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November 16, 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
Supervisor Barrett
Town Clerk O'Donnell

Absent: Councilwoman Walowit

Also Present: Town Attorney McCarthy
Michael Shahen, Town Administrator
Mark Heggen, Comptroller
Barbara McHugh, Director of Community Development
Michael O'Brien, Collection System Manager
John Scavo, Director of Planning

MOTION BY Councilman Roth, seconded by Councilman Paolucci, to approve the minutes of the November 2 and 5, 2009 meetings as presented.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

None

PRESENTATION ON ELLIS HOSPITAL EMERGENCY ROOM

James Connolly, Ellis Hospital CEO, reported the Ellis Hospital Emergency Room on Nott Street, Schenectady, will see an increase to 60,000 visits a year with the proposed change from ER to Urgent Care at the McClellan Street Campus (formerly St. Clare's). A new addition is planned to blend with the existing emergency room at Ellis Hospital to accommodate the 60,000 visits. A slide show displayed a proposed satellite emergency department in Clifton Park, and he noted the area has a very dense population. Mr. Connolly stated Clifton Park is nine miles from the closest ER and up to 18 miles from the furthest. He said Ellis officials believe the two Emergency Rooms in Schenectady should be consolidated and a satellite be opened in Clifton Park stating this makes the most sense for the region and communities. The proposed emergency room is 20,000 square feet with 12 treatment stations and will operate 24/7/365. This proposal will be the equivalent of a full hospital emergency department, not an urgent care center. Mr. Connolly said the facility will be developed and owned by a private developer. It is anticipated the cost of the building could be \$3 million, including equipment. If permission is received from the Department of Health, it is anticipated construction could start in the spring. Mr. Connolly explained the hospital is licensed by the Department of Health and cannot change services without submitting a request for a Certificate of Need and receiving approval from the Department of Health.

Supervisor Barrett spoke favorably of the proposal stating the facility would significantly upgrade health services to the residents of Clifton Park and is very much needed.

Mr. Connolly said the location has not been finalized but one high preference location is between Staples on Maxwell Drive and the new senior citizens housing as the property is large enough to accommodate the proposed building, as well as parking, is centrally located and is in within a quarter of a mile of the Northway. Mr. Connolly noted there are only four free-standing emergency rooms, such as presented this evening, in New York State and the Department of Health is questioning whether there is a need for this facility.

Councilman Paolucci estimated the population of Southern Saratoga County as 60,000. He noted the ambulance squads will be able to serve the public more as they will be making shorter trips. He asked how the Town Board can help with the Statement of Need. He noted if the Rexford Bridge is out, an ambulance can't easily get to Ellis Hospital.

Mr. Connolly said letters of support from the community can influence Department of Health in making their decision.

Councilman Hughes said he hopes the state would be more sensitive to the plight of residents of Clifton Park, noting residents at Exits 9 and 10 are at least 15-25 minutes away from getting emergency care. He reported there is a significant senior population in the community and this facility would be an incredible complement.

Mr. Connolly reported Ellis is projecting between 10,000 and 15,000 visits to start. He said it is hoped the Department of Health will make their decision in January or early February but it is important letters be sent. He said the Department of Health needs to hear from citizens that this is a real need. Mr. Connolly explained Ellis would be leasing, with ownership at the end of 25 years.

PRESENTATION ON GARNSEY PARK

Councilman Paolucci reviewed the background of public meetings and plans for the Route 146 Park now known as Garnsey Park. Feedback from the community and review from the park committee helped make a plan that can be designed and implemented. He announced another meeting is scheduled for November 18th to review and ensure the plan is what the community wants. Councilman Paolucci introduced Frank Palumbo, Landscape Architect from C.T. Male, who reviewed the Phase I portion of the project. Mr. Palumbo reported DOT is reviewing the entrance off Route 146. Plans for Phase I include trails, pavilions, shelters, warming huts, open field area, playground area, pond and the suggestion of a community garden. He noted water will be brought onto the site. Councilman Paolucci explained the committee felt strongly about preserving the history of the site, hence the name Garnsey Park, as well as a farm-like theme. Mr. Palumbo reported an Education Building is planned as well as an outdoor amphitheater. He noted there will be low level security lighting around the pond. He stated he thinks this is a good time to go out to bid and hopes development will start in the spring. Plans for Phase I and the park Master Plan are attached.

