

TOWN OF CLIFTON PARK

TOWN BOARD MEETING

8/15/2016

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

- **Public Hearing – consider enacting Local Law __ of 2016 regulating the use of drones in Town parks and preserves**
- **Public Hearing – to amend §171-4(H)(3)(n) to allow electronic signs in additional zoning districts**
- **Resolutions for Consideration**
- **Other Business**

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 timeframe 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

§152-6. Prohibited acts.

It shall be unlawful and constitute an offense for any person to:

- A. Utilize or make use of any preserve within the Town except during the hours set forth in this article.
- B. Use or utilize any preserve within the Town for any act or use which is prohibited by this article.
- C. Vandalize, spray paint, break, or damage any property, fixture, building, facility, improvement or structure, or any trees, shrubbery, landscaping materials, and the like in any nature preserve within the Town.
- D. Operate any motor vehicle of any sort on any field, court, park or recreational facility other than for official purposes and in designated areas. This shall include motor vehicles, all-terrain-motorized vehicles, snowmobiles, motorized-trail bikes, motorcycles, or any other motor-driven craft.
- E. Except for lawful hunting and fishing as permitted herein, it shall be unlawful and a violation for any person to harass or harm wildlife, or to permit his or her dog or other domestic pet to do so.
- F. Use or ignite fireworks of any kind, including sparkling devices as defined in Subparagraph (vi) of Subdivision (a) of Paragraph 1 of § 270.00 of the New York State Penal Law, as referenced in § 156-h of the New York State Executive Law. [Added 8-17-2015 by L.L. No. 9-2015]
- G. Operate any unmanned aerial vehicle (drone, as defined in 208-7 of the zoning code) within or above any preserve within the Town.

§171-4 **Prohibitions; application; exemption**

All signs within the Town shall be governed by the sign limitations set forth herein:

H. Specific prohibitions.

(3) Any sign not otherwise permitted in this chapter and any sign specifically described below is prohibited. Signs specifically prohibited are as follows:

(n) Animated signs are prohibited except in the following specific zones and areas of zoning districts:
[Added 3-14-2011 by L.L. No. 8-2011]

[1] B-3 Zone east of the Northway at Exit 10.

[2] B-5 Zone north of Kinns Road on Route 9.

[3] B-4A Zone east of the Northway and along Route 9.

[4] Southern section of the B-4 Zone in the Exit 9 area. This exception does not include the portion of Clifton Park Center Road between Sitterly Road and Clifton Country Road, or areas within 100 feet of Sitterly Road.

[5] Within B-3 Zones for gas stations for fuel pricing signs only.

[6] L-2 zone east of the Northway along Route 9 in the northeast part of Town

[7] B-3 zone south of Kinns Road along Route 9.

§208-7 Definitions and word usage.

A. Certain words and terms used in this [chapter]code are defined, for the purposes thereof, as follows:

DRONE

An unmanned aerial vehicle (UAV) that can fly under the control of a remote pilot or via a geographical positions system (GPS) guided pilot mechanism.

§153-4. Prohibited Acts.

It shall be unlawful and constitute an offense for any person to:

- A. Utilize or make use of any park within the Town except during the hours set forth at § 153-2 hereinabove.
- B. Use or utilize any park within the Town for any act or use which is prohibited by this article.
- C. Vandalize, spray paint, break, or damage, any property, fixture, building, facility, improvement or structure, or any trees, shrubbery, landscaping materials, and the like in any park or park area within the Town.
- D. Operate any motor vehicle of any sort on any field, court, park or recreational facility other than for official purposes and in designated areas. This shall include motor vehicles, all-terrain motorized vehicles, snowmobiles, trail bikes, motorcycles, or any other motor-driven craft.
- E. Use or ignite fireworks of any kind, including sparkling devices as defined in Subparagraph (vi) of Subdivision (a) of Paragraph 1 of § 270.00 of the New York State Penal Law, as referenced in §156-4 in § 156-h of the New York State Executive Law. [Added 8-17-2015 by L.L. No. 9-2015]
- F. Operate any unmanned aerial vehicle (drone, as defined in 208-7 of the zoning code) within or above any park within the Town.

