

Clifton Park Town Board Meeting Minutes

May 14, 2001

The regular meeting of the Town Board of the Town of Clifton Park was held in the Town Office Building at 7:00 p.m., Supervisor Barrett presiding.

PLEDGE OF ALLEGIANCE TO THE FLAG

Present: Councilman Paolucci
Councilman Speckhard
Councilman Roth
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Also Present: Town Attorney Trainor
Louis Gerard, Superintendent of Highways
Patricia Haffner, Director of Parks, Recreation & Community Affairs
Michael Shahan, Town Administrator

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Paolucci reported a presentation by the Department of State on adult businesses is being scheduled.

Councilman Speckhard referred to a letter from Lori Shackley inquiring about daily entrance rates for the pools. He said there is still room for analysis and, if it is possible, the town should move in that direction. Supervisor Barrett noted the town does not own the Burning Bush pool. Councilman Roth expressed concern regarding people switching over from the yearly rate to a daily rate and how this would affect revenues. He said if it is decided to make the change the town should leave options open to go back to the yearly rates the next year. Supervisor Barrett said he would have more concern on the effect on the neighborhood and the pool not owned by the town.

REPORTS

Reports for April from the Highway Department and Transfer Station were filed with the Town Clerk.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 116 of 2001, a resolution establishing the summer schedule for Town

Board meetings in 2001.

Introduced by Councilman Roth, who moved its adoption, seconded by Councilman Speckhard.

WHEREAS, the Town Board wishes to set the summer meeting schedule to two meetings per month consistent with past practice; now, therefore, be it

RESOLVED, that the Town Board hereby establishes the following summer schedule for July and August 2001:

Monday July 2, 2001
Monday July 16, 2001
Monday August 6, 2001
Monday August 20, 2001

and be it further

RESOLVED, that on the first meeting of each month for July and August, there shall be scheduled public hearings, public forums, reports to the Board and on the second meeting for July and August, public privilege and Board work session.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 117 of 2001, a resolution authorizing a change order for additional work at the Burning Bush Pool.

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilman Speckhard.

WHEREAS, discovery that additional repairs to the Burning Bush pool will necessitate changes for an additional cost of \$4,409, and

WHEREAS, a change order is required to authorize these changes; now, therefore, be it

RESOLVED, that authorization is hereby granted to the Director of Buildings and Grounds to execute a change order for additional work at the Burning Bush Pool at an additional cost of \$4,409 to be paid from SP5 -7123-200 (Longkill I - Capital Improvement).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 118 of 2001, a resolution appointing new members to the Trails Advisory Committee.

Introduced by Councilwoman Walowit, who moved its adoption, seconded by Councilman Paolucci.

WHEREAS, Eric Hamilton, Chairman of the Trails Advisory Committee, has recommended that per Schedule A, new members be added to the committee; now, therefore, be it

RESOLVED, that the new members listed in Schedule A, be added to the Trails Advisory Committee all to serve at the pleasure of the Town Board.

Schedule A

Gary Brownell Meg Garrity
13 Gloucester Street 13 Abbey Court
Clifton Park Clifton Park

Deborah Oliveira Eric Ophardt
8 Temple Hills 8 Daniel Lill Court
Clifton Park, New York 12065 Clifton Park
Mailing: PO Box 5084 Clifton Park

Edward Peck Reese Peck
11 Temple Hills 17 Nottingham Way North
Clifton Park, New York 12065 Clifton Park

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 119 of 2001, a resolution authorizing the Highway Department to post "Shared Roadway" signs.

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilman Roth.

WHEREAS, the Trails Advisory Committee has received "Shared Roadway" signs from NYS DOT Regional for installation along several roads located in Town per schedule A, and

WHEREAS, the assistance of the Town Highway Department and expenditure of budgeted funds is needed to install the signs; now, therefore, be it

RESOLVED, that the Town Highway Department is authorized to install the "Shared Roadway" signs per schedule A and payment of additional expenses to do so is authorized as budgeted from A7629-15 (Trails-Other Contractual).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 120 of 2001, a resolution authorizing Clough, Harbour, & Associates to prepare bid specifications for improvements to the Longkill I Park District.

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilman Roth.

WHEREAS, Clough, Harbour & Associates has identified certain deficiencies and corrective work required following an inspection of the Longkill I Park area, and

WHEREAS, the Town Board acts as Commissioners of the Longkill I Park District; now, therefore, be it

RESOLVED, that Clough, Harbour & Associates is hereby authorized by the Town Board acting as Commissioners of the Longkill I Park District, to prepare bid specifications for improvements to the Longkill I Park District, cost of which was included in the original Master Plan.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 121 of 2001, a resolution awarding bids for certain services, materials and equipment.

