

Clifton Park Town Board Meeting Minutes

November 18, 2002

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

Absent: Councilman Paolucci due to a business assignment

Also Present: Town Attorney Trainor
Louis Gerard, Superintendent of Highways
Mark Heggen, Comptroller
Michael Shahen, Town Administrator
Walter Smead, Assessor

MOTION by Councilwoman Walowit, seconded by Councilman Roth, to approve the minutes of the November 4, 2002 meeting as presented.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

MOTION CARRIED

MOTION by Councilman Speckhard, seconded by Councilman Roth, to approve the minutes of the November 7, 2002 budget public hearing meeting as presented.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Roth reviewed holiday events including Sounds of the Season scheduled for December 3, 2002 and the Clifton Park Community Chorus concert on December 21, 2002.

REPORTS

Reports for October from the Transfer Station, Planning Department and Sheriff's Department were filed with the Town Clerk.

REPORTS TO THE BOARD

CLIFTON PARK ARENA

Supervisor Barrett said Scott Bobrow built the new rink for \$2.5 million. He is leasing the land under the new arena from the town and manages both the town's and his own facility. He said he and Mr. Bobrow noted various improvements that needed to be made to the town's arena when Mr. Bobrow took over management. Supervisor Barrett said great progress has been made in one year.

Scott Bobrow, Manager of the Clifton Park Arena, distributed Arena Management Group, LLC financial statements as of September 15, 2002 and reviewed improvements and upgrades as well as money saving measures. He said the town has put no money in the rink this year and yet a profit of \$50,078.44 is being realized. He presented the town with a check for \$38,078.44, noting that per the agreement \$1000 a month until \$20,000 is reached is being put away in a rainy day fund. He said he will continue to make improvements and at the same time try and save money. Mr. Bobrow compared 2001 utility bills to 2002 which show a \$1500 decrease in 2002 due in part to eliminating humidity problems.

Supervisor Barrett noted the town arena is benefiting from investments made in Mr. Bobrow's arena. He said the \$12,000 will go into a rainy day fund to offset the expense of some of the costs that will be coming. Supervisor Barrett proposed that a portion of the money received tonight be spent on plumbing and bathroom upgrades.

Mr. Bobrow said he would like the rainy day fund to be continued at \$1000 per month with no cap. He said the boards around the rink are in bad shape but recommended waiting a year before taking on the obligation of new boards.

Supervisor Barrett said there is no longer a budget line for the arena in the general fund budget as all expenses are coming from the arena budget, noting there is a great savings for taxpayers.

MARVIN & COMPANY

Darryl Purinton, of Marvin & Company reviewed the 2001 town's single audit report, giving a clean opinion on all aspects. He reviewed the town's financial statements giving a clean opinion with respect to the general purpose financial statements of the town. He noted the town has a very strong balance sheet, showing \$4.5 million fund equity at the end of 2001. Mr. Purinton said there are no matters to report of non-compliance. He continued, with respect to internal control, there are no reportable conditions. With regard to the implementation of GASBY 34, he recommended a committee be formed in order to develop the necessary changes.

Town Administrator Shahan updated the Board on the SEMO table top exercise held November 7th to test the town's emergency management plan. He reported a few weaknesses were found in the communication area which will be reviewed.

Town Comptroller Heggen reviewed the financial report for October. He reported due to the fact that TrustCo is no longer a commercial bank, it was necessary to transfer funds to other banks as NYS law requires municipalities to use commercial banks or trust companies. He reported the town received approximately \$300,000 from Saratoga County in adjusted sales tax monies. Mr. Heggen stated any mortgage tax monies received at this point are over and above what was originally budgeted. He reported more than five employees on the general side and three on the highway side have opted for the general retirement incentive.

PUBLIC PRIVILEGE ON RESOLUTIONS

Sybil Telfian, Rivercrest Drive, liaison with the town and the National Organization on Disability, reported the Rexford Women's' Club is preparing a booklet listing facilities and services available in the Clifton Park area.

Resolution No. 291 of 2002, a resolution authorizing membership in the National Organization on Disability Community Partnership Program.

Introduced by Supervisor Barrett, who moved its adoption, seconded by the entire Town Board.