Resolutions for Consideration
Clifton Park Town Board Meeting

August 15, 2016

<u>SOURCE</u>	<u>RESOLUTION</u>	<u>CONTACT</u>
1. Supervisor	Recognize Clown Week 2016	P. Barrett
2. Planning	Authorize the Town to enter into an agreement with Saratoga County for a Trails Grant Program for construction of a connector trail in the Stony Creek Park District	P. Barrett
3. Highway	Authorize the acceptance of bids for surplus equipment	R. Kukuk
4. Highway	Authorize the disposal of surplus office equipment by the Highway Department	R. Kukuk
5. Supervisor	Approval of the application of Living Resources Corporation for an Individual Residential Alternative home at 23 Bonneau Road	P. Barrett
6. Supervisor	Authorize the Town Supervisor to file commitment documents for collection of County tax revenues for 2017	P. Barrett
7. Supervisor	Declare Lead Agency and classify acquisition and installation of playground equipment pursuant to SEQRA	P. Barrett
8. Supervisor	Schedule a public hearing relative to acquisition and financing of playground equipment improvements with the Riverview Park District	P. Barrett
9. Supervisor	Declare Lead Agency and classify sanitary sewer improvements pursuant to SEQRA	P. Barrett
10. Sewer	Schedule a public hearing relative to the financing, design and construction of sanitary sewer improvements in Clifton Knolls	P. Barrett

Resolution No. _____ of 2016, a resolution proclaiming the first week of August 2016 as International Clown Week.

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

WHEREAS, the people of the Town of Clifton Park recognize the importance of laughter in their lives, and

WHEREAS, clowns have long been known as ambassadors of joy and good will and bring happiness to both children and adults, and

WHEREAS, it is universally known that laughter is the best medicine, and

WHEREAS, clowns can make people forget their pain, sadness, illness and distress, and

WHEREAS, clowns have helped us preserve our sense of humor and ability to laugh at ourselves, and

WHEREAS, clowns encourage laughter in people from young to old, and rich and poor alike, and

WHEREAS, clowns can dissolve thoughts of prejudice and intolerance of others, and

WHEREAS, locally the Electric City Clowns participate in regular community service at hospitals, nursing homes and assisted living facilities; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park do hereby proclaim that the week of August 1-7, 2016, shall be recognized as International Clown Week within the Town of Clifton Park, and shall encourage all citizens to give fitting recognition to the clowns of the world.

Resolution No. _____ of 2016, a resolution authorizing the Town Supervisor to execute a grant contract with the County of Saratoga for a neighborhood connector trail in the Stony Creek Park District, from Mystic Lane to Thoroughbred Way

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

WHEREAS, the Stony Creek Park District 1 has requested that a connector trail be created to close a final approximate 800± feet gap in the Stony Creek Park District 1 neighborhood pathways network of off-road trails connecting neighborhood to neighborhood,

WHEREAS, the Town of Clifton Park as commissioners of the Stony Creek Park District was awarded a \$12,500 grant through the Saratoga County Trails Grant Program toward this project, and which will require a local match of a minimum of \$27,900; and

WHEREAS, the Stony Creek Park District supports the project and wishes to fund the local match necessary for construction of the trail; and

WHEREAS, the Stony Creek Park District has sufficient funding in the Assigned Fund Balance, SP9-960 Account to utilize towards the local match up to the \$27,900 amount; and now, therefore, be it

RESOLVED, that the Town Board authorizes the Supervisor to execute the attached grant contract with the County of Saratoga; and be it further

RESOLVED, that the Town Board authorizes the expenditure of up to \$27,900 from Assigned Fund Balance SP9-960; and be it further

RESOLVED, that McDonald Engineering is authorized to perform survey and design work, and to prepare bid documents for the project.

Resolution No. ___ of 2016, a resolution accepting the bids for equipment declared surplus by the Town Board and sold at public auction.

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

WHEREAS, the Clifton Park Town Board adopted Resolutions No. 70 and 140 of 2016 authorizing the sale of equipment declared surplus by the Town Board and authorizing the Highway Department to list the surplus equipment through Auctions International, an online public auction site, on behalf of the Highway Department and the Buildings & Grounds Department, and

WHEREAS, the public auction closed on Friday, June 3rd, 2016, with proceeds from the auction totaling \$8,264.00; now, therefore, be it

RESOLVED, that the Clifton Park Town Board accepts the bids for the equipment declared surplus, per the attached printout of winning bids; and be it further

RESOLVED, that the proceeds from the live auction be deposited according to the following schedule:

Department		Winning Bid
Buildings & Grounds	6 items	\$ 6,843.00
Highway	1 item	1,421.00
	TOTAL	\$ 8,264.00

Resolution No. _____ of 2016, a resolution authorizing the appropriate disposal of Town owned surplus copier equipment.