Introduced by Councilman Speckhard, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, bids were received for certain services, materials and equipment needed by the Highway Department, and

WHEREAS, the Highway Superintendent has requested that the low conforming bids received be awarded; now, therefore, be it

RESOLVED, that the following bids for certain services, materials and equipment are hereby awarded per attached Exhibit A:

Exhibit A

ITEM AWARD TO

Application of Pavement Markings Atlantic Pavement Marking

Crushed Stone: 1A, 1,2,3, F.O.B. Pompa Bros.
1B, 3A, Rubble F.O.B. & Delivered Callanan
3 & 4 Road Gravel, Winter Sand F.O.B. & Delivered R.J.Valente
1A, 2,3 Delivered R.J.Valente

Limestone: 4 Delivered Troy Sand & Gravel
1A, 1, 2, 3, F.O.B Pompa Bros.
Rubble & Crusher Run F.O.B. & Delivered Pompa Bros.
1B F.O.B. & Delivered Callanan
1A, 1,2,3, Delivered R. J. Valente
1A F.O.B. Palette Stone

Asphalt Concrete Paving 6F Delivered in Place Rifenburg Construction
F.O.B. Callanan Materials &
Palette Stone

Asphalt Concrete Paving 7F Delivered in Place Towne Construction
F.O.B. Callanan Materials

Asphalt Concrete Paving-Dense Binder Delivered in Place Rifenburg Construction
F.O.B. Palette Stone

Asphalt Concrete Paving-Curbing Mix F.O.B. Palette Stone

Catch Basin & Storm Sewer Line Cleaning Cardona & Sons

In-Place Recycled Base Course Type III Cady Co.

(1) New Wheel Loader W/Bucket \$68, 502 Southworth Milton
with option: Warranty price \$70,852

and be it further

RESOLVED, that the New Wheel Loader be budgeted from DA05130-00219 (Highway-Med. Truck) and the Application of Pavement Markings be budgeted from DA05110-0215 (Highway-Street Striping) and the remainder of the bids be budgeted from DA05110-00024 (Highway-Repairs/Maintenance) and DA05010-00030 (Highway-Paving/Blacktop).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 122 of 2001, a resolution hiring summer staff for the Transfer Station.

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilman Roth.

WHEREAS, the Transfer Station Supervisor has identified a need for summer help and has recommended that Andrew Merwin, 37 Pepper Hollow, Clifton Park, be hired for this position; now, therefore, be it

RESOLVED, that authorization is hereby granted to hire Andrew Merwin, 37 Pepper Hollow, Clifton Park, for the Transfer Station at the hourly rate of \$6.50 effective May 15, 2001 through September 1, 2001 to be budgeted from A8160-E4000 (Transfer Station-Part time summer help).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 123 of 2001, a resolution authorizing the hiring of pool staff and water safety instructors as per Schedule A.

Introduced by Councilman Roth, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, the Director of Parks, Recreation and Community Affairs has recommended that individuals listed in Schedule A be hired as part of the pool staff for the summer, and

WHEREAS, the wages to be paid to the hired individuals is listed in Schedule A as budgeted; now, therefore, be it

RESOLVED, that the individuals listed in Schedule A attached hereto be hired as part of the pool staff for the Town of Clifton Park, summer of 2001, effective immediately through October 1, 2001, to be budgeted from SP5-7151, Country Knolls Pool, A7150, Barney Road Pool and A7152, Locust Lane Pool.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 124 of 2001, a resolution awarding the bid for the Route 9-Fire Road Water District.

Introduced by Councilwoman Walowit, who moved its adoption, seconded by Councilman Paolucci.

WHEREAS, on May 1, 2001 the bids were received for the above referenced contract, and

WHEREAS, the lowest conforming bidder for the contract is Tom Kubricky Company, Inc., DBA TKC in the amount of \$215,167, and

WHEREAS, as per letter from C.T. Male Associates, PC, dated May 4, 2001, C.T. Male

has reviewed the bids and has recommended to the Town Supervisor that the bid of Tom Kubricky Company be accepted as the lowest conforming bidder; now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced bid to Tom Kubricky Company, DBA TKC in the amount of \$215,167.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 125 of 2001, a resolution setting a public hearing to consider adoption of a Local Law amending Local Law No. 3 of 2001 Imposing a Ninety-Day Moratorium on Town Sewer Districts Outside User Hook-ups.

Introduced by Councilman Speckhard, who moved its adoption, seconded by Councilman Paolucci.