Supervisor Barrett asked about liability with the sledding and tubing hill, multiuse pond and a policy regarding skating on the pond. Mr. Palumbo said he understands the area selected for sledding is already being used but once it is designed the area will have to be maintained. He continued depth is important in order to have a healthy moving pond and suggested the area around the embankment can be made as a shelf. He said things can be done to encourage safety.

REPORTS TO THE BOARD

Town Comptroller Heggen reviewed the October financial report. He reported he is monitoring expenditures and revenues and will be presenting a resolution to make adjustments to the budget. He explained there is a reduction in the 2010 budget retirement line as it was originally overestimated, however, rates will go up in 2011.

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Town Administrator Shahan reported the budget has been reduced by \$130,100 and appropriate changes have been made based on the Public Hearing. He said there is one more session with the Town Hall unit of CSEA.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 313 of 2009, a resolution adopting the 2010 Budget for the Town of Clifton Park.

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

WHEREAS, a public hearing was held on the Preliminary Budget on November 5, 2009, to obtain comment from the public regarding the proposed Budget for 2010, and

WHEREAS, the comments of the public have been incorporated into the proposed budget; now, therefore, be it

RESOLVED, that the 2010 Town of Clifton Park Budget is hereby adopted per Schedule A.

Supervisor Barrett reviewed changes to the Preliminary Budget including - retirement line adjusted downward, added \$30,000 for the Babe Ruth World Series, after meeting with the Clifton Park Halfmoon Ambulance, increased their budget by \$46,000, noting staff has been added and additional and more advanced training costs due to the proposed Ellis emergency room; additional \$10,000, equaling a 9 percent increase to the Senior Center for Carelinks, \$80,000 to improve town facilities – parking lot at Burning Bush Clubhouse, repair the roof at the Grange, \$50,000 to continue the study of extending the trail on Moe Road. The Supervisor reiterated there will be no general fund town property tax and Highway tax will remain at 15 cents per \$1000 of assessed value. He reported the Town Board asked that their pay be frozen and the Supervisor's salary has been reduced by 5 percent. He said \$804,000 has been allocated to the 2010 budget from the rainy day fund. Supervisor Barrett also noted he asked town hall employees will to do everything possible to reduce costs. He said the 2010 budget is less than 2009.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 314 of 2009, a resolution appointing Karl Siverling and Richard Zahnleuter to the Environmental Conservation Commission.

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

WHEREAS, due to the resignation of Ronald Enfield and Tiffany A. Southard, openings exist for members of the Environmental Conservation Commission, and

WHEREAS, Karl Siverling, 35 Addison Way, Rexford and Richard J Zahnleuter, 52 Redfield Park, Clifton Park, have been recommended to fill the positions; now, therefore, be it

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RESOLVED, that Karl Siverling is hereby appointed as a member of the Environmental Conservation Commission to fill the unexpired term of Tiffany A. Southard, term to expire December 31, 2009; and be it further

RESOLVED, that Richard J. Zahnleuter is hereby appointed as a member of the Environmental Conservation Commission to fill the unexpired term of Ronald Enfield, term to expire December 31, 2010.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 315 of 2009, a resolution scheduling a public hearing to consider a local law amending Coburg Village Planned Unit Development, by changing the allowed use on Parcel "C" of the Planned Unit Development from Neighborhood Business to Senior Citizen Apartments.