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

WHEREAS, the Town Highway Department has surplus copier equipment which is outdated and parts are no longer available, and

WHEREAS, Rick Kukuk, Superintendent of Highways, has requested authorization to dispose of the Lanier L320D by recycling it with Electronic Business Products; now, therefore, be it

RESOLVED, that authorization is hereby given to the Highway Department to appropriately dispose and recycle the Lanier copier with Electronic Business Products.

Resolution No. ____ of 2016, a resolution Approving the application of Living Resources Corporation for an Individual Residential Alternative home for adults with developmental disabilities

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

WHEREAS, Living Resources Corporation provides residential and individualized services to persons with intellectual and developmental disabilities under programs licensed by the NYS Office for People with Developmental Disabilities, and

WHEREAS, on July 11, 2006, Living Resources Corporation has applied to the Town for approval of an Individual Residential Alternative Home at 23 Bonneau Road pursuant to Section 41.34 of the NYS Mental Hygiene Law, which governs site selection for community residential facilities, and

WHEREAS, an informational meeting was held at Town Hall on July 26, 2016, for residents in the Bonneau Road neighborhood, where representatives from Living Resources described their mission, and provided information concerning the services that are provided and the residents expected at the facility, and

WHEREAS, further information on the programs, services and individuals expected at the facility were provided at a Town Board meeting on August 1, 2016, and

WHEREAS, concerns expressed at the meetings of the public centered around shift changes for staff, pedestrian safety, alterations to the building and site relative to the residential character of the neighborhood, and the possibility of changes to the mission or population at the site, and

WHEREAS, pursuant to Section 41.34 of the NYS Mental Hygiene Law, the Town has 40 days to (1) approve the site, (2) suggest a more suitable location for the facility, or (3) object to the site selection on the basis that approval would result in an unreasonable concentration of similar facilities within the Town or within proximity of the site so as to alter the nature and character of the Town or Neighborhood, and

WHEREAS, pursuant to NYS Mental Hygiene Law §41.34 (c) (1) (C), inaction by the Town within the 40 day time period results in approval of the site selected, and

WHEREAS, during the public meeting with neighboring residents, Living Resources has described a limited number of staff on site with minimal traffic associated with shift changes, and has committed to stress pedestrian safety to staff and residents, to advise the Building Department concerning physical alterations at the site and to contact the Town regarding any changes to the mission of the facility affecting changes to the population at the site, and

WHEREAS, the Town Board finds that the application for an Individual Residential Alternative facility at 23 Bonneau Road meets the criteria for site selection pursuant to NYS Mental Hygiene Law §41.34, now, therefore be it

RESOLVED, that the application of Living Resources Corporation for an Individual Residential Alternative Facility is approved, pursuant to the NYS Mental Hygiene Law and guidelines from the NYS Office for People with Developmental Disabilities, and to the Sponsoring Agency's information and commitments made at public meetings regarding the application.

Resolution No. _____ of 2016, a resolution authorizing the Town Supervisor to file commitment documents with Saratoga County for collection of the Town's Share of the 2017 Sales Tax Revenues.

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

WHEREAS, the Town of Clifton Park is required to file commitment papers regarding the collection of Sales Tax Revenue for 2017; now therefore be it

RESOLVED, that the Clifton Park Town Board hereby authorizes the collection of Sales Tax Revenue, to be paid in cash for 2017, from Saratoga County; and be it further

RESOLVED, that the Town Supervisor is hereby authorized to file the appropriate documents of commitment with Saratoga County.

Resolution No.____ of 2016, a resolution determining that proposed Southbury Park and Westchester Park renovation and improvement project is a Type II Action for purposes of the New York State Environmental Quality Review Act.

