

TOWN OF CLIFTON PARK

TOWN BOARD MEETING

December 14, 2015

- I. **Call to Order/7:00 P. M.**
- II. **Pledge to Flag**
- III. **Roll Call**
- IV. **Approval of Town Board Minutes**
- V. **Communications/Announcements**
- VI. **Business**
 - **Presentation by Eagle Scout Chris Bell**
 - **Resolutions for Consideration**
 - **Other Business**
 - **Executive Session**
- VII. **Open Public Privilege**

NOTE:

Each speaker shall state name and address prior to addressing the Board and shall be granted the floor for a single time frame of up to five minutes. The Board asks that members of the public respect the opportunity of the speaker at the podium to be heard, and asks that the public refrain from conducting side meetings within the meeting room. In an effort to ensure that the widest number of community viewpoints are heard, the Board asks members of groups or the public to withhold comment, if their viewpoints have already been presented.

The Board thanks everyone in attendance for their understanding and also for their desire to actively participate in the Town decision making process.

- VIII. **Adjournment**

Resolutions for Consideration

Clifton Park Town Board Meeting

December 14, 2015

<u>SOURCE</u>	<u>RESOLUTION</u>	<u>CONTACT</u>
1. Supervisor	A resolution sending a Home Rule Message to the New York State Legislature proposing the introduction of Legislation authorizing the collection of an occupancy tax for hotel and motel rooms within the Town	P. Barrett
2. Supervisor	Authorize Judge Rybak and Court Clerks to attend the Training Session and annual meeting of the 2016 Association of Towns	P. Barrett
3. Superintendent of Highways	Authorize the Superintendent of Highways to trade in and upgrade snow blower equipment	P. Barrett
4. Supervisor	Authorize the commitment of local matching funds for Crescent Road Multi-use Trail under Federal "Marchiselli" Program	P. Barrett
5. Supervisor	Authorize the Supervisor to submit a grant application to the Capital District Transportation Committee (CDTC) Linkage Program	P. Barrett
6. Supervisor	Authorize the Supervisor to sign a purchase agreement for a wheelchair van with access ramp for the Senior Express.	P. Barrett
7. Supervisor	Adopt Local Law No. ___ of 2015 amending Sections 208-43.2 and 208-37(B) of the Town Code	P. Barrett
8. Supervisor	Authorize the Town Board to establish a temporary seasonal position in the Highway Department	P. Barrett
9. Supervisor	Authorize the hiring of Ellenmarie Martin as part-time clerk in the Highway Department	P. Barrett

Resolution No. _____ of 2015, a resolution pursuant to Article IX of the New York State Constitution sending a Home Rule message in Support of Legislation authorizing the collection of an occupancy tax on Hotel and Motel Rooms within the Town.

Introduced by _____, who moved its adoption, seconded by _____.

WHEREAS, in the 1990's the Exit 9 Commerce Area in the Town of Clifton Park steadily became home to many empty buildings and retail space in various commercial properties were vacant; and

WHEREAS, Since 2001, the Town of Clifton Park, through cooperation between government leaders and the private sector, has experienced a tremendous revitalization of the Exit 9 Commerce Area and Route 9 North of Route 146, that has included significant investments in retail, healthcare and hospitality; and

WHEREAS, The successful redevelopment efforts have assisted the Town in a large expansion of Clifton Park's parks and trail systems, provided services close to home, expanded the tax base, provided job opportunities and generated a great deal of revenue for the Town, County and New York State; and

WHEREAS, Based on this recent history of forging successful partnerships the Town Board will be building on that success by fostering a new initiative to support the Hospitality Sector of the Town's Economy; and

WHEREAS, the Town of Clifton Park will be establishing a Hospitality Committee in early 2016 comprised of members representing the Hospitality sector of the Town's economy, Town Government, New York State Government and The Chamber of Southern Saratoga County; and

WHEREAS, the Hospitality Committee will be a cooperative effort to assist the hospitality sector with attracting clients, fostering employment opportunities and establishing mentoring programs for future leaders in the industry and any other issues of importance to the Hospitality Sector; and

WHEREAS, the Town will establish a Hotel District that will be a defined geographical area that will encompass all of the hotels that are operating or under construction; and

WHEREAS, the area known as the Hotel District will be the sole focus of the effort and investment of funds; and

