

October 13, 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
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Absent: Councilman Hughes
Councilman Roth

Also Present: Town Attorney McCarthy
Michael Shahen, Town Administrator
Mark Heggen, Comptroller
John Scavo, Director of Planning
Jude Hazard, Information Specialist

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Paolucci announced the NSCP production of "Clue the Musical" opens October 16th and continues for two weekends. He noted the Recreation Master Plan meetings are scheduled for October 26 and 29.

Councilman Paolucci announced a Shredding Day will be held for residents on October 25th in the Clifton Park Center parking lot.

Supervisor Barrett reported the town is being recommended for a \$70,000 grant from the County to purchase the Carrese property on Route 146A.

KEY TO CLIFTON PARK PRESENTATION

Supervisor Barrett, noting they are an inspiration to others, presented **Keys to Clifton Park** to Gena Peca and Larry Hoch for their dedication and efforts to the Catie Hoch Foundation which they formed in memory of their daughter, Catie. Gena Peca expressed appreciation as key recipients and to the people of the Town of Clifton Park for all their support.

REPORTS TO THE BOARD

Supervisor Barrett thanked all the volunteers that turned out to help Troop 45 Eagle Scout candidate Tyler Kimmey refurbish the Kids Corner playground. Tyler reported on the project, noting people came out to help the entire weekend, as well as Monday. He said the entire playground was stained and some areas were painted. The Supervisor commended Tyler for putting the plans together, rallying volunteers and getting it done. Tyler thanked everyone who helped out.

Kenneth Clafin, Cusack & Company Auditors, gave a summary of the General Fund audit. He explained the auditor's report is done according to the State Comptroller's Report. He stated the new requirement that there be a liability for post retirement benefits accrued has not been done as the actuarial costs would outweigh the benefits, noting this is not inconsistent with what other towns have done. Mr. Clafin reported total assets are up about \$500,000, total liabilities are down about \$500,000 and equity is up about \$1 million, with a net income in the general fund of about \$1 million; half a million dollars went to assets and half a million to reduce some liabilities. He explained one of the things used to measure the strength of the town is the level of equity compared to the expenditures of the town. Mr. Clafin stated no adjustments have been made to the audited financial statement. However, he noted the FEMA receivable was a late entry and there was a \$500,000 adjustment to receivables and deferred revenue but had no effect

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on the bottom line. He stated one recommendation is that department audits be conducted by the Comptroller's Office.

Supervisor Barrett noted \$900,000 from the "rainy day fund" has been allocated to the 2010 Budget.

Speaking with regard to the Ice Arena audit, Mr. Clafin explained the year end was changed from August to December, therefore, a sixteen month audit was done. He said the financial statements were in accordance with general accepted accounting principles. He said the arena ended up with about \$94,000 of total assets, of which \$88,000 is the reserve for repairs for the town arena. Supervisor Barrett noted \$62,775 in net income was noted in the sixteen month period. He said every dollar in profit realized at the arena has gone back into improving the facility.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 282 of 2009, a resolution declaring the month of November "Pancreatic Cancer Awareness Month" in the Town of Clifton Park.

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

WHEREAS, over 37,000 people will be diagnosed with pancreatic cancer this year in the United States and over 34,000 will die from the disease, and

WHEREAS, pancreatic cancer is the deadliest cancer and the fourth leading cause of cancer death in the United States, and

WHEREAS, approximately 2,340 deaths will occur in New York, and

WHEREAS, seventy-five percent of pancreatic cancer patients die within the first year of their diagnosis and ninety-five percent of pancreatic patients die within the first five years, and

WHEREAS, there is no cure for pancreatic cancer and there have been no significant improvements in early detection, treatment methods, or survival rates in the last thirty years, and

WHEREAS, when symptoms of pancreatic cancer present themselves, it is usually too late for an optimistic prognosis, and the average life expectancy of those diagnosed with metastasis disease is three to six months, and

WHEREAS, incidence of pancreatic cancer is twenty to thirty percent higher in men than in women and forty to fifty percent higher in African Americans than in other ethnic groups, and

WHEREAS, the Federal Government invests less money in pancreatic cancer research than it does in any of the leading cancer killers, and

WHEREAS, the good health and well-being of the residents of Clifton Park, New York are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments, and

WHEREAS, the Pancreatic Cancer Action Network is the first and only national patient advocacy organization that serves the pancreatic cancer community in Clifton Park, New York and nationwide by focusing its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer, and

WHEREAS, the Pancreatic Cancer Action Network and its affiliates in Clifton Park, New York support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure; now, therefore, be it

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RESOLVED, that the Town Board hereby designates the month of November, 2009 “Pancreatic Cancer Awareness Month” in Clifton Park, New York.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Hughes, Councilman Roth

DECLARED ADOPTED

Resolution No. 283 of 2009, a resolution authorizing the Supervisor to sign Change Order No. 1 for Longkill Park Improvements.

