose of reducing the number of resident geese.

8) Tax Collector Elaine Kelly reported that the 2009 property tax warrant had been settled with the Washington County Treasurer. The 2009 warrant was \$3.7 million with 14.8% returned as unpaid. This was slightly higher than 2008 when the unpaid returns to the County were 13.4%.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

1) Town Justice John Pemrick is retiring this year and he and Town Justice Sherwin Bowen have discussed the necessity of two Town Justices. With the volume of business they feel that one Justice would be fine. Within Washington County, there are only three other towns that have more than one Justice. The Board discussed it as well and has agreed with the Justices' recommendation.

RESOLUTION NO.55-09
Reduction in Number of Town Justices - From Two to One

Resolution by Councilman Jeffords
Seconded by Councilman Patrick

WHEREAS, the Town of Greenwich currently has two Town Justices, one of whose terms is expiring this year and said justice has indicated he will not be running for re-election; and

WHEREAS, after consultation with both current town justices, that there may be need for only one town justice based on the past and current caseload facing the Town; now therefore be it

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RESOLVED, pursuant to the provisions of Section 60-a(2) of Article 4 of the Town Law that the Town Board hereby determines that it will be in the best interests of the Town that the number of town justices be reduced from two to one; and it is further

RESOLVED, pursuant to the provisions of said Section 60-a(2) that because the term of one of the town justices is expiring this December that the number of town justices within the Town of Greenwich is hereby reduced from two to one, but subject to the continuation of the term of office till December 31, 2009 of the justice whose term expires on that date; and be it further

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

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

Carried.

2) A letter of resignation, effective May 12, 2009, was received from Zoning Board of Appeals member Donald Perkins, Jr.

RESOLUTION NO. 56-09
ZBA Resignation

Resolution by Councilman Jeffords
Seconded by Councilman Whitehouse

and passed unanimously by said Board,

RESOLVED, the Board accepts with regret, the resignation of Zoning Board of Appeals member Donald Perkins, Jr.

The Clerk will send Mr. Perkins a letter of appreciation. ZBA Alternate member Tammara VanRyn is willing to step into the vacancy.

RESOLUTION NO. 57-09
Zoning Board of Appeals Appointment

Resolution by Councilman Patrick
Seconded by Councilman Perkins

and passed unanimously by said Board,

RESOLVED, that Tammara VanRyn be appointed to fill a five-year unexpired term on the Zoning Board of Appeals, which term shall be effective immediately and shall expire on December 31, 2013.

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No action was taken at this time to fill the alternate vacancy.

Motion by Councilman Perkins
Seconded by Councilman Whitehouse

and passed unanimously by said Board,

that the Board enters into Executive Session at 9:04 P.M. to discuss ongoing litigation regarding real property.

Motion by Councilman Patrick
Seconded by Councilman Perkins

and passed unanimously by said Board,

that the regular meeting be resumed at 9:25 P.M.

Supervisor Wilbur stated that the Town is still in negotiations in the pending litigation which was addressed during the Executive Session.

Motion by Councilman Jeffords
Seconded by Councilman Whitehouse

and passed unanimously by said Board,

that the meeting be adjourned at 9:26 P.M.

Respectfully submitted,

Elaine A. Kelly, RMC, CMC
Town Clerk