

**Clifton Park Town Board Meeting Minutes
September 5, 2006**

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
Kathleen Maynard, Director of Planning
Mark Heggen, Comptroller
Richard Kukuk, Superintendent of Highways
Barbara McHugh, Director of Community Development
Michael Shahan, Town Administrator

MOTION by Councilman Paolucci, seconded by Councilman Roth, to approve the minutes of the August 21, 2006 meeting as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Roth reported the "Bulk Pickup" program is underway and seems to be running smoothly.

Supervisor Barrett said thoughts and prayers are with Trooper Donald Baker, Jr., son of the Town's Animal Control Officer Don Baker, and his family, critically wounded on August 31st and with the family of Trooper Joseph Longobardo fatally wounded while

searching for an escaped convict.

PRESENTATION

Supervisor Barrett read the following resolution in recognition of the great accomplishments the 9-year old Clifton Park Green Machine Baseball Team and their coaches. Coach Chris Berry commended the team on their sportsmanship, noting they were excellent representatives of the Town of Clifton Park.

Resolution No. 294 of 2006, a resolution recognizing the 9-year old Clifton Park Green Machine Baseball Team, for winning the 2006 Cal Ripken Eastern New York Regional Tourney and for being runner-up in the Cal Ripken Mid-Atlantic Regional Championship.

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

WHEREAS, the Clifton Park Green Machine Baseball Team had an overall record of 20-6, and

WHEREAS, the team won the most games of the tournament and had only one loss, and

WHEREAS, the Clifton Park Green Machine Baseball Team was runner up for the Cal Ripken District Tourney and the Glens Falls Pepsi Tourney, and

WHEREAS, the Clifton Park Green Machine Baseball Team went on to win the Cal Ripken Eastern New York Regional Tourney, and

WHEREAS, the Clifton Park Green Machine Eastern New York Champions was runner-up in the Cal Ripken Mid Atlantic Regional Championship, and

WHEREAS, the Clifton Park Green Machine Baseball Team represented youth baseball in its finest form and was a credit to the Town of Clifton Park; now, therefore, be it

RESOLVED, that the Town of Clifton Park recognizes the Clifton Park Green Machine Baseball Team on winning the Eastern New York Regional Tourney and for being runner-up in the Cal Ripken Mid Atlantic Regional; and be it further

RESOLVED, that the Town of Clifton Park does hereby recognize and commend the following members of the Clifton Park Green Machine Baseball Team and their coaches.

Eddie Berry, Brian Louzon, Matt Bloise, Brendan Marra, Danny Busold, Danny McGuire Justin Dowd, Mark Muller, Brady Fallon, Antonio Rossi, Will LeRoy, Josh Ruddy, Head Coach, Chris Berry, Assistant Coach, Dave Fallon, Assistant Coach, John Bloise.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

PUBLIC PRIVILEGE ON RESOLUTIONS

Norman Goldman, London Square Drive, asked where in the 2007 budget, as well as financial and audit reports, will funds regarding the arena will be shown. Mr. Heggen responded this will be shown as an appropriation on the budget side and expenditure in the public facilities/parks line. Mr. Goldman questioned the duties of the proposed Executive Assistant to the Planning Board and how the position fits in the organization structure. Supervisor Barrett said this position will bring the department to three fulltime employees with possibly a fourth in the future.

Beverly Czub, Miller Road, questioned the hiring of Girvin & Ferlazzo Law Firm. Supervisor Barrett explained this is due to the proposed cell tower on Main Street, Jonesville, however, the applicant has, at this time, put the application on hold.

Resolution No. 295 of 2006, a resolution authorizing Change Order No.1 to Contract No.1 for General Construction for the Van Patten Pump Station Improvements.

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

WHEREAS, in order to construct the proposed improvements to the Van Patten Pump Station, it became necessary to raise the concrete wet well by two feet to provide for additional room between grade and the new hatch at a cost of \$1,000, and

WHEREAS, the contractor searched for and found a buried manhole that was allowing flow to enter the system beyond the planned bypass pumping location, requiring that the bypass pumping system be relocated and the work to be continued at an additional cost of \$2,611.03, and

WHEREAS, a problem with the pump station discharge piping was discovered after the work began and additional piping required replacement at a cost of \$3,787.87, and

WHEREAS, a \$2,000 contract allowance item will be utilized to offset some of the additional costs, and

