

October 5, 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
Mark Heggen, Comptroller
Myla Kramer, Director of Parks, Recreation and Community Affairs
Barbara McHugh, Director of Community Development
Steven Myers, Director of Building and Development
John Scavo, Director of Planning

MOTION BY Councilman Roth, seconded by Councilman Paolucci, to approve the minutes of the September 14 and 21, 2009 meetings as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Paolucci reminded residents of the two Recreation Master Plan meetings scheduled for October 26th at St. Edwards Church and October 29th at the Shenendehowa Adult Community Center both at 7:00 p.m.

Councilman Roth summarized the Household Hazardous Waste Day as follows: 1005 participants, 554 computer monitors, 772 televisions, totaling 92,155 pounds of electronic equipment and over fifty 55 gallon drums filled with various hazardous waste. He read the names of volunteers and expressed appreciation for their time and work, as well as fire departments for standing by. Councilman Roth thanked the Shopper's World Price Chopper, Mama's Family Restaurant, Stewart Company, and McDonalds on Route 146 for their donations.

Supervisor Barrett thanked Eagle Scout candidate Tyler Kimmey on his project of refurbishing the Kids Corner Playground, as well as all the volunteers involved.

Supervisor Barrett reported the 2010 Tentative Budget is at \$14.9 million. He reported the adopted 2009 budget was \$15.4 million and spending is projected at \$15.2 million for 2009, noting all municipalities are seeing increasing costs and lower revenues. The Supervisor further reported over \$900,000 from surplus will be used to balance the 2010 budget, however, if things improve over time and sales tax revenue increases, it may be only a portion of the \$900,000 will be needed. Supervisor Barrett said there is a sharp increase in employee benefits, and a steep increase in obligation to the State Retirement System from \$260,000 to almost \$400,000. He stated there will be no new taxes, no new fees, nor any increases in fees or taxes, and there will be no town property tax to fund the general fund. He continued there will be no layoffs or reduction in programs. The Highway tax will remain at 15.5 cents per \$1000 of assessed value.

10/05/2009

He further reported funding has been increased for the Shenendehowa Senior Citizens, Inc. and CAPTAIN. He noted the town relies on sales tax and there is no guarantee as to what the revenue will be. Supervisor Barrett stated there is a line item for the Moe Road Trail. Budget workshops are scheduled for October 6th and 7th.

PUBLIC HEARING, 7:10 PM
REGARDING SEWER RENTS FOR
RIVERCREST SEWER DISTRICT EXTENSION NO. 1

The Town Attorney reviewed the Notice of Public Hearing as published in The Daily Gazette on September 28, 2009.

Town Attorney McCarthy explained the State Comptroller suggested that because the Glenclyffe Elementary School is within the Niskayuna School District, it would better to apply annual users fees through the General Municipal Law instead of those sections of Towns Law that provide assessments for annual fees. These are the same numbers calculated in McDonald Engineering's Map, Plan and Report and is just a switch in the mechanism by which the annual fees are going to be charged to the extension. Homeowners and property owners in the District shouldn't notice any change. Mr. McCarthy explained a public hearing is required because General Municipal Law §451, under which annual sewer rents are being imposed, calls for a public hearing.

The public hearing was opened for comments from the audience at 7:26 p.m.

Everyone was given an opportunity to speak in favor of or against the Glenclyffe School user fee and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 7:27 p.m.

PRESENTATIONS TO THE BOARD

Blue Neils, Cornell Cooperative Extension, reported DEC has put out another stormwater grant opportunity and, as in years past, he is working to get all sixteen permitted MS4 municipal separate storm sewer operators together to file for this application and sign the formal agreement. The application must be postmarked by October 16th. The cooperative resolution, attached, puts on paper what we have been doing over the last five years and by signing puts the cooperation in black and white. He stated there is no budget impact and no additional requirements put on the town.

Kelsey Backus, Gowana Science teacher and Stan Duncan of Trout Unlimited, reviewed the Trout in Classroom Project, noting the Dwaaskill Nature Preserve presents a number of opportunities for students.

Mark Lowery, NYS Department of Environmental Conservation, gave a presentation on NYSDEC's "Climate Smart" Communities Program, and urged the Town Board to adopt the program by affirming the Climate Smart Communities Pledge.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 272 of 2009, a resolution honoring Christopher Thomas Carroll for attaining the rank of Eagle Scout.