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

WHEREAS, an application has been received to amend Chapter 217, Coburg Village Planned Unit Development, by changing the allowed use on Parcel "C" of the Planned Unit Development from "Neighborhood Business" to Senior Citizen Apartments, and

WHEREAS, by Resolution No. 236 of 2009, the Town Board referred the application to the Planning Board for review and recommendation pursuant to Town Code 208-73 (c), and

WHEREAS, by memorandum dated September 22, 2009, Steven Bulger, Planning Board Chairman, advised that the Planning Board recommended approval of the Amendment changing the allowed use on Parcel "C" of the Coburg Village Planned Unit Development from "Neighborhood Business" to Senior Citizen Apartments; now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled for December 7, 2009 at 7:10 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, to consider a local law amending Coburg Village Planned Unit Development; and be it further

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

Director of Planning Scavo explained the Planning Board made a recommendation based on a referral from the Town Board that the project would have no significant impact to the town Comprehensive Plan and recommended that the Town Board consider the proposed changes for an additional 78 units. He reported there the typical waiting list of 30-35 applications.

Councilman Roth said as a member of the Coburg Board he doesn't believe he is in any ethical violations in approving a public hearing but when it comes time for a vote on the amendment he will recuse himself.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

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Resolution No. 316 of 2009, a resolution determining that the residence located at 947 Riverview Road would benefit from reconnection through the Rexford Water District No. 2 facilities.

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

WHEREAS, the Rivercrest Water District was formed in 1983 and included the area bounded by Riverview Road on the North, Rivercrest Drive on the South and East, and the Clifton Park Town Line on the West which includes residential water service at 947 Riverview Road, and

WHEREAS, construction work during October 2009, relevant to Rivercrest Sewer District improvements, resulted in an interruption of water service to 947 Riverview Road, and

WHEREAS, due to exigent circumstances created by the construction and due to the position of the Rexford Water District main on Riverview Road, construction crews and Town staff determined that connection of the residence to the Rexford Water District Facilities was in the best interests of all parties, and

WHEREAS, the Town Board is advised that the Clifton Park Water Authority (CPWA) accepts responsibility for service to the residence at 947 Riverview Road and that the homeowner has been advised and concurs in the reconnection of water service through the Rexford Water District Facilities; now, therefore, be it

RESOLVED, that the Town Board , pursuant to Article 12 of the Town Law, determines that the Leary/Pieniewski residence at 947 Riverview Road, Rexford, is benefited by reconnection to the Rexford Water District Facilities and is no longer benefited by the Rivercrest Water District No. 1; and be it further

RESOLVED, that the Assessor is directed to adjust Improvement District Assessments accordingly.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 317 of 2009, a resolution authorizing the promotion of Robert Van Buskirk from the position of Laborer to the position of Motor Equipment Operator in the Clifton Park Sewer Department.

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

WHEREAS, Michael O'Brien, Collection Systems Manager, recommends that Robert Van Buskirk be promoted from Laborer to MEO Light in the Sewer Department, and

WHEREAS, the above referenced employee has met the requirements for this position; now, therefore, be it

RESOLVED, that Robert Van Buskirk is hereby appointed to the position of MEO Light, Grade 4, Step 1 (\$31,726), additional \$296.45 needed through balance of 2009 to be paid from G7-8110-E4000 (Clifton Park Sewer Department-Part-time employee), effective immediately.

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ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 318 of 2009, a resolution scheduling a public hearing to consider a local law amending Local Law No. 13 of 2001, Town of Clifton Park Sewer Use Law, Section 611 B.

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

WHEREAS, Michael O'Brien, Collection Systems Manager, has recommended that Section 611 B of the Town of Clifton Park Sewer Use Law be amended, and

WHEREAS, the Town Board wishes to obtain comments from the public in this regard; now, therefore, be it

RESOLVED, that a public hearing to consider a local law amending Local Law No. 13 of 2001 of the Town of Clifton Park Sewer Use Law is hereby scheduled for December 7, 2009, at 7:20 p.m. in the Wood Memorial Room at One Town Hall Plaza, Clifton Park; and be it further

RESOLVED, that the Town Clerk publish notice of same.