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

WHEREAS, Resolution No. 221 of 2008 authorized a contract for the Longkill Park Improvements in an amount of \$93,500, and

WHEREAS, a Change Order was prepared by John M. McDonald, Engineering, P.C. in an amount of \$88,500 which provides for a \$5,000 decrease the original in contract price of \$93,500 and increases the time of the contract by 285 days for the Longkill Park improvements; now, therefore, be it

RESOLVED, that Supervisor Barrett is hereby authorized to sign Change Order No. 1 dated September 25, 2009, to Bast Hatfield, Inc., and be it further

RESOLVED, that the decrease amount of \$5,000 be released from encumbrance in SP5-7123-200 (Longkill Park District Improvements) and the Contract be extended 285 days.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Hughes, Councilman Roth

DECLARED ADOPTED

Resolution No. 284 of 2009, a resolution appointing Dan Craver to the Emergency Services Advisory Board.

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

WHEREAS, due to the resignation of John Meehan, a need exists for a representative from the West Crescent Fire District to the Emergency Services Advisory Board, and

WHEREAS, Dan Craver, 111 Dunsbach Road, Clifton Park, has been recommended to fill the position; now, therefore, be it

RESOLVED, that Dan Craver, 111 Dunsbach Road, Clifton Park, is hereby appointed to the Emergency Services Advisory Board as a representative from West Crescent Fire District to fill the unexpired term of John Meehan, term to expire December 31, 2011.

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ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Hughes, Councilman Roth

DECLARED ADOPTED

Resolution No. 285 of 2009, a resolution authorizing the Supervisor to sign an Agreement with Energenics Systems LLC to study the feasibility of placing thin film solar facilities on the Clifton Park Landfill.

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

WHEREAS, the Clifton Park Landfill comprises 20+ acres of open field at 217 Vischer Ferry Road, and

WHEREAS, the Landfill was capped in 1993 pursuant to a Consent Decree from the New York State Department of Environmental Conservation (NYSDEC), and consistent with 6 NYC RR Part 360 Regulations, and

WHEREAS, the 20 acre site comprising the capped Landfill currently provides no revenue, usage or current utility, and

WHEREAS, the Town Board recognizes advances made in various renewable energy sectors including solar energy, and

WHEREAS, State and Federal Energy Policy continues to evolve toward initiatives supporting the study and installation of renewable energy technologies including the provision of incentives for solar energy projects, and

WHEREAS, the Town Board wishes to determine the feasibility of constructing solar energy facilities using advanced thin film technology above the capped Landfill site, from a regulatory engineering, environmental and economic standpoints, and

WHEREAS, Energenics Systems LLC has proposed coordinating a multidisciplinary study to determine whether the capped Landfill at the Vischer Ferry Road site would be suitable for installation and maintenance of a distributed power station comprised of 3 MW thin film solar arrays with cogeneration and energy storage facilities, now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to sign an Agreement with Energenics and Powers Systems LLC, 3140 Veterans Memorial Highway, Bohemia, New York, to contribute \$15,000 towards a study feasibility of the proposed project at the Clifton Park Landfill, based upon the attached scope of work; and be it further

RESOLVED, that the contribution of \$15,000 be paid with a transfer of \$15,000 from Contingency to Engineering. (A-144-0-135).

Supervisor Barrett said this is a wonderful opportunity to take advantage of some of the grant monies by taking a useless piece of property and turning it into a facility for renewable energy initiatives and to also generate income for the residents of Clifton Park. Councilman Paolucci spoke in favor of the resolution and said the town needs to create a sustainable system and one that can develop electric power from solar. Supervisor Barrett said if money is being expended to invest in solar equipment, it is important the study show how long it will take to get money back.

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ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Hughes, Councilman Roth

DECLARED ADOPTED

Resolution No. 286 of 2009, a resolution appointing Kathleen A. Wetmore as an ex officio member of the Industrial Development Agency (IDA) and rescinding Resolution No. 278 of 2009.