WHEREAS, a Change Order was recommended and prepared by McDonald Engineering

for the additional work, and

WHEREAS, the Change Order results in an increase of \$5,398.90 from the current contract amount of \$76,597 to arrive at a new contract amount of \$81,995.90 with the funds to come from G7-8111-200 (Clifton Park Sewer #1 Trans.-Equip.); now, therefore, be it

RESOLVED, that Supervisor Barrett is hereby authorized to sign Change Order No.1 dated July 10, 2006 to the Carver Construction, Inc. contract for the Van Patten Pump Station Improvements; and be it further

RESOLVED, that the Comptroller is hereby authorized to pay the increased contract amount of \$81,995.90, this includes Change Order No.1.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 296 of 2006, a resolution allocating funds from Undesignated Surplus for repairs to the Town Ice Arena Building.

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

WHEREAS, the Town Board wishes to transfer funds in the amount of \$36,000 to be allocated for repairs to the south siding of the Ice Arena building, and

WHEREAS, Bast Hatfield, Inc. has given a cost estimate of \$26,000 to replace the metal paneling on the Ice Arena, and

WHEREAS, it is estimated the cost of a snow slide for the roof area is \$10,000; now, therefore, be it

RESOLVED, that \$36,000 be allocated from Undesignated Surplus to repair the Ice Arena siding, with a transfer to A-7112-200-0700 (Clifton Common Equip.-Arena).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 297 of 2006, a resolution transferring funds from the Maintenance line of the Meadow Estates Park District's budget to their equipment line.

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

WHEREAS, the Meadow Estates Park District Advisory Committee has requested that the entrance signs at the front of their development be replaced, and

WHEREAS, the replacement of existing entrance signs is an approved expenditure as adopted by Resolution No. 333 of 2001, and

WHEREAS, quotes were obtained for the replacement of the existing signs and an additional \$425 is required in the equipment line; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Meadow Estate Park District, authorizes the transfer of \$425 from SP12-7142-24 (Meadow Estates Park District-Maintenance) to SP12-7142-200 (Meadow Estates Park District-Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 298 of 2006, a resolution declaring September "National & Town Preparedness Month" and authorizing US Homeland Security & Ready Gov links to the Town Website – cliftonpark.org.

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

WHEREAS, George E. Pataki, Governor of the State of New York has proclaimed September as Preparedness Month in the Empire State, and

WHEREAS, National Preparedness Month is a nationwide effort to encourage Americans to take simple steps to prepare for emergencies in their homes, businesses and schools, and

WHEREAS, Clifton Park wishes to provide critical Emergency Preparedness information to the citizens of Clifton Park through our cliftonpark.org web site and brochures at the Town Hall, and

WHEREAS, Town CERT Training will be offered in October, 2006 for residents at no charge; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park does hereby declare September as National & Town Preparedness Month.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 299 of 2006, a resolution authorizing the Town through the Citizen Corps Grant to sponsor a (CERT) Community Emergency Response Training.

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

WHEREAS, the Town wishes to sponsor a CERT Training for six weeks on Thursdays, October 5 through November 9 for residents at no charge, and

WHEREAS, the goal is to add to the Group of CERT Trained Volunteers available to assist the Town during disasters, emergencies and major incidents; now, therefore, be it

RESOLVED, that the Town Board of Clifton Park authorize CERT Training for residents to be paid from A-08762 (Citizen Corps) and A-08761 (CERT) not to exceed \$2500 for instruction and supplies, equipment and shirts.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 300 of 2006, a resolution awarding the bid for the Senior Center Roof Replacement.

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

WHEREAS, on August 31, 2006, bids were received for the above referenced contract, and

WHEREAS, the low bidder for the Senior Center Roof Replacement is Mid-State Industries, Ltd. in the amount of \$60,811 for the base bid and \$65,811 for the alternate bid, and

WHEREAS, as per letter from McDonald Engineering, dated September 1, 2006, McDonald Engineering has reviewed the bids and has recommended to the Town Supervisor that Mid-State Industries, Ltd. be accepted as the lowest most responsible bidder for the alternate bid work; now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced alternate bid in the amount of \$65,811 to Mid-State Industries, Ltd. the funds to come from Undesignated Fund Balance-A-909, with a transfer to A-1624-200 (Senior Building-Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 301 of 2006, a resolution awarding the bid for equipment for the Clifton Knolls Leaf District and authorizing transfer of Undesignated Fund Balance.