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

WHEREAS, the Town Board of the Town of Clifton Park, Saratoga County, New York (the "Town") is considering undertaking the renovation and replacement of playground equipment at Southbury Park and Westchester Park, as described in the project manual prepared by John M. McDonald Engineering, P.C. which is on file in the Town Clerk's office; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations"), the Town desires to comply with the SEQR Act and the Regulations with respect to the Project; and

WHEREAS, the proposed Southbury Park and Westchester Park renovations and improvements are supported by Town Recreation Plan 2010; now therefore be it

RESOLVED, by the members of the Clifton Park Town Board as follows:

1. The Project constitutes a "Type II Action" under 6 NYCRR § 617.5(c)(2), as it constitutes the replacement, rehabilitation or reconstruction of equipment, in kind, on the same site, and no further action under the SEQR Act and the Regulations is required.

2. This Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Resolution No. _____ of 2016, a resolution scheduling a public hearing regarding renovations and improvements at Southbury and Westchester Parks.

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

WHEREAS, the Town Board of the Town of Clifton Park (the "Town") proposes to undertake the renovation and improvement of the Southbury and Westchester Parks within the Riverview Park District, including the acquisition and installation of playground equipment and apparatus (the "Project"), as described in the project manual prepared by John M. McDonald Engineering, P.C., which is on file in the Town Clerk's office; and

WHEREAS, the total estimated maximum cost of the Project is \$155,000; and

WHEREAS, the Town Board now desires to call a public hearing regarding the Project, as required by Town Law Section 202-b;

NOW, THEREFORE, BE IT RESOLVED that the Town Board will hold a public hearing to hear all persons interested in the Project, which public hearing shall be held at Town of Clifton Park Town Hall, One Town Hall Plaza, Clifton Park, New York on September 6, 2016 at 7:07 p.m.; and be it further

RESOLVED, and ordered that the Town Clerk give notice of such hearing by publishing in the official Town newspaper the Notice of Public Hearing in substantially the form attached hereto and by posting the Notice of Public Hearing on the Town's official sign-board not less than ten nor more than twenty days before such hearing.

The question of adoption of the foregoing resolution was duly put to a vote, which resulted as follows:

Name

Vote

The resolution was thereupon declared duly adopted.

STATE OF NEW YORK)
COUNTY OF SARATOGA) ss.:

I, the undersigned Town Clerk of the Town of Clifton Park (the "Town"), DO HEREBY CERTIFY that I have compared the foregoing copy of the minutes of the meeting of the Town Board, including the Resolution contained therein, held on _____, 2016 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (i) all members of the Town Board had due notice of said meeting, (ii) said meeting was in all respects duly held, (iii) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law and (iv) there was a quorum of the members of the Town Board present throughout said meeting.

I FURTHER CERTIFY that as of the date hereof the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this ____ day of _____, 2016.

Patricia O'Donnell, Town Clerk
Town of Clifton Park, Saratoga
County, NY

[SEAL]

NOTICE OF PUBLIC HEARING

Riverview Park District Project

The Town Board of the Town of Clifton Park (the "Town") proposes to undertake the renovation and improvement of Southbury Park and Westchester Park within the Riverview Park District, including the acquisition and installation of playground equipment (the "Project"), as described in the project manual prepared by John M. McDonald Engineering, P.C., which is on file in the Town Clerk's office.

The total estimated maximum cost of the Project is \$155,000 funded with proceeds of obligations to be issued by the Town, the debt service on which will be paid from assessments levied on properties in the Riverview Park District.

Town Board will hold a **Public Hearing** to hear all persons interested in the Project, as required by Town Law Section 202-b, which public hearing shall be held at Town of Clifton Park Town Hall, One Town Hall Plaza, Clifton Park, New York on **September 6, 2016 at 7:07 p.m.**

TOWN OF CLIFTON PARK
Patricia O'Donnell, Town Clerk

Resolution No. _____ of 2016, a resolution declaring The Town Board lead agency for SEQRA review for the financing, design and construction of a capital improvement project to replace and improve certain sanitary Sewer Improvements Par Del Rio, Barney Road and Valencia Lane, and Valdepenas Lane in the Town of Clifton Park.

