

September 8, 2009

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

Also Present: Town Attorney McCarthy
Michael Shahan, Town Administrator
Richard Kukuk, Superintendent of Highways
Mark Heggen, Comptroller
Barbara McHugh, Director of Community Development
Steven Myers, Director of Building and Development
Michael O'Brien, Supervisor of Facilities

MOTION BY Councilman Roth, seconded by Councilwoman Walowit, to approve the minutes of the August 17, 2009 meeting as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Roth gave an update on Hazardous Waste Day scheduled for September 26th, noting approximately 560 registrants to date. Since latex paint will not be accepted this year, he is trying to make arrangements to have the paint taken at the Transfer Station that day. Supervisor Barrett recommended "no latex paint" signage be placed along the road, as well as on the town website.

Councilman Hughes reviewed events planned for Farm Fest scheduled for September 12 and 13. Supervisor Barrett thanked all the sponsors of Farm Fest.

Supervisor Barrett announced he has dedicated the Saratoga County 2007 Proceedings Book to all of the emergency responders in the Town of Clifton Park, noting it is a token of appreciation for their volunteerism.

The Supervisor announced the annual Bulk Waste Day will be held in October. Residents will receive a letter the week prior to the scheduled pick up.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 246 of 2009, a resolution awarding the bid for the Niskayuna Central School District Sanitary Sewer.

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

WHEREAS, by Resolution No. 178 of 2009 adopted on June 8, 2009, the Town Board authorized an Intermunicipal Agreement with Niskayuna Central School District for a joint construction project to construct sewer pipes, infrastructure and related facilities necessary to connect Glenclyff Elementary School into the Rivercrest Sewer District facilities for ultimate transportation into Alplaus facilities within the Town of Glenville, and

WHEREAS, the Niskayuna School District and the Town of Clifton Park jointly opened bids on August 20, 2009 for the above referenced project, and

WHEREAS, the low bidder for both contracts is Jablonski Excavating Inc., of St. Johnsville, New York, and

WHEREAS, the Niskayuna Central School District School has awarded their contract to Jablonski Excavating Inc. for Part B, per bid specifications jointly prepared by Tetra Tech Architects and Engineers and John M. McDonald Engineering, in the amount of \$218,004 at the Niskayuna School Board meeting of August 24, 2009, and

WHEREAS, the low bid amount submitted by Jablonski Excavating, Inc. for the Town's Contract No. 1, Part A amounted to \$305,800 for the base bid, and \$62,000 for Alternate A, for a total bid of \$367,800, and

WHEREAS, as per letter dated August 21, 2009, McDonald Engineering has reviewed the bids and has recommended to the Town Supervisor that Jablonski Excavating, Inc. be selected as the lowest most responsible bidder; now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced bid in the amount of \$367,800 to Jablonski Excavating, for the base bid Part A, and Alternate A, consistent with the July 13, 2009 Intermunicipal Agreement with Niskayuna Central School District.

Town Attorney McCarthy explained this particular project is a bit ahead of the final approval for the sewer district extension and if the school is actually connected before they are included in the district, they will be an outside user. He further explained the school is looking at a potential failure, thus the emergency situation. He noted this is being funded by the Niskayuna School District.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 247 of 2009, a resolution accepting easements necessary for the construction, maintenance and ultimate ownership of sewer facilities along Meadow Lane and Riverview Road.

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

WHEREAS, by Resolution No. 178 of 2009, the Town entered into an Intermunicipal Agreement with Niskayuna School District for construction of sewer facilities necessary to connect Glenclyff Elementary School to Rivercrest Sewer District Facilities, and

WHEREAS, construction and permanent easements are required for construction of the facilities pursuant to the Intermunicipal Agreement with Niskayuna Central School District and authorized by Resolution No. 178 of 2009, signed on July 13, 2009, and

WHEREAS, McDonald Engineering has prepared legal descriptions for easements necessary for construction of the facilities; now, therefore, be it

RESOLVED, that the Town Board hereby accepts the following easements necessary for construction and all maintenance and ultimate ownership of sewer facilities along Meadow Lane and Riverview Road

- Gerard T. and Gayle H. Blanchard 948 Riverview Road
- Wayne E. and Natalie H. Campbell 946 Riverview Road
- Richard L. and June Osborne 14 Meadow Road
- Joseph E. and Ann M. Shoemaker 952 Riverview Road

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 248 of 2009, a resolution adopting a Capital Project Fund for completion of Part A of the Glencliff Sewer Connection Project.