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

WHEREAS, Christopher Thomas Carroll, 32 Pinehurst Drive, Clifton Park, of Boy Scout Troop 246 has attained the rank of Eagle Scout, and

WHEREAS, to become an Eagle Scout, Christopher has earned twenty-two merit badges and served Troop 246 as Scribe and Historian for his leadership position, and

10/05/2009

WHEREAS, Christopher also completed a major community service project, leading a group of adult and youth volunteers in designing and constructing memory boxes for families of stillborn children, and

WHEREAS, a frame was built to preserve and display a quilt in the neo-natal unit of St. Peter's Hospital in Albany, New York which contains the names of all of the stillborn children that were born over the past few years; now, therefore, be it

RESOLVED, that the Town of Clifton Park Town Board hereby recognizes and honors Christopher Thomas Carroll of Boy Scout Troop 246 for having attained the rank of Eagle Scout.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 273 of 2009, a resolution authorizing the sale of equipment declared surplus by the Town Administrator.

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

WHEREAS, the Town Administrator has declared the equipment listed on the enclosed attachment as surplus property, and

WHEREAS, the Town Administrator has recommended that such be advertised and sold by means of sealed bid, "as is", subject to New York State sales tax, with the Town of Clifton Park reserving the right to reject any bid and all bids; now, therefore, be it

RESOLVED, that the Town Clerk of the Town of Clifton Park is hereby authorized to advertise said equipment listed on the attached list determined to be surplus by the Town Board by sealed bid, with such sealed bids to be opened on October 22, 2009 at 2:00 p.m.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 274 of 2009, a resolution adopting the New York State Department of Environmental Conservation's "Climate Smart" Communities program.

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

WHEREAS, the Town of Clifton Park recognizes that harmful gas emissions pose a real threat to our local and global environment, primarily through the burning of fossil fuels, and

WHEREAS, the effects will endanger infrastructure, economy, farms, orchards, ecological communities, including our native fish and wildlife populations, reduce drinking water supplies and recreational opportunities and pose health threats to our citizens, and

WHEREAS, the Town believes that a proactive response provides us with an unprecedented opportunity to save money, build livable, energy independent and secure

10/05/2009

communities with vibrant economies, healthy neighborhoods and schools and resilient infrastructures, and

WHEREAS, the Town has decided to adopt the New York State Department of Environmental Conservation's "Climate Smart" Communities program by affirming the Climate Smart Communities Pledge as recommended by the Environmental Conservation Department and the Clifton Park G.R.E.E.N. Committee, and

WHEREAS, the Pledge is a voluntary 10 Point Plan for reducing our community's harmful gas emissions as a continuing measure in our strategies to decrease energy use and waste, increase recycling and support a green economy, ultimately saving "taxpayer dollars", and

WHEREAS, the Town continues to seek opportunities to promote sustainable smart growth and to directly quantify, measure and reduce harmful gas emissions from our own facilities, fleets, and operations, while acting as an agent of change through effective land use planning, zoning, building codes and public outreach and education to encourage community wide reductions; now, therefore, be it

RESOLVED, that the Town of Clifton Park will hereby adopt and strive to attain the Climate Smart Communities 10 Point Plan (See Exhibit "A") for reducing greenhouse emissions, conserving energy and protecting our quality of life through the Clifton Park G.R.E.E.N. Committee's goals and continuing efforts.

Both Councilmen Hughes and Paolucci spoke in favor of this resolution.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 275 of 2009, a resolution authorizing the Supervisor to sign an agreement with Iron Mountain Information Management, Inc. for offsite storage of town records.

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

WHEREAS, it is necessary to store Town Records offsite in a New York State Archive Compliant Facility, and

WHEREAS, Steven Myers, Director of Building and Development has recommended that town records be stored at Iron Mountain Information Management, Inc., 218 Yard Road, Bethlehem, New York, 12067, a New York State Archive Compliant Facility, and

WHEREAS, Iron Mountain Information Management meets the necessary criteria for offsite storage of town records; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign an agreement with Iron Mountain Information Management, Inc. for storage of town records in a climate controlled New York State Archive Compliant Facility at a cost of \$750.00 for estimated set-up and cost of storage through 2009, to be paid from A-3620-0009 (Building Dept.-Lease & Rentals).

