

**March 15, 2021**

The regular monthly meeting of the Town Board of the Town of Greenville was held on Monday, March 15, 2021, at 7:00 pm via an audio teleconference. As required for remote meetings, in full compliance with open meeting laws throughout the COVID-19 pandemic, full audio file and text transcription are available upon request. All supporting documents referenced in these minutes are available, as well.

Identified as Present for this call: Supervisor Paul Macko, and Councilmen Bear, Bensen, Rauf, and Richards, Recording Secretary/Clerk-Collector Jackie Park, Attorney Tal Rappleyea and the following department heads: Highway Superintendent Mike Dudley, Zoning & Code Enforcement Officer Mark Overbaugh, Maintenance Supervisor Renee Hamilton, Assessor Gordon Bennett, and Planning Board Chair Donald Teator. As well, 5 guests were present for this meeting.

Mr. Bear moved to accept the Clerk's minutes of February 15, 2021, seconded by Mr. Bensen.

Carried 5 ayes

**Monthly department reports:**

**Highway Department** ~ Superintendent Dudley provided an oral & written report; no motions made.

**Building and Grounds** ~ Maintenance Supervisor Hamilton provided an oral report; no motions made.

**Code Enforcement** ~ Oral and written reports received from CEO Mark Overbaugh; no motions made.

**Sewer** ~ Supervisor Macko noted the plant was meeting its obligations.

**Water** ~ An oral report was offered by Deputy Water Superintendent Hamilton with written logs per Superintendent Bear. Permission was requested to attend annual water school training;

Mr. Bear moved, seconded by Mr. Bensen, to allow Mr. Bear and Ms. Hamilton to attend the New York Rural Water class in Ghent on April 7<sup>th</sup>, expending \$50 for this education.

Carried 5 ayes

**Recycling** ~ Supervisor Macko relayed all was well at the plant. No motions made.

**Assessing** ~ An oral report was offered by Assessor Bennett without motions made at this time.

**Planning Board** ~ A summary of the last meeting was provided by Attorney Rappleyea; Planning Board Chair Donald Teator did provide a written report which is attached. No motions made.

**Zoning Board of Appeals** ~ Supervisor Macko reviewed the minutes submitted by Clerk Nugent from their last meeting.

**Beautification Committee** ~ Supervisor Macko relayed the Committee would begin meeting again in April and reported that a \$10,000 grant had been received for trail work at Vanderbilt Park.

**Clerk/Tax** ~ Written reports provided by Clerk-Collector Park.

**No reports received from the Greenville Rescue Squad or Dog Control Officer.**

**New business discussed at 7:15 pm:**

~ Supervisor Macko addressed the recommendation of Assessor Bennett to appoint Ms. Eileen Treacy as a member of the Board of Assessment Review;

Mr. Rauf moved, seconded by Mr. Bear, to appoint Ms. Eileen Treacy to the Board of Assessment Review to fill an unexpired term ending September 30, 2022.

Carried 5 ayes

~ Supervisor Macko addressed a letter of resignation received from Ms. Jean Thomas from the Zoning Board of Appeals;

Mr. Bear moved, seconded by Mr. Bensen, to accept with regret this letter of resignation, and to advertise for a vacancy on the Zoning Board of Appeals.

Carried 5 ayes

~ Requests have been made to the Town regarding a recurring Farmer's Market on a commercial property in town, as well as allowing a food cart on town-owned property. Lengthy discussion followed regarding the local Peddler's & Solicitor's Law (2002 and 2013) as well as the Yard-Sale Law (2014). While there was no issue with a Farmer's Market being held in a commercial zone per our existing law, more information is needed regarding siting a food truck at the Park, as it could impact the fundraising

potential of the youth concession stand. It was determined that the Peddler's Law could be pared down/streamlined a bit, and the Yard-Sale Law could be repealed if the Board wished to do so. For follow up at the next meeting.

~ The draft pandemic policy presented last month for review was submitted to and approved by the Highway Labor Union, and may be approved by the Town Board at this time.

Mr. Bensen moved, seconded by Mr. Bear, to approve as policy the Public Employer Health Emergency Plan for the Town of Greenville, Greene County, NY; attached.

Carried 5 ayes

~ Supervisor Macko addressed the need to acquire an easement on one parcel as it relates to the sewer and water extension project. Despite ongoing attempts to contact one remaining property owner, the town has been unsuccessful in obtaining this easement.

Mr. Bensen moved, seconded by Mr. Bear, to authorize the acquisition of the lands or interests by use of Eminent Domain to implement the resolution; attached.