WHEREAS, to maximize efficiencies and leverage expertise available within the Town of Clifton Park, the Town Board will be establishing a partnership with The Chamber of Southern Saratoga County; and

WHEREAS, the Town Board wishes to establish a partnership with the Southern Saratoga County Chamber of Commerce to fund dedicated staff and internet presence to promote

the hospitality sector, local sports venues and identify synergies with tourism destinations within the Greater Saratoga County and Central New York Regions; and

WHEREAS, the Town has completed comprehensive planning studies for the Exit 9 area, and has implemented innovative zoning laws to stimulate new investment and further redevelopment in the exit 9 area, which have identified the need for new infrastructure in the areas of public safety including transportation enhancements, and environmental protection within the greater Exit 9 commerce area; and

WHEREAS, the Town Board intends to identify a hotel district surrounding existing hotel projects including new construction, and wishes to establish a revenue stream to fund promotional partnerships with the Southern Saratoga Chamber of Commerce and to provide for public safety and related enhancements within the broader area surrounding new construction in Hospitality, Healthcare and retail growth within the Town;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Clifton Park herein requests that the New York State Legislature enact legislation proposed, as attached, to authorize the Town to collect a 1.5% occupancy tax on hotel and motel rooms within the Town, for the purposes stated; and be it FURTHER

RESOLVED, that copies of this Resolution be forwarded to Assemblyman James Tedisco and New York State Senator Hugh Farley forthwith and that the Town Supervisor is authorized to prepare and execute on behalf of the Town any legal instruments necessary for this matter to be presented before the New York State Legislature.

AN ACT in relation to authorizing the town of Clifton Park in the county of Saratoga, to collect a tax on the occupancy of Hotel and Motel rooms within the Town.

Became a law _____, with the approval of the Governor. Passed on Home Rule request pursuant to Article IX, section 2(b) (2) of the Constitution by a majority vote, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

(1) Notwithstanding any other provisions of law to the contrary, the Town of Clifton Park, in the county of Saratoga, is hereby authorized and empowered to adopt and amend local laws imposing in such Town a tax, in addition to any other tax authorized and imposed pursuant to this article, such as the legislature has or would have the power and authority to impose upon persons occupying tourist home, inn, hotel or motel rooms in such city. The rates of such tax shall be one and 1/2 percent of the per diem rental rate for each room provided, however, such tax shall not be applicable to a permanent resident of such tourist home, inn, hotel or motel or to rooms in such lodging facilities having less than four rentable units.

(2) The net collections pursuant to subdivision 1 of this section shall be paid to the Town of Clifton Park, for deposit in a capital reserve account to promote tourism and economic development within the Town. The Town is authorized to dedicate funds derived from collections to fund activities to support travel and tourism, including partnerships with the Southern Saratoga County Chamber of Commerce for dedicated staff to promote economic development, tourism and business to business relationships and opportunities. Elements of economic development expenditures authorized by this section include purposes and projects improving public safety, environmental protection including storm water management, transportation improvements and beautification projects within the Hotel District area bounded by Clifton Country Road at its intersection with Clifton Park Center Road along Clifton Park Center Road and Sitterly Road to Woodin Road, then to the Crossing Boulevard, to its intersection with Route 9, proceeding North to the [Holiday Inn] west across Interstate I-87 to Plank Road and up to State Route 146, west back to Clifton Country Road.

Resolution No. _____ of 2015, a resolution authorizing Judge Robert Rybak, Court Clerks Laura Davidson and Charlene Marra to attend the Association of Town's meeting.

Introduced by _____, who moved its adoption, seconded by _____.

WHEREAS, the state requires all town judges to attend a training session on a yearly basis, and

WHEREAS, court clerks must continue to refresh their skills and be aware of changes in state law and regulations, and

WHEREAS, the Office of Court Administration provides the necessary training for both judges and court clerks at the annual meeting of the Association of Towns held in New York City from February 14-17, 2016, and attendance at these meetings would provide a public benefit to the town; now, therefore, be it

RESOLVED, that Judge Robert Rybak, Court Clerks Laura Davidson and Charlene Marra are hereby authorized to attend the New York State Association of Towns annual meeting in New York City from February 14-17, 2016, to be paid from A1110-001 (Training & Conferences) and be it further

RESOLVED, that meals and other incidentals be paid per the stated 2016 per diem.