Supervisor Barrett asked if there was a need for this type of service in any of the other departments. Mr. Myers responded this would be open to anyone who would want to use it. Supervisor Barrett said he would like to table the resolution in order to look at future needs and see other departments' requirements. He asked Mr. Shahan to get other departments' future needs.

MOTION TO TABLE by Supervisor Barrett, seconded by Councilman Paolucci.

ROLL CALL VOTE ON MOTION

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

Noes: None

MOTION CARRIED

Resolution No. 276 of 2009, a resolution authorizing the Supervisor to sign an Intermunicipal Stormwater Management Program Cooperative Resolution for future grant consideration for funding of stormwater management activities.

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

WHEREAS, New York State Department of Environmental Conservation (DEC) has recently announced a grant opportunity to fund stormwater management/MS4 activities, and

WHEREAS, the grant application will focus on stormwater system mapping and the review of local laws through a consensus-building process, and

WHEREAS, in addition to the grant activities DEC is requiring that all successful applicants have a formal Intermunicipal Agreement (IMA) in place so that the County Stormwater Program qualifies for available grants from NYSDEC; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign an Intermunicipal Stormwater Management Program Cooperative Resolution for future grant consideration for funding of stormwater management activities.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 277 of 2009, a resolution allocating the Community Arts and Culture Commission's 2009 Arts Grant to Vidya Subramanian in the amount of \$1000.

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

WHEREAS, in a continuing effort to promote the arts in Clifton Park, the Town solicited and received applications for the Town of Clifton Park's Arts Grant, and

WHEREAS, after reviewing the applications, the Community Arts and Culture Commission recommended that the 2009 Arts Grant be awarded to Vidya Subramanian, 2 Highland Oaks, Clifton Park, for a workshop and concert of Indian Classical Music to be held on October 31, 2009 at 4:00 p.m. at the Shenendehowa Adult Community Center; now, therefore, be it

RESOLVED, that authorization is given to allocate the Community Arts and Culture Commission's 2009 Arts Grant in the amount of \$1000, for a workshop and concert of Indian

10/05/2009

Classical Music to be presented by Vidya Subramanian, to be paid from A-7750-0045 (Community Arts and Culture Commission-Other Program Expense).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 278 of 2009, a resolution appointing Kathleen A. Wetmore to the Industrial Development Agency (IDA).

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

WHEREAS, an opening exists on the Industrial Development Agency for a member, and

WHEREAS, Kathleen A. Wetmore has expressed an interest in becoming a member of the Agency, and

WHEREAS, Kathleen Wetmore's background as the Assistant Superintendent of Finance and Operations for the Shenendehowa Central Schools would be an asset to the Agency; now, therefore, be it

RESOLVED, that Kathleen Wetmore, 74 Gloucester Street, Clifton Park is hereby appointed as a member of the Industrial Development Agency, term to expire December 31, 2011.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 279 of 2009, a resolution authorizing the Highway Superintendent to install three stop signs in the Northcrest Subdivision.

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

WHEREAS, at the request of concerned residents regarding motorists speeding in the neighborhood, the Highway Safety Committee studied an area in and around Northcrest Drive, off of Route 146 to determine if additional stop signs or any other traffic methods would allay the concerns of the residents at this time, and

WHEREAS, upon completion of their study the Highway Safety Committee has recommended the installation of stop signs at the following locations:

- At Crestwood Drive to stop all traffic heading west to Northcrest Drive
- At Northcrest Drive and Southcrest Drive to stop all traffic heading north through the intersection continuing on Northcrest Drive
- At Northcrest Drive and Robinwood Drive heading south continuing through the intersection on Northcrest Drive toward Route 146, and

10/05/2009

WHEREAS, combined with the two existing stop signs in this area, the two additional stop signs would create a four-way stop at the intersection of Northcrest Drive, Southcrest Drive, and Robinwood Drive, and a new controlled intersection at Crestwood Drive and Northcrest Drive will provide better traffic control, and

WHEREAS, The Town of Clifton Park Highway Safety Committee feels that the additional signage at this area would create a traffic calming effect and increase the safety for local residents, and