WHEREAS, the Community Partnership Program (CPP) is a program of the National Organization on Disability's (N.O.D) that works to expand the participation and contribution of America's 54 million men, women and children with disabilities in all aspects of life, and

WHEREAS, CPP supports the critical role that communities have in fulfilling America's disability agenda, closing the participation gaps between citizens with disabilities and those without disabilities in key areas of community life, and

WHEREAS, membership in the National Organization on Disability Community Partnership Program will confer a benefit on the Town of Clifton Park; now, therefore, be it

RESOLVED, that the Town of Clifton Park is authorized to become a member of the National Organization on Disability's Community Partnership Program at a cost of \$450 for one year, to be paid from A-1220-10.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 292 of 2002, a resolution authorizing the budget transfers specified in Exhibit A.

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

WHEREAS, the Comptroller has recommended that certain budget adjustments contained in Exhibit A be made to address the needs of all funds as well as other miscellaneous expenditures as set forth in Exhibit A; now, therefore, be it

RESOLVED, that the budget transfers specified in Exhibit A be adopted per the Comptroller's recommendations.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 293 of 2002, a resolution authorizing the Town of Clifton Park Comptroller to return \$1 million dollars to Saratoga County in 2003 from sales tax receipts and for the Town Comptroller to file commitment documents with Saratoga County.

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

WHEREAS, the Town Board is committed to doing all it can to stabilize County tax payments by Town residents; now, therefore, be it

RESOLVED, that the Clifton Park Town Board hereby authorizes the Town Comptroller to return \$1 million dollars to Saratoga County in 2003 from sales tax receipts and hereby authorizes the Town Comptroller to file the appropriate documents of commitment with Saratoga County.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci,

DECLARED ADOPTED

Resolution No. 294 of 2002, a resolution authorizing the Town Assessor to hire Del Palmer Appraisal Company to conduct an appraisal of the Barbara Lawrence property.

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

WHEREAS, the Town of Clifton Park is currently a party to a Tax Certiorari proceeding brought by Barbara Lawrence; and

WHEREAS, an independent appraisal of the Lawrence property is necessary for the litigation, and Del Palmer Appraisals has performed such appraisals for the Town of Clifton Park in the past; now, therefore, be it

RESOLVED, that the Sole Assessor for the Town of Clifton Park is authorized to hire

Del Palmer Appraisal Company to conduct an appraisal of the Lawrence property, SBL 275.-1-101, with the estimated cost of \$1600 to come from the Appraisal Budget Account, A-1355-130.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 295 of 2002, a resolution authorizing the Town Assessor to hire Del Palmer Appraisal Company to conduct an appraisal of Plaza 8.

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

WHEREAS, the Town of Clifton Park is currently a party to a Tax Certiorari proceeding brought by Plaza 8 Associates, LLC, and

WHEREAS, an independent appraisal of Plaza 8 is necessary for the litigation, and Del Palmer Appraisals has performed such appraisals for the Town of Clifton Park in the past; now, therefore, be it

RESOLVED, that the Sole Assessor for the Town of Clifton Park is authorized to hire Del Palmer Appraisal Company to conduct an appraisal of Plaza 8, SBL 284.-1-22.1, with the estimated cost of \$3200 to come from the Appraisal Budget Account, A-1355-130.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 296 of 2002, a resolution authorizing the Supervisor to sign a lease with Electronic Business Products for a copier.

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

WHEREAS, the Clifton Park Town Justices have requested that a new copier be leased for the Justice Court, and

WHEREAS, the proposed cost for leasing the copier has been budgeted; now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to enter into a lease agreement with Electronic Business Products for a Lanier 5622 Copier for thirty-six(36) months, at a cost not to exceed \$90.00 per month, plus \$.01 per copy for service and supplies, as budgeted for 2002 in item A-1110-3 (Justice-Copier), \$250 and subsequent years to be budgeted.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 297 of 2002, a resolution authorizing change order No. 1 for repairs to the heating system at Town Hall.

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

WHEREAS, repairs to the heating system at Town Hall were authorized at a cost of \$3344.25, and

WHEREAS, additional work to the heating system was required to be performed by the contractor Family Danz Heating and Air Conditioning, Inc.; now, therefore, be it

RESOLVED, that authorization is hereby granted to the Comptroller to execute change order No. 1 for additional work to the Town Hall heating system for an additional cost of \$1182.87 to be paid with a transfer from amounts designated from 2001 Saratoga County Revenue Sharing Plan to A-1620-200 (Town Hall-Equipment).

ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilman Roth,

Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci,

DECLARED ADOPTED

Resolution No. 298 of 2002, a resolution authorizing the Assessor to relevy delinquent water charges on the 2003 property tax bills.

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

WHEREAS, the Rexford Water District has reported unpaid water bills per the attached schedule for the Rexford Water District, and

WHEREAS, it is necessary for the Assessor to relevy the unpaid bill on the property owner's 2003 tax bill to ensure payment of the same; now, therefore, be it

RESOLVED, that the Town Board accepts the reported delinquent water charges for the Rexford Water District per the attached schedule and authorizes the Assessor to relevy that amount on the property owners' 2003 property bill.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 299 of 2002, a resolution authorizing the Assessor to relevy delinquent water charges on the 2003 property tax bills.

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

WHEREAS, the Rivercrest Water District has reported unpaid water bills per the attached schedule for the Rivercrest Water District, and

WHEREAS, it is necessary for the Assessor to relevy the unpaid bill on the property owner's 2003 tax bill to ensure payment of the same; now, therefore, be it

RESOLVED, that the Town Board accepts the reported delinquent water charges for the Rivercrest Water District per the attached schedule and authorizes the Assessor to relevy that amount on the property owners' 2003 property bill.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 300 of 2002, a resolution authorizing an additional Working Supervisor for the Highway Department.

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

WHEREAS, due to several retirements within the Highway Department, the Highway Superintendent has recommended creating a third Working Supervisor position to ensure the orderly completion of pending highway projects, and

WHEREAS, the Saratoga County Department of Personnel has approved the creation of the position of Working Supervisor as well; now, therefore, be it

RESOLVED, that the Highway Superintendent is authorized to create an additional Working Supervisor position to be paid from DA 05110-E1500 (Highway-MEO/Working Supervisor) and DA05142-E1500 (Highway-Snow Removal-MEO).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 301 of 2002, a resolution rescinding Resolution No. 336 of 2001

regarding the acceptance of certain streets and easements.

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

WHEREAS, Resolution No. 336 of 2001, a copy of which is attached hereto was adopted by the Town Board on November 19, 2001, and

WHEREAS, the resolution accepted the conveyance of certain streets and easements in the Oaks Subdivision expressly conditioned upon the receipt of certain approvals, necessary documents for filing, an acceptable title report and payment of all taxes and assessments, and

WHEREAS, a year has passed since the passage of said resolution and the conditions attached to accepting the conveyances have not been satisfied; now, therefore, be it

RESOLVED, that Resolution No. 336 of 2001 is hereby rescinded, revoked and nullified as of its original date of passage on November 19, 2001.

Town Attorney Trainor explained certain roads were accepted in The Oaks subdivision based on the representation that deeds, accompanying documents, etc. would be submitted for his, the Highway Superintendent and Town Engineer's approval. He said documents came in in "dribs and drabs" and incomplete and since the conditions of accepting the roads have not been satisfied, he recommended Resolution No. 336 of 2001 be rescinded. Highway Superintendent Gerard said the roads will be plowed and maintained safely and the developer will have to pay the cost from today on.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 302 of 2002, a resolution authorizing John M. McDonald Engineering, P.C. to proceed with the map, plan and report for the proposed Katherine Terrace Sewer District Extension.

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

WHEREAS, informational meetings were held on July 30, 2002 to inform residents of the proposed costs associated with the proposed sewer district extension, and

WHEREAS, a survey was conducted and the results were used to establish the properties that were in favor of the extension; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes Town Engineer, John M. McDonald Engineering, P.C. to proceed with the map, plan and report for the proposed Katherine Terrace Sewer District Extension, cost to be budgeted from A-1440-135 (Engineering-Engineering Services).

Supervisor Barrett said the town is waiting to hear from one resident of the proposed district but everyone else is unanimously in favor of the sewer district extension. Environmental Specialist O'Brien said a certified letter sent to the resident was signed for but he has not heard from him. He noted this resident's parcel is an integral part of the district and it is important to talk with him. Mr. O'Brien noted there is overwhelming support to go forward.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

PUBLIC PRIVILEGE

Youseff Ballout, Torrero Drive, said his concern last year regarding the ice arena was about how the contract awarded.

Supervisor Barrett replied other alternatives regarding the ice arena were looked at and this was the best one.

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

Motion carried at 8:50 p.m.

Patricia O'Donnell
Town Clerk