

August 2, 2010

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 Romano
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Also Present: Deputy Town Attorney Peller
Michael Shahen, Town Administrator
Richard Kukuk, Superintendent of Highways
Michael Handerhan, Supervisor of Buildings and Grounds
Mark Heggen, Comptroller
Myla Kramer, Director of Parks, Recreation and Community Affairs
Barbara McHugh, Director of Community Development
John Scavo, Director of Planning

MOTION BY Councilman Romano, seconded by Councilwoman Walowit, to approve the minutes of the July 19, 2010 meeting as presented.

ROLL CALL VOTE

Ayes: Councilman Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Abstain: Councilman Paolucci

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett announced the town blood drive is scheduled for August 11th from noon to 6 p.m.

Councilman Paolucci announced the annual Shoot Out on the Common is scheduled for August 3rd from 6 to 8 p.m.

REPORT TO THE BOARD

Town Historian Scherer reported the town history collection is ready for use by researchers. Two grants were received, one for \$8220 from the State Archives through the Clifton Park Halfmoon Library to catalog the town history collection located in the library and a \$5000 legislative grant from Assemblyman Reilly to digitize the collection. Both projects have been completed. Mr. Scherer reviewed the various collections and displayed documents and records.

PRESENTATION

Supervisor Barrett presented Resolution No. 193 to representatives "Sparky" and "Jazzy" in recognition of International Clown Week.

Resolution No. 193 of 2010, a resolution proclaiming the first week of August 2010 as International Clown Week.

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

WHEREAS, the people of the Town of Clifton Park recognize the importance of laughter in their lives, and

WHEREAS, clowns are recognized the world over as messengers of good tidings, bringing happiness and joy to all those whose lives they touch, and

WHEREAS, it is universally known that laughter is the best medicine, and

WHEREAS, clowns can make people forget their pain, sadness, illness, and distress, and

WHEREAS, clowns have helped us preserve our sense of humor and ability to laugh at ourselves, and

WHEREAS, clown encourage laughter in people from young to old, and rich and poor, and

WHEREAS clowns can dissolve thoughts of prejudice and intolerance of others; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park, does hereby proclaim that the week of August 1-7, 2010 shall be recognized at International Clown Week within the Town of Clifton Park and shall encourage all citizens to give fitting recognition to the clowns of the world.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 194 of 2010, a resolution hiring summer help for the Clifton Knolls Mill Creek Park District.

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

WHEREAS, the Clifton Knolls Mill Creek Park District has identified a need for substitute summer help for the Clifton Knolls Mill Creek Park District when summer workers are on vacation, and

WHEREAS, Darrin Williams, 99 Cooks Court, Waterford, has been recommended by the Park District to fill this position; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Clifton Knolls Mill Creek Park District, hereby authorizes the hiring of Darrin Williams to do light maintenance for the Clifton Knolls Mill Creek Park District at \$7.50 per hour, effective immediately, to be paid from SP37131-24 (Clifton Knolls Mill Creek Park District-Maintenance).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 195 of 2010, a resolution to accept the final scoping document for the Ushers Woods Project.

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

WHEREAS, the applicant submitted a PDD application in March of 2007 to the Town Board to rezone certain land described below to a Planned Development District, and

WHEREAS, the properties subject to the rezoning request consists of parcels of land totaling approximately 96.1± acres which lie along the west side of Interstate 87 near Exit 10 and is bounded on the south by Ushers Road, and

WHEREAS, the Town Board classified the project as a Type I action under 6 N.Y.C.R.R., Section 617.4(b)(2) of the New York State Environmental Quality Review Act's ("SEQRA") regulations subject to a coordinated review, and

WHEREAS, the Town Board has made available a copy of the draft scoping document to the public and conducted a Public Scoping Session on February 10, 2010 and an official transcript of this proceeding was reviewed by the Town Board to consider potentially significant adverse impacts pertinent to the proposed action, and

WHEREAS, copies of the draft scoping document were circulated to involved and interested agencies and written comments were received by the Town Board from the New York State Department of Environmental Conservation to include specific items within the final scoping document, and

WHEREAS, the purpose of the scoping document is to define environmental issues that will be addressed by the project sponsor during preparation of the Draft Environmental Impact Statement (DEIS), and

WHEREAS, the scoping document is intended to serve as the foundation or identification of all potentially significant adverse impacts pertinent to the proposed actions and appropriate mitigation measures, and

WHEREAS, it is also intended to eliminate consideration of any impacts that are irrelevant or non-significant; now, therefore, be it

RESOLVED, that the Clifton Park Town Board, as Lead Agency for SEQRA review of the proposed Ushers Woods PDD Project, does hereby adopt the attached Final Scoping Document.