WHEREAS, the Superintendent of Highways for the Town of Clifton Park agrees with the recommendations of the Highway Safety Committee; now, therefore, it be

RESOLVED, that the Superintendent of Highways is hereby authorized to install three stop signs in Northcrest Subdivision at Northcrest Drive and Southcrest Drive, at Northcrest Drive and Robinwood Drive and at Crestwood Drive and Northcrest Drive.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 280 of 2009, a resolution authorizing the Town Supervisor to enter into a contract to purchase a permanent conservation easement for fifty-nine (59) acres of farmland and open space at the Cloverdale Farm (Heckman Farm) on Hubbs Road, and allocating funds from the Capital Reserve for the purchase.

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

WHEREAS, the purchase of the development rights will permanently prohibit future development on the parcel in accordance with the Deed of Permanent Conservation Easement, and

WHEREAS, the acquisition of the permanent conservation easement will confer a benefit to the Town of Clifton Park and its residents, and

WHEREAS, the purchase of development rights on approximately 59± acres of land is identified as follows: Section, Block, Lot: #258.-1-43.1, located at 92 Hubbs Road, Town of Clifton Park, and

WHEREAS, the project has been determined to be an Unlisted Action and a Long Form EAF has been prepared, and

WHEREAS, the value of the development rights and acquisition of a deed of a permanent conservation easement is approximately \$325,000, and

WHEREAS, the Town has been awarded a Saratoga County grant of \$100,000 to be used towards the project, and

WHEREAS, the Town's contribution will be a maximum of \$325,000 for the purchase of development rights and acquisition of a deed of a permanent conservation easement; now, therefore, be it

RESOLVED, that the Town Board declares itself Lead Agency for purposes of reviewing the action pursuant to SEQRA, and be it further

10/05/2009

RESOLVED, that the Town Board hereby determines that the action will not have a significant adverse impact on the environment, and authorizes the preparation of a negative declaration, and be it

RESOLVED, that the Supervisor is authorized to enter into a Purchase and Sale Agreement with Sandra Baillargeon for the development rights to the parcel described in the attached Conservation Easement, pursuant to the terms of the Conservation Easement, and subject to appropriation of funds through the Open Space Capital Reserve Fund; and be it

FURTHER RESOLVED, that the Town Board is authorized to allocate up to \$325,000 (\$225,000 when County Grant Award is received) and any necessary closing and transaction fees as determined per the Town Attorney (such as may be applicable: title report and title insurance, environmental site assessment, baseline easement report, survey of the conservation easement and preparation of deed, mortgage subordination, and deed recording fees) to be paid from the Open Space Capital Reserve fund subject to Permissive Referendum as applicable under General Municipal Law for the purchase of development rights for 59 acres of Cloverdale Farm (Heckman Farm) on Hubbs Road.

Supervisor Barrett explained farming will be allowed to continue on the property and noted the land is owned by the fourth generation of the family. He expressed appreciation to town staff, Jim Romano and Dave Miller, Co-chairs, and members of the Open Space Committee.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 281 of 2009, a resolution scheduling a Public Hearing regarding a proposal to withdraw up to \$325,000 from the Open Space Capital Reserve Fund for the purchase of Development Rights on 59+ acres of the Lands of Baillargeon.

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

WHEREAS, the Town Board has authorized the Supervisor to sign a Purchase Contract with Sandra Baillargeon for a Conservation Easement on 59+ acres of Agricultural land and Open Space on Hubbs Road in the Town of Clifton Park, for a total purchase price of \$325,000, and

WHEREAS, the County of Saratoga has committed \$100,000 to the Open Space Purchase of the Lands of Baillargeon through a matching grant for Development Rights, and

WHEREAS, the Town Board wishes to provide the Town's share of the purchase price through withdrawal from the Town's Open Space Capital Reserve Fund, established pursuant to Resolution No. 49 of 2003, and

WHEREAS, pursuant to General Municipal Law 6(c), withdrawals of such funds are pursuant to Permissive Referendum after a Public Hearing; now, therefore, be it

RESOLVED, that a Public Hearing is hereby scheduled for October 19, 2009 at 7:10 P.M., in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York, regarding a proposal to withdraw up to \$325,000.00 from the Open Space Capital Reserve Fund for the purchase of Development Rights on 59+ acres of the Lands of Baillargeon through a Conservation Easement, attached, less Open Space Grant Funds received from Saratoga County; and be it further

10/05/2009

RESOLVED, that the Town Clerk publish notice of same.