Resolution No. _____ of 2015, a resolution authorizing the Superintendent of Highways to purchase an Erskine Skid Steer Snow Blower for use by the Highway Department.

Introduced by _____, who moved its adoption, seconded by _____.

WHEREAS, by Resolution 262 of 2013, the Town Board authorized the purchase of a WL30 Wheel Loader with Snow Blower manufactured by Wacker-Neuson, after public bidding; and

WHEREAS, the Highway Department has made a warranty claim relative to the equipment, which did not perform according to specifications; and

WHEREAS, the Superintendent of Highways, received a quote from Admar Supply, the original supplier of the equipment, for an upgraded Erskine Snow Blower with trade-in credit of \$41,000 for the 2013 purchase; now therefore be it

RESOLVED, the Superintendent of Highways is hereby authorized to accept the quote of ADMAR Supply for the Erskine ES2010 Skid Steer Snow Blower with hydraulic auger and control valves in the amount of \$16,230 after trade-in credit with the funds to come from DA-5130-213 (Vehicle Equipment Line) as budgeted.

Resolution No. _____ of 2015, a resolution authorizing the implementation, and funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore:

WHEREAS, a Project, Crescent Road Bike and Pedestrian Improvements and two (2) SPOT Improvements, P.I.N. 1757.36 ("the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the Town of Clifton Park desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Design, and ROW Acquisition/Incidentals, and Construction/CT.

NOW, THEREFORE, the Town of Clifton Park Town Board duly convened, does hereby

RESOLVE, that the Town of Clifton Park Town Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Town of Clifton Park Town Board, hereby authorizes the Town of Clifton Park to pay in the first instance 100% of the federal and non-federal share of the cost of Design and ROW Acquisition/Incidentals and Construction/CI work for the project or portions thereof; and it is further

RESOLVED, that the sum of \$368,400.00 has already been appropriated from the General Fund by Resolution 88 of 2010 (\$154,000), and by Resolution 167 of 2013 (\$43,400) and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that the additional sum of \$2,179,000.00 has been appropriated from Resolution 166 of 2014 (\$137,000 for MJ) and, appropriated pursuant to General Municipal Law Section 103 by Resolution 210 of 2015 (\$2,042,000 for construction contract for James H. Maloy, Inc.) and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event of the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Town Board of the Town of Clifton Park shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Town Supervisor of the Town of Clifton Park be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Town of Clifton Park with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid

eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching to it any necessary Agreement in connection with the Project and it is further

RESOLVED, this Resolution shall take effect immediately.

STATE OF NEW YORK)
COUNTY OF SARATOGA)

I, the undersigned,

DO HEREBY CERTIFY that I have compared the above copy of a resolution adopted _____, 20__ with the original record in this office and that the same is a correct transcript thereof and of the whole of said original record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of said _____

This _____ day of _____, 20__.

Town Clerk

Resolution No. _____ of 2015, a resolution authorizing the Supervisor to submit a grant application to the Capital District Transportation Committee (CDTC) Linkage Program.

Introduced by _____, who moved its adoption, seconded by _____.

WHEREAS, the Town of Clifton Park desires to develop a grant application to evaluate development of comprehensive planning for the Crescent Road Corridor that establishes a multi-modal approach to providing for future transportation needs; and

WHEREAS, the proposed study will involve a community-based evaluation to determine how best to meet the needs of current and future users, and to establish a long-term plan to guide evolution of the corridor that balances existing land use and future transportation needs; and

WHEREAS, planning for future transportation needs requires objective data regarding existing travel demand characteristics, current and projected land use and the identification of activity centers, employment patterns and related uses; and

WHEREAS, the CDTC Linkage Program provides an established vehicle for the assessment of transportation improvement alternatives in context of the future vision for the corridor; now, therefore, be it

RESOLVED, that the Town Board authorizes the Supervisor to work with Planning Staff to develop a final scope of work and fee schedule to submit an application to CDTC for Linkage Grant Program funding assistance for the 2016-2017 funding cycle.

Resolution No. _____ of 2015, a resolution authorizing the purchase of a 2016 Dodge Grand Caravan SXT from Mobility Works, 1615 Central Avenue, Albany, NY, and to authorize a transfer from unassigned funds.

Introduced by _____, who moved its adoption, seconded by _____.