Director of Planning Scavo explained this will allow a Draft Environmental Impact Statement to be prepared based on the scoping items that have outlined areas of potential significant impacts for the project and how it will be addressed moving forward. He said once the Board receives the DEIS it will have 45 days to respond with comments.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 196 of 2010, a resolution scheduling a public hearing regarding the Town of Clifton Park Draft Final Recreation Plan.

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

WHEREAS, on January 20, 2009, Resolution No. 19 of 2009 was adopted by the Town Board authorizing the hiring of the Laberge Group to assist town staff with the development of an updated recreation plan, and

WHEREAS, in accordance with Section 272-a of Town Law, a public hearing on the Draft Final Recreation Plan is required prior to the Town Board's consideration for final adoption; now, therefore, be it

RESOLVED, that a public hearing to consider adoption of the Draft Final Recreation Plan is hereby scheduled for September 13, 2010 at 7:10 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, and be it further

RESOLVED, that the Town Clerk is directed to publish notice of same at least ten days in advance of the public hearing; and be it further

RESOLVED, that a copy of the Draft Final Recreation Plan shall be made available in the Town Clerk's Office for public review during regular business hours.

Director of Planning Scavo reported the project will become part of the town Master Plan and, as a result under town law, requires a public hearing. The project outlines, within the draft document, the public participation component, goals and objectives, and supporting documentation backing up the goals and objectives.

Supervisor Barrett thanked all involved in the process of preparing the document, noting the attendance and input at public meetings.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 197 of 2010, a resolution waiving the facility use fee for use of the Ice Arena for a community fair to be held on August 28, 2010.

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

WHEREAS, the Shenendehowa Adult Community Center is presenting a 2010 Summer Community Fair, August 28, 2010, on the Clifton Common and in the Ice Arena, and

WHEREAS, the fee for the use of the Ice Arena is \$300, and

WHEREAS, the Shenendehowa Adult Community Center is a not-for-profit organization serving the Town of Clifton Park adult community, and

WHEREAS, the Town has waived fees in the past for not-for-profit organizations; now, therefore, be it

RESOLVED, that the Town Board hereby waives the \$300 facility use fee associated with the use of the Ice Arena for the Shenendehowa Adult Community Center 2010 Summer Community Fair on August 28, 2010.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 198 of 2010, a resolution in connection with a block party to be held in The Oaks subdivision.

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

WHEREAS, the residents of The Oaks subdivision wish to conduct a block party within the subdivision on Saturday August 14, 2010, between the hours of 4:00 to 8:00 pm and have requested permission to use Avenue of the Oaks between Cheshire Ridge and Davenport Circle for their party activities; now, therefore, be it

RESOLVED, that the residents of The Oaks subdivision, with the approval and advice of the Town Highway Superintendent, have permission to use Avenue of the Oaks between Cheshire Ridge and Davenport Circle on Saturday, August 14, 2010 from 4:00 to 8:00 pm for their party activities, but must not block off the street and make sure emergency vehicles can gain access to the street if needed, and be it further

RESOLVED, that the residents shall be responsible for all clean-up activities on town property or on the street right-of-way resulting from the social activity; and be it further

RESOLVED, that a copy of this resolution be sent to the applicable Fire Department, the Ambulance Corps., the Sheriff's Department and the State Police.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 199 of 2010, a resolution authorizing the Supervisor to sign contracts with 2010-2011 fall and winter subcontractors.

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

WHEREAS, the updated contracts for use with fall and winter subcontractors require the signature of the Town Supervisor; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign contracts with 2010-2011 fall and winter subcontractors.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 200 of 2010, a resolution authorizing the hiring of additional lifeguards to cover end of summer “shifts”.

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

WHEREAS, the Director of Parks and Recreation has identified a need to hire additional lifeguards to fill the vacancies of those lifeguards leaving for college, and

WHEREAS, Myla Kramer, Director of Parks and Recreation, has recommended that the lifeguards listed in Schedule “A” be hired for the three town-owned pools as needed; now, therefore, be it

RESOLVED, that the Director of Parks and Recreation is authorized to hire the lifeguards listed in Schedule “A”, effective immediately, through September 6, 2010, at a rate of \$7.50 per hour, to be paid from A-7150-4690 (Barney Rd. Pool-guards), A-7152-4690 (Locust Lane Pool-guards) and SP5-7151-4690 (Longkill #1 Park Dist./Country Knolls Pool-guards).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 201 of 2010, a resolution authorizing the hiring of Joseph Weiler as a Water Safety Instructor.

