

November 9, 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 Shahen, 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

**ANNOUNCEMENTS AND COMMUNICATIONS**

Councilman Paolucci gave an update on Garnsey Park (Route 146 Rexford) reporting public forums were held with comments forward to C.T. Male, consultants for the project. The consultants would like to present their plan at the November 16th Town Board meeting. Councilman Paolucci said if the plan is accepted by the Town Board and community, he anticipates going out to bid in January. He distributed estimated costs for Phase I items, attached. He announced a Public Forum on the proposed Garnsey Park plan will be held on November 19<sup>th</sup> in the town hall.

**PUBLIC PRIVILEGE ON RESOLUTIONS**

No one wished to be heard.

Resolution No. 304 of 2009, a resolution appointing Warren T. Shaw and James A. Young to the Town of Clifton Park Highway Safety Committee.

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

WHEREAS, openings exist for members for the Town of Clifton Park Highway Safety Committee, and

WHEREAS, Warren T. Shaw, 2 Longview Drive, Clifton Park and James A. Young, 17 Twilight Drive, Clifton Park, have been recommended to become members of the Committee, and

WHEREAS, both Mr. Shaw's and Mr. Young's background and experience will be an asset to the community; now, therefore, be it

RESOLVED, that the Town Board hereby appoints Warren T. Shaw and James A. Young to the Town of Clifton Park Highway Safety Committee, terms to expire December 31, 2011.

Supervisor Barrett noted Mr. Young is retired from NYS Police and Mr. Shaw is a traffic engineer.

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ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 305 of 2009, a resolution approving an outside user hook-up to the Corporate Commerce Sewer District No. 1 for twenty-four (24) lots in the Brookhaven Subdivision.

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

WHEREAS, the Corporate Commerce Sewer District No. 1 was approved by the Clifton Park Town Board on September 8, 2003 by Resolution No. 235 and was subsequently approved by the New York State Comptroller's Department of Audit and Control, and

WHEREAS, a request has been received by the Town Board, acting as Commissioners of the Sewer District, to approve an outside user connection for twenty-four units (24) per the attached Exhibit, and

WHEREAS, the said property is located outside the legal boundaries of the Sewer District, and

WHEREAS, the Town Board, acting as Commissioners of the Corporate Commerce Sewer District No. 1, has reviewed and approved the application and they have no objection to the new user, and

WHEREAS, the Building Department will collect all appropriate fees as required by Section 169-103 of the Town Code and Rules and Regulations of the Corporate Commerce Sewer District No. 1, and

WHEREAS, the Town Engineer has evaluated the potential impact of the wastewater generated by the proposed 24-unit project and determined that the project will not have a significant impact on the capacity of the existing gravity sewer main and that existing sewer facilities have sufficient capacity to accept the wastewater from the project; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Corporate Commerce Sewer District No. 1, hereby approves an outside user connection to the District's facilities by Amedore Group, Inc., per the attached Exhibit of Lots to be included, and pursuant to the attached agreement and authorizes the Supervisor to sign the agreement on behalf of the Corporate Commerce Sewer District No. 1, and be it further

RESOLVED, that the approval of the outside user connection is contingent upon approval by the Saratoga County Sewer District No. 1; and be it further

RESOLVED, that this approval for an outside-user connection by Amedore Group, Inc. for the Brookhaven Subdivision is specifically conditioned upon adherence to the Town of Clifton Park's Policy for New Sewer Users, which Policy shall be incorporated by reference into the Outside User Agreement applicable to this property.

Mr. Scavo explained each individual lot will pay a hookup fee. He said flows will be by grinder pump to the main and from the main will flow toward the county system.

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ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 306 of 2009, a resolution approving cash collection procedures in various Town Departments.

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

WHEREAS, various Town Departments collect cash on a daily basis, and

WHEREAS, different cash collection procedures are used by the various Departments, per the attached documents; now, therefore, be it

RESOLVED, that the Town Board hereby approves the Cash Collection Procedures in use in the various Town Departments; and be it further

RESOLVED, that the Town Board hereby authorizes the Comptroller to audit the various Town Departments and report findings back to the Town Board.