WHEREAS, the Town's Senior Express van service provides transportation to eligible seniors over 50 years of age, including transportation to medical appointments both within the Town and to Albany and regional hospital areas; and

WHEREAS, the Town does not currently have adequate capabilities to transport handicapped individuals efficiently, with existing equipment; and

WHEREAS, the County of Saratoga has provided grant funding to offset 50% of the cost of a new van with handicap accessibility; and

WHEREAS, Mobility Works, Central Avenue, Albany, New York provides a retrofitted Dodge Caravan with Braunability Wheelchair Vans which offers a cost efficient method of transportation, making out of town transportation to hospitals and outside medical appointments for handicapped individuals more efficiently than the Town's current bus and van vehicles; and

WHEREAS, the Comptroller and Town Attorney recommend the selection of the Mobility Works/Braunability Line as a sole source for the retrofitting and any necessary service and maintenance for the Central New York region; now, therefore, be it

RESOLVED, that the Clifton Park Town Board hereby authorizes the purchase of a model year 2016 Dodge Caravan SXT with BraunAbility XT features including power side ramp, from Mobility Works, 1615 Central Avenue, Albany, New York, as described in the attached documents, at a cost not to exceed \$55,030, to be paid from A-6772-200 (Senior Van - Equipment); and be it further

RESOLVED that account A-1280 shall be increased by \$27,515, and that the Unassigned Fund balance shall be transferred from A-909 for \$27,515 to A-6772-200.

Resolution No. ___ of 2015, a resolution adopting Local Law No. ___ of 2015 amending sections 208-43.2 and 208-37 (B) of the Zoning Code to eliminate Boardinghouse as an allowed use in the Hamlet Mixed Use and B-3 Neighborhood Business Zones.

Introduced by _____, who moved its adoption, seconded by _____.

WHEREAS, on December 7, 2015, the Town Board held a Public Hearing to solicit Public input on a proposal to remove the term “Boardinghouse” as an allowed use from sections of the Zoning Code, and

The Town Board has updated the zoning code to provide for multi-family Residential uses within the Town Center Zones, and

WHEREAS, Neighborhoods within the B-3 and Hamlet Mixed Use Zones continue to evolve; and

WHEREAS, John Scavo, the Planning Director, has recommended that Boardinghouses be deleted from the list of allowed uses within both the Neighborhood Business (B-3) and Hamlet Mixed Use Zoning codes to avoid incompatible uses within those neighborhoods within the Town, now therefore be it

RESOLVED, the Town Board hereby adopts Local Law No. ___ of 2015 amending sections 208-43.2 and 208-37 (B) of the Zoning Code to eliminate Boardinghouses as an allowed use in the Hamlet Mixed Use and B-3 Neighborhood Business Zones..

§ 208-37 Permitted uses.

In Neighborhood Business Districts B-3, no building or other structure or land shall be used and no building or other structure shall be built for any purpose other than:

B. The following uses: [Amended 6-8-2015 by L.L. No. 7-2015

- Animal-care facilities, provided that any structure or area used for such purposes, including pens or exercise runnings, shall be at least 100 feet distant from any residential district
- Artists' studios and shops
- Arts and crafts
- Bait and tackle shops
- Bakery with baking on premises
- Bank or savings-and-loan association
- Bicycle sales and repair shops
- [Boardinghouse]
- Bowling alley
- Church or other place of worship
- Convenience food store
- Day-care center
- Dry-cleaning establishment, where not more than five persons are employed and where no flammable cleaning fluids are used
- Emergency ambulance facilities if and only as long as, these facilities are under contract to the Town of Clifton Park to provide general health services to the Town
- Federal, state, county or Town municipal building
- Hardware store
- Interior design and decorator
- Meat markets (no processing facilities)
- Music shops
- Newstands
- Office supplies
- Personal service establishments
- Photographic and art galleries
- Print shops
- Restaurant; restaurant, drive-in or fast-food; or barroom, provided that no portion of the portion of a building occupied by such uses shall be located within 300 feet of the boundary line of any residential district
- Shoe repair
- Shopping center, subject to the provisions of § 208-89
- Sporting goods
- Wine and liquor stores

§ 208-43.2 Permitted uses.
[Amended 3-21-2011 by L.L. No. 9-2011]

The following are permitted uses:

Uses	Permitted (P) or Special Permits(s) Pursuant to § 208-79 et seq.
Business Uses	P
General business offices	P
Medical and dental offices and clinics, excluding overnight occupancy by patients	P
Attorneys' offices	P
Offices for licensed professionals; for example, architects, accountants, engineers, psychologists, optometrists and chiropractors	P
Insurance offices of independent or general agents, including regional or district offices of individual companies	P
Mortuaries or funeral homes	P
Center for the day care of children	P
Real estate offices	P
Banking institutions	P
Financial services, e.g., investment counseling and tax services	P
Animal hospital/veterinary offices, with the exclusion of outdoor runs and commercial kennels	P
Mixed-use buildings, with combination of commercial uses on ground floor with residential units on upper floors*	P
Home occupations	P
Day-care homes	P
Bed-and-breakfast facilities	S
Facilities for the sale and/or consumption of farm- and country-related edible and nonedible products at farm markets. Such facilities shall be consistent with the customary activities and operations normally associated with a farm.	S
Animal-care facilities, provided that any structure or area used for such purposes, including pens or exercise runs, shall be at least 100 feet distant from any residential district	P
Bank or savings-and-loan associations	P
[Boardinghouses]	[P]
Bowling alleys	P
Convenience food stores	P
Day-care centers	P
Self-storage facilities that appear residential in character	P
Dry-cleaning establishments, where not more than five persons are employed and where no flammable cleaning fluids are used	P
Personal service establishments	P
Restaurants; or barrooms, provided that no portion of the portion of a building occupied by such uses shall be located within 300 feet of the boundary line of any residential district	P
Commercial recreation facilities, subject to the provisions of § 208-94	S

**Permitted (P) or Special Permits(s)
Pursuant to § 208-79 et seq.**

Uses

Municipal Uses

Private schools, excluding business, dancing, trade or any other commercially oriented school	P
Nonprofit institutions for charitable, religious, cultural or community purposes	P
Emergency ambulance facilities if and only as long as these facilities are under contract to the Town of Clifton Park to provide general health services to the Town	P
Public utility structures	P
Radio installations, amateur (HAMS) (See § 208-95A)	P
Electrical substations, gas district governor stations, telephone exchanges or other public utility buildings, structures or uses, except business offices, storage yards, or repair shops, and subject to the provisions of § 208-79E(2).	S
Federal, state, county or Town municipal buildings	P
All other telecommunication towers as in § 208-95B	P
Cemeteries	S
Churches or other places of worship	P
Section 208-96, Temporary uses and structures	S
Public libraries	S

Residential Uses

Solar arrays: Ground- or pole-mounted solar arrays	S
One-family dwellings	P
Two-family dwellings	P
Community residences	P
Dwellings, two-family and/or semidetached	P
Accessory structures: buildings accessory to the above which are an integral part of any of the above uses and are not in conflict with the purposes of this article as set forth above, which determination shall be made by the Planning Board	P

Notes:

*See "mixed-uses" (§ 208-43.4 below)

Resolution No. _____ of 2015, a resolution establishing the position of a Temporary Seasonal Highway employee to assist in reporting to snow emergencies.

Introduced by _____, who moved its adoption, seconded by _____.

WHEREAS, the Highway Department has experienced a retirement and long term medical leave among the MEO staff capable of operating the Town's plow trucks; and

WHEREAS, the Town Board wishes to provide immediate, short term capacity for the Department to respond to snow emergencies during the 2015-2016 Winter Season; and

WHEREAS, additional capacity can be obtained in the near term through the establishment of a seasonal MEO position, now, therefore, be it

RESOLVED, that the position of Temporary Seasonal MEO is hereby established, effective immediately through April 15, 2016.

Resolution No. _____ of 2015, a resolution hiring a part-time clerk for the Highway Department.

Introduced by _____, who moved its adoption, seconded by _____.

WHEREAS, a vacancy exists for a part-time clerk in the Highway department, and

WHEREAS, Ellenmarie Martin, 5 North Pointe, Apartment 2 South, Clifton Park has been recommended to fill this position; now, therefore, be it

RESOLVED, that Ellenmarie Martin, 5 North Pointe, Apartment 2 South, Clifton Park be appointed to fill the position of part-time clerk in the Highway Department, at Grade 4, Step 1, year 1, to be paid from A-05010-E4000 (Highway Administrative – Part Tim Employee) effective immediately.