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

WHEREAS, a need exists for a Water Safety Instructor for the Town of Clifton Park 2010 Learn to Swim Program, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that Joseph Weiler, 21 Terrace Court, Ballston Lake, be hired to fill the position; now, therefore, be it

RESOLVED, that authorization is hereby given to hire Joseph Weiler, as a Water Safety Instructor, at a rate of \$9.10 per hour, to be paid from A-7310-E4575 (Summer Recreation Programs-Swim Lesson Program), retroactive to June 28, 2010.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 202 of 2010, a resolution modifying the Trips and Tours budget to accommodate a local cemetery tour.

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

WHEREAS, due to the addition of a local cemetery tour on October 23, 2010, it is necessary to increase the Revenue line (A-2031) by \$800 and the Expenditures line (A-7626-015) by \$800; now, therefore, be it

RESOLVED, that the Trips and Tours budget (A-2031- Revenue) is hereby increased by \$800 and Expenditures (A-7626-015) is also increased by \$800.

Town Historian Scherer reported the Not So Common Players theater group will be portraying some of the people in the cemeteries.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 203 of 2010, a resolution authorizing the Supervisor to sign an agreement with New York State Energy Research and Development Authority (NYSERDA) for grant funding in an amount of \$35,414 for the installation of a photovoltaic system on the roof of the town garage.

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

WHEREAS, the Town continues to seek state and federal funding whenever such may be available, and

WHEREAS, Resolution No. 245 of 2009 authorized the Supervisor to sign a NYSERDA 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, and

WHEREAS, NYSERDA has submitted an agreement to the Town for signing by the Supervisor, in an amount of \$35,414; now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to sign an agreement for grant funding from NYSERDA in an amount of \$35,414 for installation of photovoltaic/solar equipment on the roof of the town highway garage.

Superintendent of Highways reported the engineers have been awarded the contract for construction management, have done their preliminary load testing for the roof and he believes the materials are on order and the installation will begin soon.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 204 of 2010, a resolution authorizing the Clifton Park Town Board to apply for a grant from the County of Saratoga for the 39 acres of open space within the Stony Creek watershed.

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

WHEREAS, Saratoga County has announced a grant opportunity for its Farmland/ Open Space Preservation Program for Open Space Protection Projects with a submittal deadline of July 30, 2010, and

WHEREAS, the Town of Clifton Park Open Space, Trails, and Riverfront Committee and Land Acquisition Subcommittee is interested in acquiring and protecting this 39+/- acre within the Stony Creek Watershed with the overall goal of increasing town protected open space and water quality in the Town of Clifton Park, and

WHEREAS, the landowners submitted a Letter of Interest for selling their land to the Town of Clifton Park, and

WHEREAS, this area is adjacent to other Town of Clifton Park parklands of Clifton Knolls subdivision and would create a contiguous area of Town protected open space property, and

WHEREAS, the land is of interest as it is an open, recreational space and contains open water, active recreational opportunities and wetlands that consist of the Stony Creek watershed, and

WHEREAS, the parcel of land is under development pressure within a well established area of the Town and the current owner has offered the town the right of first refusal for acquisition prior to submitting a formal subdivision plan for a 33-lot residential development, and

WHEREAS, the acquisition of said land in the Town of Clifton Park is in accordance with the 2006 Saratoga County Green Infrastructure Plan, 2006 Town of Clifton Park Comprehensive Plan, the 2003 Town of Clifton Park Open Space Plan, 1989 Master Plan of Development, and

WHEREAS, the execution of the grant application does not commit the Town of Clifton Park to a definite course or to appropriate the local share but offers the Town of Clifton Park an opportunity to gather sufficient information to formulate the proposed action and make future decisions, and

WHEREAS, the Town shall also pursue and attract, for deposit and use, where permitted by the Laws of the State of New York, additional funds, gifts and grants from foundations, any private and additional public sources as well as federal, state and county matching funds; now, therefore, be it

RESOLVED, that the Clifton Park Town Board authorizes the Supervisor and or his staff to oversee the execution of and filing of the 2010 grant application for matching grant funds from the County of Saratoga in accordance with the provisions of the Saratoga County Open Space Preservation Program; and be it further

RESOLVED, that the Supervisor and or his staff is authorized to take such steps as necessary to progress the Open Space Project, including but not limited to, developing a purchase/sale contract, upon the Town Attorney approval, indicating willingness and good faith to advance the project and provide all parties with adequate information, obtaining a proposal, title report, survey, and negotiating a land acquisition at said site pursuant to the grant and subject to Town Board approval.