Mr. Heggen explained during the recent audit by the State Comptroller's office, it was recommended that the Town Board officially adopt all cash collection procedures. These procedures will be audited by the Town Comptroller's office and come back with findings. Town Administrator Shahan stated procedures were being followed but needed to be officially adopted.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 307 of 2009, a resolution authorizing Kelly Miller to attend an R-9 Residential Sales Comparison and Income Approach Course.

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

WHEREAS, Walter Smead, Sole Assessor, has requested authorization be given for Kelly Miller to attend an R-9 Residential Sales Comparison and Income Course at the Manfred Real Estate Learning Center, Inc. in Latham, New York, November 23, 24 and December 3 and 4, 2009 at a cost not to exceed \$350, and

WHEREAS, attendance at the Seminar would provide a benefit to the Town's citizens; now, therefore, be it

RESOLVED, that Kelly Miller is hereby authorized to attend an R-9 Residential Sales Comparison and Income Approach Course, November 23, 24 and December 3 and 4, 2009, at a cost not to exceed \$350, to be paid from budget line item A-1355-001 (Assessor-Travel & Conferences).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 308 of 2009, a resolution authorizing a CERT member and instructor, Ronald Volungus to attend training courses on Weapons of Mass Destruction Awareness and Nuclear Responder Operations in Oriskany, New York.

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

WHEREAS, Barbara McHugh, Director of Community Development, has requested authorization for Ronald Volungus, 4 Applewood Drive, Rexford, New York, to attend training regarding Weapons of Mass Destruction Awareness and Nuclear Responder Operations, December 14-17, 2009, at the Ramada Inn in Oriskany, New York, and

WHEREAS, Mr. Volungus is an active volunteer member of the regional Civil Air Patrol as well as the Clifton Park CERT Program, and

WHEREAS, Mr. Volungus's attendance at the training courses would confer a benefit upon Town residents; now, therefore, be it

RESOLVED, that Ronald Volungus is hereby authorized to attend training courses on Weapons of Mass Destruction Awareness and Nuclear Responder Operations in Oriskany, New York, with the cost of meals and incidentals to be paid with a \$46 per diem rate, per Federal Guidelines, as well as the cost of gas and tolls to be reimbursed, all costs to be paid from A-8762-001 (Conference and Training-CERT Grant).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 309 of 2009, a resolution authorizing the Town Board to ratify the Memorandum of Understanding with the Civil Service Employees Association, Inc. unit representing Town of Clifton Park Highway Employees.

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

WHEREAS, an agreement has been reached between the Town of Clifton Park and the Civil Service Employees Association, Inc., AFSCME Local 1000, AFL-CIO, for the Town of Clifton Park, Highway Unit of Saratoga County, Local 846, and

WHEREAS, this agreement will cover a five (5) year term until December 31, 2014; now, therefore, be it

RESOLVED, that the Town Board hereby ratifies the Memorandum of Understanding with the Civil Service Employees Association, Inc. unit representing Town of Clifton Park Highway Employees, copy of which is annexed hereto as Exhibit "A", all provisions to be incorporated into a new contract as appropriate; and be it further

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RESOLVED, that the provisions in the existing contract not modified by this Memorandum of Understanding to remain.

Supervisor Barrett and Mr. Heggen reviewed various parts of the new contract. Supervisor Barrett reported there are two open positions that will not be filled at this time. He stated Highway staff is doing a great job, getting the job done year round. Councilman Hughes said the negotiations were very smooth. Mr. Shahen stated union negotiators have commented the environment was very cordial and respectful on both sides.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 310 of 2009, a resolution authorizing the Town Supervisor to file commitment documents with Saratoga County for collection of the Town's share of the 2010 sales tax revenues.

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

WHEREAS, the Town of Clifton Park is required to file commitment papers regarding the collection of sales tax revenue for 2010; now, therefore, be it

RESOLVED, that the Clifton Park Town Board hereby authorizes the collection of sales tax revenue, to be paid in cash for 2010, from Saratoga County; and be it further

RESOLVED, that the Town Supervisor is hereby authorized to file the appropriate documents of commitment with Saratoga County.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 311 of 2009, a resolution authorizing the Supervisor to sign an agreement with Schaap Records Management for offsite storage of town records.