Roll Call requested: Supervisor Macko aye  
Councilman Bear aye  
Councilman Bensen aye  
Councilman Rauf aye  
Councilman Richards aye Carried 5 ayes

~ Supervisor Macko requested a motion to hire outside Council for the land acquisition;

Mr. Rauf moved, seconded by Mr. Bensen, to utilize the Law Firm of Young/Sommer, LLC to represent the Town's interests regarding Eminent Domain. This is expected to cost between \$10,000 - \$15,000.

Carried 5 ayes

~ Greene County Legislator Greg Davis was present on the call at this time and offered his monthly report of activities, including grants in progress for the Boy Scouts and Food Pantry, his desire for the County to manage Covid-19 vaccine clinics instead of the State, and Facebook rumors about his voting record as it pertained to the Greene County Council on the Arts.

~ Delaware Engineering Engineer Alan Tavenner addressed the water and sewer extension projects. Several issues caused major delays, but soon work will be put out to bid. A change order is needed due to wetland mitigation issues for the water project;

Mr. Bensen moved, seconded by Mr. Rauf to approve Change Order #4 in the amount of \$82,767; attached.

Carried 5 ayes

~ Councilman Richards addressed the planned skateboard park, and wishes to reopen discussion about it. First, he asks we explore the cost of an insurance rider through the town policy for that coverage. He will also contact Ms. Tracy Young, who has been involved with this plan from the start.

Mr. Richards moved, seconded by Mr. Rauf, to authorize Supervisor Macko inquire on the costs of an insurance rider for this skateboard park.

Carried 5 ayes

Supervisor Macko noted he had received a request by some youth in the community to use the tennis courts for pickle ball; he feels it would be best to open up both areas for use at the same time. Neither further discussion nor motion made at this time.

~ Councilman Richards also spoke at length regarding 2 local roads once designated as 'Scenic Byways'. Upon reviewing the East Red Mill Road solar project, he discovered that two Greenville roads were previously classified as "scenic byways". This was missed by the 2018 Solar Review Committee; he

believes that is because the NYS DOT website lists these properties as being in Westchester County. A 0.45 mile section of County Route 35 (AKA East Red Mill Road) and a 0.8 mile section of Plattekill Road are both designated as such. The Environmental Law and the Highway Law also note these roads as Scenic Byways. After a review of the minutes of the Town of Greenville, two mentions were made relating to this: on 10/4/1989, there was a motion made to establish a committee to make recommendations of the possibility of having some roads designated as scenic byways. On 12/6/1989, the Committee on Scenic Roads described the roads they recommended be designated and submitted to NYS. However, the 'attached' resolution stating this was not to be found. After research by Councilman Richards, it was found that these roads were adopted by NYS in 1991. Also, a 'windshield survey' conducted by the NYS DOT in 1996 do refer to Plattekill and East Red Mill Roads.

Attorney Rappleyea noted in our adopted solar facility law there is a very specific line that says that there shall be no facilities approved in the town on any highway that has been designated as a scenic byway by the town. So, making this resolution tonight would effectively halt that East Red Mill Road application. Noted the Board isn't actually changing anything; the road has always had that designation as a scenic highway, and that this motion simply reconfirms the fact that the town asked for it previously and accepted such designation from DOT.

Mr. Richards moved, seconded by Mr. Rauf, to make a motion to adopt a resolution, accepting the findings of DOT and DEC in their designation of the scenic byways of Plattekill and East Red Mill Roads in the Town of Greenville; attached.

Carried 5 ayes

The monthly bills have been audited and approved by a quorum;

Mr. Bensen moved, seconded by Mr. Bear, to pay the following bills:

Bills 86 – 119 on General abstract #3 for \$12,919.03

Bills 30 – 52 on Highway abstract #3 for \$46,094.84

Bills 18 – 30 on Sewer abstract #3 for \$12,598.79

Bills 29 – 36 on Water abstract #3 for \$4,445.51

Carried 5 ayes

After prior review, Mr. Bear made a motion to accept the Supervisor's report for February, seconded by Mr. Bensen.

Carried 5 ayes

**Supervisor Macko opened the meeting for public comments and questions at 8:09 pm:**

~ Ms. Anita Zibura thanked the Board, its employees, and Bill 'Von' for their help at the Food Pantry; also inquired on some follow up questions regarding the East Red Mill Solar project.

There being no further business, Mr. Bensen moved to adjourn at 8:11 pm, seconded by Mr. Richards.

Carried 5 ayes

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Jackie Park, Town Clerk-Collector

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SUPERVISOR MACKO

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MR. BEAR

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MR. BENSEN

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MR. RAUF

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MR. RICHARDS