Supervisor Barrett said this refers to the Barney Road Golf Course. He stated this project has very important environmental ramifications. As a matter of disclosure, Supervisor Barrett

reported he is Chairman of the Saratoga County Farmland and Open Space Preservation Committee, the committee that will be reviewing the grant application.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 205 of 2010, a resolution scheduling a public hearing to consider the adoption of a local law establishing a Retirement Incentive Program Part “A”, pursuant to Chapter 105 of the Laws of 2010.

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

WHEREAS, the Town of Clifton Park wishes to adopt targeted incentive Part “A” of the Retirement Incentive Program as authorized by Chapter 105 of the Laws of 2010, and

WHEREAS, it is necessary to adopt this incentive program by local law; now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled for August 16, 2010 at 7:10 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York, to consider a local law establishing a Retirement Incentive Program Part “A”; and be it further

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

Supervisor Barrett explained New York State has put this forward and municipalities have an option of joining the program or not. The Town Board has received information based on employees who are interested in the incentive. He explained this will cost the town money to enact and the question is will the town save enough money to overcome the cost. Town Comptroller Heggen said if the Town Board decides to adopt these local laws, it will have to be at the August 16th meeting as the deadline is August 31st. August 16th is the last scheduled meeting for the month. He explained Part A is for additional time and Part B is retiring without an age penalty – 55 years of age and 25 years of service. Supervisor Barrett asked Mr. Heggen to keep him apprised of costs involved and any additional information.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 206 of 2010, a resolution scheduling a public hearing to consider the adoption of a local law establishing a Retirement Incentive Program Part “B”, pursuant to Chapter 105 of the Laws of 2010.

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

WHEREAS, the Town of Clifton Park wishes to adopt targeted incentive Part “B” of the Retirement Incentive Program as authorized by Chapter 105 of the Laws of 2010, and

WHEREAS, it is necessary to adopt this incentive program by local law; now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled for August 16, 2010 at 7:20 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York, to consider a local law establishing a Retirement Incentive Program Part "B"; and be it further

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

Supervisor Barrett explained New York State has put this forward and municipalities have an option of joining the program or not. The Town Board has received information based on employees who are interested in the incentive. He explained this will cost the town money to enact but the question is will the town save enough money to overcome the cost. Town Comptroller Heggen said if the Town Board decides to adopt these local laws, it will have to be at the August 16th meeting as the deadline is August 31st. August 16th is the last scheduled meeting for the month. He explained Part A is for additional time and Part B is retiring without an age penalty – 55 years of age and 25 years of service. Supervisor Barrett asked Mr. Heggen to keep him apprised of costs involved and any additional information.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 207 of 2010, a resolution authorizing the purchase of an air compressor for use by the Highway Department.

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

WHEREAS, due to aging infrastructure on some of the Town's catch basins, repairs have become increasingly difficult for one crew to complete necessitating the Highway Superintendent to add an additional crew, and

WHEREAS, Highway Superintendent Richard Kukuk has requested authorization to purchase an air compressor for use by the additional crew in the Highway Department, and

WHEREAS, three quotes were received for an air compressor and the lowest quote was received from J.C. Smith, Inc., Albany, New York, in an amount of \$12,250, and

WHEREAS, Highway Superintendent Kukuk has recommended that the quote of J.C. Smith, Inc. be accepted in an amount of \$12,250 for the air compressor; now, therefore, be it

RESOLVED, that authorization is hereby given for the Highway Superintendent to accept the quote of J.C. Smith, Inc. for an air compressor in an amount of \$12,250, to be budgeted from DA05130-00229 (Highway-Small Equipment).

Superintendent of Highways Kukuk said the department is currently using a 1970 vintage compressor. He noted the Highway Department is busy this time of year repairing catch basins and there are time restraints since there is only one air compressor and jackhammer. This will allow an additional crew to work on these projects. He said the newer equipment has additional safety enhancements.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

David Wagner, 9 Wheeler Drive, expressed concern about a neighbor at 7 Wheeler Drive using a compound bow across the back of his yard for target shooting. He stated it is extremely dangerous and his backyard is unsafe. Mr. Wagner asked the Town Board what can be done. He said the town should be adhering to the same standards as the Department of Environmental Conservation – the 500 foot minimum from a home. Supervisor Barrett said this is a dangerous situation and will be look at.

Beverly Czub, Miller Road, asked about the status of the permanent illuminated speed sign that is to be erected at the top of the Clifton Park Center Road hill. Director of Planning Scavo replied the town is waiting for authorization from National Grid to run power from the transformers to the poles. Authorization is expected the week of August 9th. The Highway Department is ready to install the equipment when authorization is received. Mrs. Czub recommended a stop sign at the Addison subdivision exit.

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 8:20 p.m.

Patricia O'Donnell
Town Clerk