WHEREAS, a proposed Local Law amending Local Law No. 3 of 2001 being proposed, a copy of which is attached hereto, and to be known as the Local Law Imposing and extending a Ninety-Day Moratorium on Town Sewer Districts Outside User Hook-ups, is to be considered for adoption by the Town Board, and

WHEREAS, the Town Board desires to hold a public hearing with respect to the adoption of said Local Law; now, therefore, be it

RESOLVED, that a public hearing be held by the Town Board with respect to consider the adoption of the aforesaid Local Law at 7:20 PM on May 21, 2001 in the Wood Memorial Meeting Room, 1 Town Hall Plaza, Clifton Park, and be it further

RESOLVED, that the Town Clerk publish appropriate notice of same.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Ed Dussault, Grooms Road, complained about the dumping and mulching operation on Grooms Road reporting it is going on seven days a week, with trucks in and out at all hours with no let up. He said the odor and dust is so bad he can't go outside or open windows. Mr. Dussault stated his wife is ill due to the mulching operation. Supervisor Barrett said the town has been monitoring the situation since the end of last year. He said there is an application for subdivision of the property. Mr. Shahan said there are no violations per Mr. Clemens and that the mulching operation has been going on for over twenty years. Mr. Dussault said the business has greatly escalated and the mulch business was not there twenty years ago. Town Attorney Trainor said he is not aware of any violations on the property. Supervisor Barrett said the Board is sympathetic to the situation. Mr. Dussault said his only recourse is to ask that his taxes be lowered. Mr. Trainor said if it is a private nuisance, Mr. Dussault may have some other recourse but that is not for the Town Board to get involved in. Mr. Trainor said he would be happy to speak with Mr. Dussault's attorney. Supervisor Barrett recommended Mr. Dussault contact the Town Health Officer. Councilman Paolucci requested that the Code Enforcement Officer submit a written report to the Town Board in order to understand better the history of the location, what is going on in the current operation, versus the Town Code. Mr. Shahan said it is in the site plan and the town doesn't have any legislation regarding hours of operation for trucks. He recommended the town reviewing hours of operation for trucks.

Richard Thomas, Garden Drive, complained about loud cars, boom boxes, speeding and traffic on Garden Drive. He stated he has spent over \$200 replacing mailboxes knocked down. He has spoken with Sheriff and State Police. Supervisor Barrett stated this area will be monitored. Mr. Thomas requested a noise ordinance be put in place. Town Attorney Trainor said the issue with a noise ordinance is enforceability. Mr. Thomas asked if "Children At Play" signs could be installed on Garden Drive. Highway Superintendent Gerard responded no, that signs would not stop speeders. He noted a number of years ago, in order to solve a similar problem on Evergreen Avenue, several stop signs were put up to control speed. Mr. Thomas questioned the option of speed bumps on the road. Supervisor Barrett said the answer is enforcement.

Norman Goldman, London Square Drive, stated the sign at the entrance to Clifton Common is illegal and has not been taken down. Supervisor Barrett said the goal is to get a type of permanent sign that various community organizations can use. Mr. Goldman said change the law if this type of sign is to be allowed. Councilman Roth said based upon monies to be received from the county, he has asked Mr. Shahan to put numbers together for a permanent sign to be maintained by the town. Councilman Roth said he will ask the Senior Center to move the sign in question to their own facility. Town Attorney Trainor said there is some confusion as to whether the sign is on or off premises. Mr. Goldman reiterated it is an illegal sign.

Beverly Czub, Miller Road, reported speeding on Clifton Park Center Road and Miller

Roads.

Regarding consideration of day passes to the pools, Norman Goldman recommended issuing a pass for 10 or 15 visits and anything over would require a season pass. Speaking with regard to the arena, Mr. Goldman said it looked to him, on a financial basis, that once the YMCA took over management of the arena the gap between expenses listed in the budget and income were very close. Supervisor Barrett said the arena is thirteen years old, the town still owes \$1.5 million, millions of dollars have already been paid, the town was budgeting \$50,000 per year for maintenance and the building needs a substantial amount of improvements. He stated this was a never-ending cycle of debt and improvements and doesn't even come close to serving the residents of the town. Councilman Paolucci said it is his impression the arena is not breaking even and now there is a better deal that will help the town. Councilman Speckhard said the arena may have been closer to breaking even because the town was not putting the investment into it to make the improvements and had improvements been done within the framework of the contract, there would have been a debt situation.

MOTION by Councilman Roth, seconded by Councilman Paolucci, to adjourn the meeting to the next regular meeting or any other meeting necessary for the conduct of Town business.

Motion carried at 8:45 p.m.

Patricia O'Donnell
Town Clerk