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

WHEREAS, by Resolution No. 178 of 2009, the Town Board authorized an Intermunicipal Agreement with Niskayuna Central Schools to jointly manage construction of sewer improvements necessary to connect the Glencliff Elementary School with the Rivercrest Sewer District for ultimate transportation of sewage flows into the Alplaus Sewer District Facilities within the Town of Glenville, and

WHEREAS, bids were received and opened on August 20, 2009 with Part A of the Glencliff Sewer Construction Project Bids received totaling \$367,800, and

WHEREAS, the Town Board by Resolution No. 246 of 2009 accepted the bid of Jablonski Excavating Inc. in the amount of \$367,800; now, therefore, be it

RESOLVED, that the Town Board authorizes the Comptroller to establish a Capital Project Fund for completion of Part A of the Glencliff Sewer Connection Project expenditures of \$367,800 per bid award, revenues \$367,800 per July 13, 2009 Intermunicipal Agreement with Niskayuna Central School District.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 249 of 2009, a resolution scheduling a public hearing regarding the Town of Clifton Park's Annual Plan for 2010 for the Section 8 Housing Choice Voucher Program.

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

WHEREAS, the Town of Clifton Park operates a Section 8 Housing Choice Voucher Program funded by the U. S. Department of Housing and Urban Development, and

WHEREAS, the Town of Clifton Park is required by the U. S. Department of Housing and Urban Development to prepare and adopt a written Annual Plan that establishes local policies for administration of the Section 8 Housing Choice Voucher Program in accordance with regulations of the U. S. Department of Housing and Urban Development, and

WHEREAS, a public hearing is required for the purpose of receiving comments from the public prior to considering adoption of the Annual Plan establishing local policies for the administration of the Section 8 Housing Choice Voucher Program; now, therefore, be it

RESOLVED, that a public hearing to consider adoption of the Annual Plan establishing local policies for administering the Town of Clifton Park Section 8 Housing Choice Voucher Program is hereby set forth and scheduled for November 2, 2009 at 7:10 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, and the Town Clerk is directed to publish notice of same.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 250 of 2009, a resolution authorizing the Town to sponsor a Community Emergency Response Training (CERT) Program through the Citizen Corps Grant.

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

WHEREAS, Citizen Corps provides training to help prepare residents for emergencies and disasters of all kinds and introduces community volunteerism opportunities to support Town Emergency Planning and Preparedness, and

WHEREAS, the Citizen Corps Grant provides funding for emergency training and public education, and

WHEREAS, the Town wishes to schedule the fall CERT training for six weeks on Thursday evenings, beginning October 1st through November 5th, at the Public Safety Building for residents of the town at no charge, and

WHEREAS, the program will prepare residents to join the group of CERT trained volunteers available to assist the town and local emergency services during disasters, emergencies and major incidents; now, therefore, be it

RESOLVED, that the Town Board authorizes CERT training for residents of the Town of Clifton Park to take place on six consecutive Thursdays, from October 1, 2009 through November 5, 2009, at a total cost not to exceed \$3500, to be paid from A-8762-015-200 (Citizen Corps Grant Expense) for instruction, supplies, equipment and shirts.

Councilman Paolucci asked if there is a minimum age to join the CERT Program. Ms. McHugh will check with SEMA. Councilman Roth noted this has been one of the most successful programs the town has sponsored.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 251 of 2009, a resolution declaring September “National & Town Preparedness Month” to increase public awareness about the importance of preparing for emergencies.

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

WHEREAS, in September, the U.S. Department of Homeland Security & FEMA are sponsoring the 6th Annual National Preparedness Month (NPM) with support from more than 3200 coalition members, including the Town of Clifton Park and consisting of national, regional, state and local organizations all combining their efforts to encourage all Americans to take steps to prepare for emergencies, and

WHEREAS, National Preparedness Month is a nationwide effort to encourage Americans to take simple steps to plan and prepare their families for emergencies in their home by making an emergency supply kit, a family emergency plan, becoming informed about the different emergencies that might affect them and getting involved in community preparedness, and

WHEREAS, during National Preparedness Month, we also honor our Nation’s police officers, firefighters and emergency personnel for their hard work and commitment to protecting others, and

WHEREAS, the Town of Clifton Park wishes to encourage individuals to volunteer with the Town’s Citizen Corps and to promote participation in the Community Emergency Response Team, R.U.OK and Medical Reserve Corps emergency programs, and

WHEREAS, the Town of Clifton Park wishes to provide critical emergency preparedness information to the citizens of the Town through our cliftonpark.org web site which will provide instructional preparedness videos and downloadable brochures and forms to assist citizens to “Be Ready” and to encourage attendance at the free classes being offered by the Town, such as Basic First Aid & CPR, Community Preparedness and Red Cross Babysitter Classes; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park does hereby declare September as National & Town Preparedness Month; and be it further

RESOLVED, that residents are encouraged to attend an informational meeting on September 16, 2009 at 7:00 pm, at the Shenendehowa Adult Community Center to learn how to become a valuable volunteer for their community during emergencies.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 252 of 2009, a resolution adopting a Capital Projects Budget for Clifton Country Road Sewer District No. 1.

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

WHEREAS, Resolution No. 164 of 2008 established the Clifton Country Road Sewer District No. 1, and

WHEREAS, the estimated maximum amount proposed to be expended for improvements to the District is \$550,000, and

WHEREAS, the proceeds from bond anticipation notes is \$550,000 and the anticipated expenditures \$550,000; now, therefore, be it

RESOLVED, that the attached capital projects budget for the Clifton Country Road Sewer District No. 1 is hereby adopted.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 253 of 2009, a resolution authorizing four employees from the Building Department to attend the NYS Building Officials Educational Conference in Albany, New York October 19-21, 2009.