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

WHEREAS, Resolution No. 278 of 2009 incorrectly appointed Kathleen A. Wetmore as a member of the IDA, and

WHEREAS, Kathleen A. Wetmore's background as the Assistant Superintendent for Finance and Operations for the Shenendehowa Central Schools would be an asset to the IDA as an ex officio member; now, therefore, be it

RESOLVED, that Kathleen A. Wetmore, 74 Gloucester Street, Clifton Park, is hereby appointed as an ex officio member of the Industrial Development Agency; and be it further

RESOLVED, that Resolution No. 278 of 2009 authorizing the appointment of Kathleen A. Wetmore as a member of the IDA is hereby rescinded.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Hughes, Councilman Roth

DECLARED ADOPTED

Resolution No. 287 of 2009, a final resolution establishing Rivercrest Sewer District Extension No. 1.

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

WHEREAS, by Resolution No. 153 of 2009, the Town Board of the Town of Clifton Park, Saratoga County, New York (the "Town") authorized the formation of Rivercrest Sewer District Extension No. 1 (the "Extension") by resolution adopted by the Town Board on May 11, 2009, subject to approval of the New York State Comptroller, and

WHEREAS, on June 15, 2009, the Town Board submitted an application to the New York State Office of the State Comptroller requesting approval of the formation of the Extension and construction of improvements to the sewer system in the Extension (the "Improvements") consisting of the construction and acquisition of sewer facilities and incidental equipment including the acquisition of rights-of-way, if necessary, all as more particularly described in the maps and plans prepared by John M. McDonald Engineering, P.C. (the "Maps and Plans") which are on file in the office of the Town Clerk, and

WHEREAS, by order dated October 6, 2009, the New York State Comptroller approved the extension of the District; now, therefore, be it

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RESOLVED, that Rivercrest Sewer District Extension No. 1 in the Town of Clifton Park, Saratoga County, New York, is hereby established in accordance with the Maps and Plans, and the District shall be bounded and described as set forth on Exhibit A attached hereto, and be it further

RESOLVED, the construction of the Improvements is hereby authorized at an estimated cost of \$ 650,000; and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to cause a certified copy of this resolution to be recorded in the office of the Saratoga County Clerk and filed in the office of the State Department of Audit and Control in Albany, in accordance with the provisions of Town Law Section 195.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Hughes, Councilman Roth

DECLARED ADOPTED

Resolution No. 288 of 2009, a resolution authorizing the expenditure of funds for Excess Capacity Facilities pursuant to Town Law Section 192-(a).

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

WHEREAS, by Resolution No. 137 of 2009, the Town Board approved the expenditure of \$161,000 in Excess Capacity Investments for the Western Clifton Park Sewer Improvement Project in conjunction with formation of Rivercrest Sewer District Extension No. 1 and

WHEREAS, by Resolution No. 289 of 2008, the Town Board authorized execution of an Intermunicipal Agreement which calls for reimbursement of \$136,000 to the Town of Glenville for the construction of pipes, facilities and treatment plant equipment sufficient to accept additional sewer users resulting from the formation of the extension, and

WHEREAS, the Map, Plan and Report regarding the formation of the extension includes calculations for reimbursement to the Town of Glenville as detailed above, as well as expenditure of an estimated \$25,000 for installation of a flow meter to measure sewage flows from the Rivercrest Sewer District Extension, as well as subsequent increases caused by additional improvements contemplated for the Western Clifton Park Sewer Improvement Project; now, therefore, be it

RESOLVED, that the Comptroller is authorized to pay the Town of Glenville the sum of \$136,000, consistent with the Map, Plan and Report and Intermunicipal Agreement with the Town of Glenville, to be advanced from General Fund fund balance, and be it further

RESOLVED, that the Comptroller is further authorized to pay up to \$25,000 for the purchase and installation of a flow meter at or about the western terminus of the Town's sewer connection into the Alplaus Sewer District, to be advanced from General Fund fund balance; and be it further

RESOLVED, that both expenditures shall be reimbursed from the Rivercrest Sewer District Extension No.1 at a future time.

Supervisor Barrett explained this allows for a larger pipe to be installed making sure this is not engineering solution for just the people that are currently there, but an engineering solution for future use when other people may want to hook into the system. This ensures more than the immediate area can be served.

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ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Hughes, Councilman Roth

DECLARED ADOPTED

PUBLIC PRIVILEGE

Youssef Ballout, Torrero Drive, questioned location of political signs. He encouraged the Town Board to have a public forum to receive comments regarding a playground at the Kids Corner.

MOTION by Councilman Paolucci, 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 8:05 p.m.

Patricia O'Donnell
Town Clerk