

August 16, 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 Romano  
Councilwoman Walowit  
Supervisor Barrett  
Town Clerk O'Donnell

Absent: Councilman Hughes

Also Present: Town Attorney McCarthy  
Mark Heggen, Comptroller  
Myla Kramer, Director of Parks, Recreation and Community Affairs  
Steven Myers, Director of Building and Development  
Michael O'Brien, Collection Systems Manager  
John Scavo, Director of Planning

MOTION BY Councilman Paolucci, seconded by Councilman Romano, to approve the minutes of the August 2, 2010 meeting as presented.

**ROLL CALL VOTE**

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

Noes: None

Absent: Councilman Hughes

**MOTION CARRIED**

**ANNOUNCEMENTS AND COMMUNICATIONS**

Supervisor Barrett announced Saratoga County Board of Elections will be demonstrating new voting machines in town hall on August 18, 2010.

The Supervisor thanked all involved with the "Shoot Out on the Common" basketball event being held this evening, noting emergency services, State Police canine unit, CERT, among others were in attendance.

Shenendehowa Adult Community Center board members Nancy Shade and Chuck Goody and Center Director Sean Flaherty gave an update of the Community Fair scheduled for August 28<sup>th</sup> on the Common and ice arena.

**PUBLIC HEARING, 7:10 PM  
TO CONSIDER A LOCAL LAW ADOPTING  
THE RETIREMENT INCENTIVE PROGRAM  
PART A - CHAPTER 105 LAWS OF 2010**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on August 5, 2010.

Supervisor Barrett explained retirement programs, though good for the employee, also have to work for the taxpayers. The town has to be able to show short-term as well as long-term savings.

Town Comptroller Heggen reviewed the proposed local law explaining Part A adds one month to the individual's final service for every year they've been in the NYS retirement system up to a maximum of 36 months. The individuals eligible for Part A would be individuals who have five years of service and age 55 or ten years of service and age 50. He stated Part A does not eliminate the penalty for taking retirement at 55. Mr. Heggen explained the town can target specific positions to be included in the incentive and would have to show a 50 percent savings over the next two years or elimination of the position. Mr. Heggen further explained this can be paid off over one year or five years. If paid off over one year there is no interest, over five years a higher percentage of interest. The first payment would be February 2012. The individual would have to retire by the end of 2010.

Supervisor Barrett said there are two ways to save 1) by the replacement of higher salaried workers or 2) through job position consolidation; however, this is all predicated by who is eligible to retire. He stated overall there are not a lot of people eligible for either program.

Mr. Heggen said in keeping with the November 30, 2010 date it was necessary to change the open period from 90 to 30 days as the program cannot be extended beyond December 31, 2010.

Supervisor Barrett said it was important to give individuals as much time as possible to review options and to give the town empirical data to come up with an approximation of what the costs would be, noting either program is expensive. He stated the town would want to see immediate savings as well as long-term.

Mr. Heggen reviewed penalty percentages that would be paid out over five years.

As an aside, Mr. Heggen stated the assessment from NYS retirement will increase by \$300,000 in 2011, bringing the total to \$600,000 to be paid into the retirement system. This bill will be paid in December 2010 for February 2011 but will be reflected in 2011.

Supervisor Barrett asked Mr. Heggen, based on his calculations, if he saw a 50 percent savings. Mr. Heggen responded he has compared interested individuals projected salaries in 2011 and 2012 to what a new person coming in would make at Step 1 and it appears the town could save close to 17 percent on one and about 10 percent on the other. Mr. Heggen stated finding the 50 percent range is difficult unless the positions were eliminated. Supervisor Barrett said he doesn't see these positions being eliminated. Mr. Heggen said he spoke today with representatives from NYS Retirement and they stated the town has to make sure the 50 percent is achieved when passing the law.

Councilman Paolucci said there is nothing to consider since the town cannot eliminate the positions and can't meet the threshold of 50 percent savings.

The public hearing was opened for comments from the audience at 7:30 p.m.

Councilman Romano asked how many employees would be taking Part A. Mr. Heggen responded initially four inquiries were received.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 7:31 p.m.

PUBLIC HEARING, 7:20 (7:33) PM  
TO CONSIDER A LOCAL LAW ADOPTING  
THE RETIREMENT INCENTIVE PROGRAM  
PART B - CHAPTER 105 LAWS OF 2010

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on August 5, 2010.

Supervisor Barrett stated general statements from the prior public hearing will suffice for this one as well. He said there are some employees eligible for Part B. (Clerk's note: please see comments under previous public hearing)

Town Comptroller Heggen explained Part B of NYS law is specifically put in to eliminate the age penalty that they charge for individuals who retire prior to age 62. An individual who has 25 years of service and is 55 years old when they retire will not have a penalty – this is consistent with the Tier 1 provision. Mr. Heggen stated there is no mention of a savings requirement in Part B.

Supervisor Barrett said based on who is eligible and what positions may be vacated the town would have the opportunity of more savings under Part B than Part A. Mr. Heggen stated Part A and Part B cannot be combined.

The public hearing was opened for comments from the audience at 7:38 p.m.

Councilwoman Walowit thanked Mr. Heggen for his work on this project.