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

WHEREAS, the New York State Building Officials Conference is designed to give their members the needed hours to complete the NYS 24 hours requirement for in service education for all Code Enforcement Officers to maintain their certification, and

WHEREAS, attendance at this seminar would provide a benefit to the residents of the Town; now, therefore, be it

RESOLVED, that the Building Department is authorized to send Shaun Bertok and Steve Myers for one day each, Sheryl Reed and Pat Jarosz for three days each to the NYS Building Officials Conference at the Holiday Inn, in Albany, New York, October 19th - 21, 2009, at a cost not to exceed \$750 for all attendees, to be paid with a transfer of \$800 from A-3620-0022 (Vehicle Expense) to A-3620-001 (Training and Conference).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 254 of 2009, a resolution authorizing the Highway Department to demolish obsolete water storage tanks and fill them with sand in Sambrook Edge Development.

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

WHEREAS, in 1992 it was necessary to install water storage tanks in Sambrook Edge Development to handle emergencies, and

WHEREAS, in a letter to Sheryl Reed, Chief of the Bureau of Fire Prevention, David Bowen, Commissioner of the Vischer Ferry Fire District, stated that a plan has been prepared to handle emergencies in Sambrook Edge without relying on the water storage tanks; now, therefore, be it

RESOLVED, that authorization is given to the Highway Department to rent a large excavator to crush the obsolete water storage tanks and fill them with sand at a total cost of

\$2000, \$1200 for the rental of a heavy excavator with operator and \$800 for labor and truck overhead for the Highway Department to haul fill material, to be paid from A-3310-140 (Traffic Safety-Other payments).

Director of Building Myers explained it the tanks leak and the Vischer Ferry Fire Department decided the tanks were no longer necessary and could be filled in. Supervisor Barrett recommended sending a letter to residents advising them this is being done. Mr. Myers will send letter.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 255 of 2009, a resolution to change funding for a Highway Truck from a lease to a purchase due to Federal and New York State funds received in 2009.

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

WHEREAS, Resolution No. 77 of 2009 authorized the Highway Superintendent to purchase a 2010 Mack Granite GU 812 truck w/options under NYS Contract PC62374, and

WHEREAS, the funding option was authorized to be paid for as a lease, and

WHEREAS, the Highway Department has received \$449,497 in Federal and New York State funds, and

WHEREAS, as result of the reimbursements that the Town received from Federal and New York State funds, Superintendent of Highways Richard Kukuk has requested that \$183,604 be allocated to change the method of funding for a highway truck from a lease to a purchase, and

WHEREAS, changing the method of acquisition from lease to purchase will result in a savings of funds; now, therefore, be it

RESOLVED, that DA-4090 (Highway Fund-Federal Revenue) be increased by \$183,604 and that \$183,604 be transferred from DA-4090 (Highway Fund-Federal Revenue) to DA-05130-219 (Highway Fund-Machinery Highway-Highway Truck) to change funding for a Highway Truck from a lease to an outright purchase.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 256 of 2009, a resolution authorizing the Supervisor to sign Change Order No. 1 for Eastside Drive Storm Water Improvements.

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

WHEREAS, Resolution No. 109 of 2009 authorized a contract for the Eastside Drive Storm Water Improvements in an amount of \$137,822, and

WHEREAS, a Change Order was prepared by John M. McDonald Engineering, P.C. in an amount of \$134,479.94 which provides for a \$3,342.06 decrease in contract price, and

WHEREAS, the Change Order provides for a decrease of \$3,342.06 for the East Side Drive Storm Water Improvements from the original contract cost of \$137,822 to a new contract amount of \$134,479.94; now, therefore, be it

RESOLVED, that Supervisor Barrett is hereby authorized to sign Change Order No. 1 dated August 12, 2009 to Bombard Excavating Corp.; and be it further

RESOLVED, that the decrease amount of \$3,342.06 be released from encumbrance in A-8540-200 (General Fund-Drainage Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Norman Goldman, London Square Drive, expressed concern with the senior center name change to Shenendehowa Adult Community Center, and asked the Town Board if the change had their approval. He said members of the center did not want the name changed. He spoke in opposition to the town's newsletter. Mr. Goldman noted the Ethics Law does not address "significant other".

Jean Haug, Torrero Drive, speaking with regard to the Kids Corner playground on the Common, asked how many proposals have been received to date. Supervisor Barrett said it is hoped information will be ready by the week of September 14th. He stated there will be opportunity for public discourse. Councilwoman Walowit noted to date there has been no submission from the Leathers Company. The Supervisor said he thinks plans will be posted at the Kids Corner for a few weeks. Ms. Haug said people come from all over to go to the playground. She encouraged the Board to either maintain or rebuild in kind.

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

Motion carried at 7:56 p.m.

Patricia O'Donnell
Town Clerk