Collection System Manager O'Brien explained laterals are the homeowners' responsibility and there is a contradictory statement in the Sewer Use Law that needs clarification.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 319 of 2009, a resolution awarding the contract for the administrative, financial and trustee services for the Town of Clifton Park Deferred Compensation Plan.

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

WHEREAS, the Town of Clifton Park established a Deferred Compensation Plan for employees, and

WHEREAS, the Deferred Compensation Committee did accept and review proposals for the administration of the Deferred Compensation Plan for a five-year contract period as stipulated in Section 9003 of Subtitle II, Title 9 NYCRR, and

WHEREAS, the Deferred Compensation Committee does recommend the award of such contract to The Hartford as Administrative Services Agency and Financial Organization pursuant to Section 9003 of Subtitle II, Title 9 NYCRR, and

WHEREAS, the Deferred Compensation Committee does recommend that Reliance Trust Company act as trustee; now, therefore, be it

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RESOLVED, that the Town of Clifton Park adopts the "Model Plan" with an effective date of January 1, 2002 including amendments through December 7, 2007; and be it further

RESOLVED, that the Clifton Park Supervisor hereby is directed to execute all necessary documents to contract with The Hartford and Reliance Trust Company for administrative, financial, and trustee services for the Town of Clifton Park Deferred Compensation Plan for the period January 1, 2010 or as soon thereafter as possible through December 31, 2014.

Town Comptroller Heggen explained since the town has to go out for renewal every five years for the administrative costs, RFPs have been requested and after review the Deferred Comp Committee decided to stay with Hartford as the administrative costs are going to be reduced.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 320 of 2009, a resolution amending the Deferred Compensation Plan for employees of the Town of Clifton Park by adopting the "Model Plan".

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

WHEREAS, the New York State Deferred Compensation Board (the "*Board*"), pursuant to Section 5 of the New York State Finance Law ("*Section 5*") and the Regulations of the New York State Deferred Compensation Board (the "*Regulations*"), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of Town of Clifton Park (the "*Model Plan*") and offers the Model Plan for adoption by local employers, and

WHEREAS, the Town of Clifton Park, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of Town of Clifton Park, and

WHEREAS, effective December 7, 2007 the Board amended the "Model Plan" to adopt provisions

- Expanding the eligibility for unforeseeable emergency withdrawals
- Permitting law enforcement officers, firefighters, members of a rescue squad or ambulance crew who have retired for service or disability to request a plan distribution of up to \$3,000 annually to pay for health insurance or qualified long-term care premiums for themselves, their spouse or dependents.
- Permitting a beneficiary who is not the spouse of the deceased Participant to transfer their Plan account directly to an IRA.
- Permitting a Participant who is eligible for a distribution to rollover all or a portion of their Plan account to a Roth IRA; and

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations, and

WHEREAS, upon due deliberation, the Town of Clifton Park has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of the Town of Clifton Park by adopting the amended Model Plan; now, therefore, be it

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RESOLVED, that Town of Clifton Park hereby amends the Deferred Compensation Plan for Employees of the Town of Clifton Park by adopting the amended Model Plan effective December 7, 2007, in the form attached hereto as Exhibit A.

Mr. Heggen explained in conjunction with the renewal of The Hartford, the amendments are approved by New York State and it is necessary for the town to adopt the amendments in the town plan.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 321 of 2009, a resolution amending Resolution No. 245 of 2009, authorizing the Town Supervisor to sign a grant application to the New York State Energy Research and Development Authority (NYSERDA) requesting American Recovery and Reinvestment Act Stimulus Funds to install photovoltaic equipment on the roof of the Highway garage.