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

WHEREAS, on August 30, 2006, bids were received for the above referenced contract and the sole bidder was The ODB Company, Richmond, VA, in the amount of \$24,256; now, therefore, be it

RESOLVED, that the Town Board accepts the bid from The ODB Company, Richmond, VA, in the Amount of \$24,256 and authorizes payment of \$24,256 as follows: \$14,780 from SR-2376-200 (Leaf District Equipment) and a transfer of \$9,476 from SR-909 (leaf district-undesignated fund balance) to SR-2376-200 (Leaf District equipment).

Superintendent of Highways Kukuk said it would be advantageous to the Highway Department if leaves could be dropped off on Mondays at the Transfer Station since

residents have leaves ready over the weekends. Supervisor Barrett responded a key can be made available.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 302 of 2006, a resolution to engage the Law Firm of Girvin & Ferlazzo, PC to advise, consult and evaluate the application to construct a cell tower in the Hamlet of Jonesville.

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

WHEREAS, Girvin and Ferlazzo P.C., together with its consultant, The Center for Municipal Solutions, provides specialized services in the telecommunications field that will assist the Town Board to understand the impacts of a proposed cell tower in Jonesville, and

WHEREAS, the Town Board wishes to engage the Law Firm of Girvin & Ferlazzo to evaluate the application to construct a cell tower in the Hamlet of Jonesville as per Exhibit A (letter of engagement and retainer); now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to sign the Letter of Engagement and Retainer for the services of Girvin and Ferlazzo P.C. and authorizes the Comptroller to pay not more than \$5,000, from Contingency with a transfer to A-1420-25 (Legal-Other Legal).

Supervisor Barrett announced the cell tower applicant has put the application on hold at this time.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 303 of 2006, a resolution authorizing the Supervisor to sign a one year

contract with SUEZ Energy Resources NA, Inc. for the supply of electricity to the National Grid accounts.

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

WHEREAS, the Town of Clifton Park engaged the services of Cost Control Associates through Resolution No. 176 of 2006 to prepare and evaluate proposals for electricity supply, and

WHEREAS, Cost Control Associates has received the bids for electricity supply, and

WHEREAS, Cost Control Associates has reviewed the bids received and determined that a fixed price for electricity supply would be the most beneficial for the Town of Clifton Park, and

WHEREAS, SUEZ Energy Resources NA, Houston, TX, has submitted the lowest most responsible bid for a fixed price and Cost Control Associates recommends SUEZ; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign a contract for electricity delivery with SUEZ Energy Resources NA.

Comptroller Heggen reported this could result in savings up to \$8000, half of which goes to Cost Control Associates.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 304 of 2006, a resolution authorizing the Supervisor to sign a contract for one year with National Fuel Resources Inc. for the supply of Natural Gas for National Grid accounts.

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

WHEREAS, the Town of Clifton Park engaged the services of Cost Control Associates through Resolution No. 176 of 2006 to prepare and evaluate proposals for natural gas, and

WHEREAS, Cost Control Associates has received the bids for natural gas supply, and

WHEREAS, Cost Control Associates has reviewed the bids received and determined that a fixed price for natural gas supply would be the most beneficial for the Town of Clifton Park, and

WHEREAS, National Fuel Resources Inc., of Williamsville, NY, has submitted the lowest most responsible bid for a fixed price and Cost Control Associates recommends National Fuel Resources Inc.; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign a contract for one year with National Fuel Resources Inc. for the supply of Natural Gas for National Grid accounts.

Comptroller Heggen noted this is a variable contract. He further noted this is only for National Grid accounts as the NYSEG accounts are so small no bids were received.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 305 of 2006, a resolution scheduling a public hearing to consider Local Law No. ____ of 2006, a Local Law amending Local Law No. 6 of 1995 as amended by Local Laws Nos. 5 of 1997, 9 of 1999, 8 of 2001 and 4 of 2003 regarding the Comprehensive Plan of the Town of Clifton Park.

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

WHEREAS, the Town Board wishes to consider the Town's Comprehensive Plan, and

WHEREAS, a public hearing is required before revisions can be made to the Comprehensive Plan; now, therefore, be it

RESOLVED, that a public hearing be held on Monday, September 18, 2006 at 7:10 pm, in the Wood Memorial Room, Town Hall, Clifton Park, to consider Local Law No. ____ of 2006, a Local Law amending Local Law No. 6 of 1995 as amended by Local Laws Nos. 5 of 1997, 9 of 1999, 8 of 2001 and 4 of 2003 regarding the Comprehensive Plan of the Town of Clifton Park, as per attached Schedule A; and be it further

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

Director of Planning Maynard noted the Comprehensive Plan provides a foundation for long and short term planning and implementation of activities. After 2006 a review is required every other year. She reviewed proposed amendments, including incorporating language due to zoning changes in the western part of town, needs for aging population, more stringent stormwater management review. The document is available for review in the Town Clerk's office and on the web.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 306 of 2006, a resolution hiring Marisa Thomas to the position of Executive Assistant/Planning Board.