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

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

WHEREAS, on October 5, 2009, the Town Board voted to table Resolution No. 275 in order to look at future needs for storage of town records, and

WHEREAS, proposals were received by the Department of Building and Development for offsite storage of town records, and

WHEREAS, Steven Myers, Director of Building and Development, has recommended that the proposal of Schaap Records Management, Albany, New York, a New York State

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Archive Compliant Facility, be accepted at a cost of \$195.50 for initial set-up and a monthly storage charge of \$72, and

WHEREAS, Schaap Records 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 Schaap Records Management, 6 Brown Road, Albany, New York, for storage of town records in their Colonie facility, at a cost of \$195.50 for initial set-up and a monthly storage charge of \$72, to be paid from A-3620-0009 (Building & Zoning-Leases & Rentals).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 312 of 2009, a resolution authorizing the Town Supervisor to sign a Memorandum of Understanding with the Not So Common Players (NSCP) for the provision of continued support for the presentation of theatrical productions and musical presentations.

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

WHEREAS, the Town of Clifton Park has sponsored and supported the Not So Common Players (NSCP) theater group since its inception in 2001, and

WHEREAS, the NSCP have presented twenty four productions, published nine newsletters and entertained over 39,000 people over the last ten years, totally supported by the Town of Clifton Park, and

WHEREAS, the NSCP wishes to mark it's 10<sup>th</sup> anniversary of staging successful artistic and musical productions by defining it's relationship with the Town so as to provide the operational flexibility and artistic freedom to continue to grow and evolve as a Community and Cultural Resource, and

WHEREAS, the Town Board wishes to express continued support for the NSCP while defining the Town's commitment pursuant to Town Law 64 (17 b) regarding accumulated theatre set pieces, supplies, costumes, and equipment, as well as the Town personnel and equipment necessary to ensure the continued growth and success of the Town's relationship with NSCP; now, therefore, be it

RESOLVED, that the Town Board pauses in it's deliberations to congratulate the Not So Common Players on ten years of artistic and musical excellence, to recognize the following members of the Board of Directors for the countless volunteer hours donated to the cause of theatre in Southern Saratoga County, and to wish continued success for the next ten years and beyond:

Jennifer Bullington	Sarah S. Burke	Cynthia Nagle
Dian Dippold	John Burke	Jeremy Noble
Marlene Counterline	Patricia O'Donnell	Karen Boynton
Michael Silvia	Jim Mackenzie	

and be it further,

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RESOLVED, that the Town Board adopts and ratifies the attached Memorandum of Understanding between the Town of Clifton Park and the Not So Common Players, subject to annual appropriation.

Supervisor Barrett praised the efforts and productions of the Not So Common Players, noting they have provided a great return on the town's investment.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Jeremy Noble, Treasurer of Not So Common Players Board, thanked the Town Board for ten years of support, Ms. Kramer, and Mr. McCarthy for his work and assistance in preparing the Memorandum of Understanding, noting he had the best interest of the Town and Players.

Sally Burke, Evergreen Terrace, member of the Not So Common Players Board, expressed appreciation to the Town Board. She stated the Players have tried to be good stewards of the town's support. She noted a 10<sup>th</sup> Anniversary Show is planned for January. Ms. Burke said she looks forward to a Performing Arts Center in the next few years.

Norman Goldman, London Square Drive, thanked Councilman Roth for his efforts in bringing affordable senior housing to town. He questioned how the new fencing for the area for small dogs went up so quickly. Mr. Goldman asked what has been done to respond to the actions of the developer who demolish the historic building on Fire Road. He asked if Garnsey Park will be exclusively for passive uses.

Jim Baisley, Barkwood Lane, thanked the Town Board for their support throughout the year for veterans. He expressed appreciation to the signs around town acknowledging and thanking our veterans.

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 7:50 p.m.

Patricia O'Donnell  
Town Clerk