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

WHEREAS, the Town of Clifton Park plans to complete a capital improvement project to replace a Sanitary Sewer pipe, conduit and related infrastructure along Par Del Rio, Barney Road and Valencia Lane, and Valdepenas Lane, and

WHEREAS, the projects are necessitated due to failing sewer facilities, and are intended to improve water quality and to prevent impacts to traffic and safety, and

WHEREAS, John Scavo, Director of Planning has recommended that the project be classified as a Type II action under SEQRA; now therefore be it

RESOLVED that the Town Board declares itself lead agent pursuant to 6 NYC RR 617.3 et seq., and be it further

RESOLVED, that the proposed sanitary sewer infrastructure projects at Par Del Rio, South Barney Road and Valdepenas Lane and Valencia Lane are determined to constitute Type II Actions pursuant to 6 NYC RR 617.5(c)(4) & (5) and will have no adverse environmental impact.

Resolution No. _____ of 2016, a resolution scheduling a public hearing regarding the construction and financing of sanitary sewer improvements at Clifton Knolls for Clifton Park Sewer District No. 1.

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

WHEREAS, the Town Board of the Town of Clifton Park (the "Town") proposes to undertake the replacement and improvement of the sanitary sewer infrastructure at Par Del Rio, South Barney Road, Valdepenas Lane and Valencia Lane (the "Project"), within Clifton Park Sewer District No. 1 (the "Sewer District"), as described in the project manual prepared by John M. McDonald Engineering, P.C., dated June 2016, which is on file in the Town Clerk's office; and

WHEREAS, the total estimated maximum cost of the Project is \$1,126,529.25 and

WHEREAS, the Town Board proposes to finance the Project using \$626,529 of Sewer District funds available for this purpose and the issuance of up to \$500,000 in Town obligations, the debt service on which will be paid from assessments levied on properties in the Sewer District; and

WHEREAS, the Town Board now desires to call a public hearing regarding the Project, as required by Town Law Section 202-b;

NOW, THEREFORE, BE IT RESOLVED that the Town Board will hold a public hearing to hear all persons interested in the Project, which public hearing shall be held at Town of Clifton Park Town Hall, One Town Hall Plaza, Clifton Park, New York, on September 6, 2016 at 7:05 p.m.; and be it further

RESOLVED, and ordered that the Town Clerk give notice of such hearing by publishing in the official Town newspaper the Notice of Public Hearing in substantially the form attached hereto and by posting the Notice of Public Hearing on the Town's official sign-board not less than ten nor more than twenty days before such hearing.

The question of adoption of the foregoing resolution was duly put to a vote, which resulted as follows:

Name

Vote

The resolution was thereupon declared duly adopted.

STATE OF NEW YORK)
COUNTY OF SARATOGA) ss.:

I, the undersigned Town Clerk of the Town of Clifton Park (the "Town"), DO HEREBY CERTIFY that I have compared the foregoing copy of the minutes of the meeting of the Town Board, including the Resolution contained therein, held on _____, 2016 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (i) all members of the Town Board had due notice of said meeting, (ii) said meeting was in all respects duly held, (iii) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law and (iv) there was a quorum of the members of the Town Board present throughout said meeting.

I FURTHER CERTIFY that as of the date hereof the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this ____ day of _____, 2016.

Patricia O'Donnell, Town Clerk
Town of Clifton Park, Saratoga County,
NY

[SEAL]

NOTICE OF PUBLIC HEARING

Clifton Park Sewer District No. 1 Project

The Town Board of the Town of Clifton Park (the "Town") proposes to undertake the replacement and improvement of sanitary sewer infrastructure at Par Del Rio, South Barney Road, Val De Penas Lane and Valencia Lane (the "Project"), within Clifton Park Sewer District No. 1 (the "Sewer District"), as described in the report and project manual prepared by John M. McDonald Engineering, P.C., dated June 6, 2016, which is on file in the Town Clerk's office.

The total estimated maximum cost of the Project is \$1,126,529.25. The Town Board proposes to finance the Project using \$626,529 of Sewer District funds available for this purpose and the issuance of up to \$500,000 in Town obligations, the debt service on which will be paid from assessments levied on properties in the Sewer District.

Town Board will hold a **Public Hearing** to hear all persons interested in the Project, as required by Town Law Section 202-b, which public hearing shall be held at Town of Clifton Park, Town Hall, One Town Hall Plaza, Clifton Park, New York on **September 6 at 7:05 p.m.**

TOWN OF CLIFTON PARK
Patricia O'Donnell, Town Clerk