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

WHEREAS, the Town continues to seek State and Federal Funding whenever such funding may be available, and

WHEREAS, by Resolution No. 191 of 2009, the Town applied for a U.S. Department of Energy Efficiency and Conservation Block Grant for \$149,200 for the project, and

WHEREAS, the estimated project cost to install photovoltaic/solar equipment (PV) on the roof of the Highway garage is \$280,000, and

WHEREAS, Resolution No. 245 of 2009 authorized the Supervisor to sign a NYSERDA grant application requesting American Recovery and Reinvestment Act Stimulus Funds to support the installation of photovoltaic/solar equipment (PV) on the roof of the Town Highway Garage, in an amount of \$129,500, with a cash match from the Town of five (5) percent, and

WHEREAS, NYSERDA has asked the Town to submit an application based on a 10% local cash match; now, therefore, be it

RESOLVED, that Resolution No. 245 of 2009 is hereby amended to authorize a ten (10) percent cash match from the Town to support the installation of photovoltaic/solar equipment (PV) on the roof of the Town Highway garage; and be it further

RESOLVED, that if the Grant is received, the Town will consider a separate resolution to appropriate the necessary funds for its share.

Director of Community Development McHugh explained the town was not funded in the first round, however, there is a second round of funding and NYSERDA has recommended the town increase the cash match from 5 to 10 percent. Councilman Hughes noted this is a Green Committee initiative.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

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Resolution No. 322 of 2009, a resolution authorizing the acceptance of sealed bids for equipment declared surplus by the Town Administrator.

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

WHEREAS, the Clifton Park Town Board adopted Resolution No. 273 of 2009 authorizing the Town Clerk to advertise and accept sealed bids for the sale of equipment declared surplus, and

WHEREAS, said bid was advertised in the Gazette on October 9, 2009 soliciting bids for this sale, and

WHEREAS, all bids were opened and publicly read on October 22, 2009; now, therefore, be it

RESOLVED, that the Clifton Park Town Board accepts the highest bids for the following items:

<u>Item</u>	<u>Description</u>	<u>Serial/VIN number</u>	<u>Name</u>	<u>Amount</u>
3	2001 Dodge 2500	3B6KF26Z21M276921	Larry Boni	\$721
6	2000 Ford Crown Victoria	2FAFP71W1YX166645	Chris Boni	\$276

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

PUBLIC PRIVILEGE

Norman Goldman, London Square Drive, speaking with regard to Garnsey Park said originally it was purchased to provide for soccer fields. Councilman Paolucci responded that is incorrect, it was purchased for open area. He continued to express concern regarding the name change of the senior center. He spoke against dogs running loose in Kinns Park. Mr. Goldman asked if anything has been done regarding the demolished building on Fire Road.

Ed Kritz, Plaid Place, spoke in favor of the paving of Calico Colony roads but in opposition to the four-way stop signs at the intersection of Plaid Place and Damask Drive (clerk's note: authorized by Resolution No. 296 of 2009). He feels the stop signs will impede the flow of traffic. Supervisor Barrett stated many requests come in from residents for signage and a determination was made that the Plaid Place/Damask Drive corner warranted stop signs, however, this can be assessed at a later date. Mr. Kritz said he would have liked input as to the signage and would like the signs taken out.

Kevin Normile, Par Del Rio, asked if anything is being done regarding the building demolished on Fire Road. Mr. Scavo responded this issue was on the Planning Board agenda on November 10th and the Planning Board found the developer in violation of the site plan and a letter has been prepared to the Chief Zoning Officer to take the appropriate steps in accordance with the violation section of the Town Code. Mr. Normile stated the fine of \$1000 to \$2000 could easily be put into the cost of development. Supervisor Barrett said he thinks the fine could be substantially higher. Supervisor Barrett said as more information comes out as far as the next

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step it will be discussed at the Town Board meeting or interested parties can get in touch with him or the Town Board.

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 9:05 p.m.

Patricia O'Donnell
Town Clerk