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

WHEREAS, the position of Executive Assistant/Planning Board has been approved by the Saratoga County Department of Personnel, and

WHEREAS, after reviewing the qualifications of Marisa Thomas, 101 North Parkwood Drive, Clifton Park, the Town Board wishes to hire Marisa Thomas to fill this position; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby authorizes the hiring of Marisa Thomas, 101 North Parkwood Drive, Clifton Park, for the position of Executive Assistant/Planning Board, at Grade 5, Step 3 (\$32,670/yr), effective immediately. Total amount required for remainder of the year \$10,681 to be paid from Undesignated Fund Balance (A-909) with a transfer to A-8021-E2200 (Planning-Staff Salary).

Councilman Speckhard asked who Ms. Thomas will report to, since the title refers to Planning Board. Discussion ensued as to whether or not the title should read Planning Board or Planning Department. Supervisor Barrett will check with the County as to the proper wording. Councilman Paolucci asked if there are salary monies left in the budget due to Ms. Hedger's retirement rather than taking money from Undesignated Fund Balance. Comptroller Heggen reported there is no money left since money was used for the Assistant Director of Planning position. Mr. Shahan said when Ms. Hedger retired, monies were used for her unused vacation time. Mr. Heggen said Ms. Hedger retired in

2005 and no money was budgeted for that position in 2006. Supervisor Barrett said this is a clerical position and this person will support all the functions of the Planning Department. Councilman Speckhard asked for a job description.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 307 of 2006, a resolution transferring funds from General Fund Undesignated Surplus to the Highway Fund.

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

WHEREAS, the Town Board wishes to transfer funds from General Fund Undesignated Surplus Fund as a supplemental budget item to the Highway Fund Account DA05110-00030 (Paving Blacktop), in the amount of \$55,000, and \$103,490 to the Highway Fund Account DA05110-00024 (Repairs and Maintenance), and

WHEREAS, the attached 2006 Proposed Paving Program, revised August 30, 2006, reflects an additional estimated cost of \$80,585, and

WHEREAS, there is approximately \$26,389 remaining in the 2006 paving budget, and

WHEREAS, the emergency repairs of the Wooddale Drive culvert repair, as authorized by Resolution No. 255 of 2006 totaled \$103,490, and

WHEREAS as identified in Resolution No. 255 of 2006, the Town Board desires to make a transfer from the General Fund to the Highway Fund to cover the anticipated expenditures; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the transfer of \$55,000 from General Fund Undesignated Surplus to Highway Fund Account DA-05110-00030 (Paving Blacktop) to complete the paving of the streets indicated, per the attached 2006 Proposed Paving Program and \$103,490 from General Fund Undesignated Surplus to Highway Fund Account DA05110-00024 (Repairs and Maintenance).

Superintendent of Highways Kukuk reported to date \$1.1 million in paving projects have been completed and paid for. He said there are seven streets to be completed with the cost estimated at an additional \$80,000, noting there is \$25,000 remaining from appropriated funds and requested an additional \$55,000. He said the projects in Olde Nott Farm will be

completed. Superintendent Kukuk reported \$20,000 was spent to rebuild and repave that portion of Wooddale Drive that collapsed. He stressed the importance of maintaining storm drains.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Norman Goldman, London Square Drive, commented that the drop off point for bulk pickup in his apartment complex was too far for residents to carry items. He expressed concern that there is no “affordable” senior housing planned in town. Mr. Goldman further expressed concern about electronic voting machines and the possibility of tampering and inaccuracy.

Beverly Czub, Miller Road, said she did not receive a notice regarding the bulk pickup.

Councilman Paolucci gave an update on the Clifton Park Action Park, noting there is a \$13,000 budget based on a July opening date, however, the park did not open until August. He reported over \$12,000 has been received in revenue, 739 daily passes have been sold in addition to approximately 200 annual members.

MOTION by Councilwoman Walowit, 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 8:50 p.m.

Patricia O'Donnell
Town Clerk