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, said he uses wind power entirely for his home electrical use. He reiterated his questions regarding \$400,000 spent to build a road to the new school and commercial land being exchanged. Mr. Goldman stated the members of the Senior Center did not approve of the name change. He asked who paid for the refurbishing of the Kids Corner playground.

John Scherer, Town Historian, stated with the demolition of the Rosecrans House built in 1845, an important structure has been lost, noting this was a major Greek Revival building at a prominent site, the intersection of Fire Road and Old Route 146. He reported it was part of the pre-approved plan that the structure be preserved and meetings were held throughout the summer with representatives of the developer. He said because they were having financial problems, the developer didn't think he could restore the structure and put offices in it. Mr. Scherer reported a compromise plan was discussed where the exterior would be stabilized and perhaps at some future date someone could make use of the structure. The developer then came to the Planning Board to request the building be demolished and the Planning Board turned them down. Mr. Scherer stated the developer blatantly defied the town and broke the law in tearing down the building and the developers have "robbed" the people of Clifton Park of their historical and cultural heritage. He understands the town did everything they could to preserve the structure and commended the town for the tremendous progress made in historic preservation and open space over the last few years.

Supervisor Barrett responded options are being explored, including legal options. A letter has been sent to the developer and a meeting is upcoming. He stated they are in violation and the town is not going to walk away from this situation.

Robert Nevin, retired Shenendehowa Architecture Teacher, previous owners of the Rosecrans House were good friends of his and he has known this house for many years. He was under the impression everything was going to be saved. He noted various structures that were on the property, explaining the property was a farm at one time. Mr. Nevins distributed pictures of the house and stated he is furious that this house was demolished. He said it is a detriment to all in the community and if the town stands for it, it will continue to happen. He believes people want to come into the community because of what it has to offer, as an historic farming community and asked what the Town Board is going to do about it.

Frank Hegener, Grissom Drive, stated he is outraged that this house has been demolished and agrees with the previous speaker. He doesn't want his children and grandchildren to think of Clifton Park as only shopping malls and office buildings. He stated the town was defined by the Eric Canal and that type of architecture. Mr. Hegener said it is his understanding no demolition permit was issued and, in addition to the historic loss, he is concerned as to how the demolition occurred, as well as to what happened to the building materials. He said it is likely there was asbestos in the house and where did it go.

David Monk, Riverview Road, owner of the Shippee House, said he is restoring his home and though he's only lived in Clifton Park for just over three years, the history of the town matters to him. If these types of homes are lost, they are gone forever and part of the soul of the town is gone.

10/05/2009

Frank Berlin, Main Street, Jonesville, praised the operation of Hazardous Waste Day and all the volunteers, stating volunteerism makes the community come closer together.

Jean Haug, Torrero Drive, praised Tyler Kimmey for his work at refurbishing the Kids Corner, noting it looks good and has been brought back to life. Ms. Haug urged the Board to keep the playground as long as it can. She hopes the public will have the opportunity to speak at the public forum on any playground proposals for the Kids Corner.

Ron Winters, Main Street, Jonesville, speaking with regard to the destruction of the Rosecrans House, said the applicant agreed to the requirements and the town must respond to the applicant's insulting and disrespectful behavior with firm retribution, otherwise town officials will lose the respect of future applicants and citizens of the town. Mr. Winters said he is board certified in occupational and environmental health and is very experienced with asbestos control and demolition projects and given the age of this house it must have contained asbestos; consequently this organization not only violated rules of the Town of Clifton Park but also state and federal asbestos rules.

Pam Marshall, Fairlawn Court, reported driving by on Tuesday, September 29th and the building and all equipment were gone and the three dumpsters were full. She believes the dumpsters were gone the following day. She attended the Planning Board meeting when the developer said the building should be demolished because it was an obstruction to traffic. She feels the dumpsters were the obstruction. Ms. Marshall said this was done in defiance of the Planning Board. She expressed appreciation that the Heckman property is being preserved.

MOTION by Councilwoman Walowit, 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 9:20 p.m.

Patricia O'Donnell
Town Clerk