Councilman Romano asked if the Town Board adopts the legislation do they still have to accept the retirement of an individual or is it just an offer to look at it. Mr. Heggen said a position can be targeted only to the extent that it is not needed for the health, safety and welfare of that position.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 7:40 p.m.

#### REPORTS TO THE BOARD

Town Comptroller Heggen reviewed the July 2010 financial report noting revenues and expenditures are comparable to 2009.

In Town Administrator's absence, Mr. Heggen reported Mr. Shahan has been working on the 2011 budget and department heads are to submit their budgets by August 27<sup>th</sup>.

#### PUBLIC PRIVILEGE ON RESOLUTIONS

Councilman Paolucci questioned why a resolution adopting Retirement Incentive Part A would be brought forward when the town is not eligible for the plan. Supervisor Barrett replied the resolution can be brought forward and voted down.

Resolution No. 208 of 2010, a resolution appointing Michael Wilcox to permanent status as a part-time Animal Control Officer.

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

WHEREAS, Michael Wilcox, 13 Nolan Road, Ballston Lake, was provisionally appointed to the position of part-time Animal Control Officer, and

WHEREAS, Michael Wilcox successfully passed the Civil Service Exam for the position of part-time Animal Control Officer and was certified as a permanent employee on May 5, 2010; now, therefore, be it

RESOLVED, that Michael Wilcox, 13 Nolan Road, Ballston Lake, is hereby appointed to permanent status as part-time Animal Control Officer for the Town of Clifton Park per Civil Service Certification as of May 5, 2010.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 209 of 2010, a resolution referring a Conservation Easement Application for Historic Preservation to the Planning Board, Historic Preservation Commission and Open Space Coordinator for review and comment for property at 394 Vischer Ferry Road, Clifton Park.

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

WHEREAS, an application has been received by the Town Clerk for a Conservation Easement for Historic Preservation for property at 394 Vischer Ferry Road, SBL 277.-1-77, from Denise Zumbo, and

WHEREAS, the Planning Board, Historic Preservation Commission and Open Space Coordinator shall investigate the area to determine if the proposal would be of benefit to the people of the Town of Clifton Park; now, therefore, be it

RESOLVED, that the Town Board hereby refers the Conservation Easement Application for Historic Preservation for property at 394 Vischer Ferry Road, owned by Denise Zumbo, to the Planning Board, Historic Preservation Commission and Open Space Coordinator for review and comment and to report back to the Town Board within forty five days.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 210 of 2010, a resolution authorizing Town employees to construct the remaining segment of the library trail and to authorize the transfer of funds for the purchase of construction materials for the project.

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

WHEREAS, the Town of Clifton Park supports the construction of a pedestrian/bicycle trail to connect the Clifton Park-Halfmoon Library and Arongen Elementary School, providing pedestrian connections between Moe Road, Wall Street, Clifton Park Center Road and Clifton Country Road, and

WHEREAS, provision for the trail has been made in site plan approvals and zoning legislation for the Clifton Park-Halfmoon Library, and in cooperative agreements among Shenendehowa Schools, the Library and the Town for the design and construction of the trail, and

WHEREAS, portions of the trail have been completed on library property and on Shenendehowa School District lands; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the construction of remaining segments of the library trail connection, to include a paved asphalt segment and boardwalk composed of wooden decking material to traverse a designated wetland; and be it further

RESOLVED, that the Buildings and Grounds Department staff is authorized to construct the pedestrian foot bridge to span the existing wetland area per design plans dated September 2008, by Environmental Design Partnership; and be it further

RESOLVED, that \$8,122 is hereby authorized from the Parkland Account to A-7629-135 (Trail Development) for purchase of construction materials; and be it further

RESOLVED, that the Town Highway and Buildings and Grounds Departments are authorized to utilize town staff to construct the remaining trail segment.

Director of Planning Scavo reported permits are in place. Construction period is anticipated to be two to three weeks.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 211 of 2010, a resolution authorizing Sheryl Reed and Patrick Jarosz to attend the New York State Building Officials Conference, October 18 - 20, 2010, in Colonie, New York.

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

WHEREAS, conferences are designed to give their members the needed hours to complete the New York State twenty-four hour requirement for in service training for all code enforcement officers per year in order to maintain their certification, and

WHEREAS, New York State has eliminated several of their instructor positions reducing the availability of courses locally and substantially reducing the availability of building officials courses being offered, and

WHEREAS, attendance at these seminars would provide a benefit to the residents of the Town and is necessary to maintain building officials credentials; now, therefore, be it

RESOLVED, that the Building and Development Department is authorized to send Sheryl Reed and Patrick Jarosz to the New York State Building Officials Conference from October 18-20, 2010 in Colonie, New York, at an estimated cost not to exceed \$550 for both attendees, as budgeted from A-3620-001 (Training and Conferences).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 212 of 2010, a resolution authorizing the Supervisor to sign a subcontractor agreement with Circus Theatricks, LLC to run a Circus Camp during the December school vacation week.

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

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has requested that the Town Board authorize the attached updated subcontractor agreement for Circus Theatricks, LLC to run a Circus Camp during the December school vacation week, and

WHEREAS, the Town Board supports continuation of the 2010-2011 Recreation Program for the benefit of Town residents; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign a subcontractor agreement with Circus Theatricks, LLC for the operation of a Circus Camp during the December school vacation week.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 213 of 2010, a resolution authorizing the Southern Saratoga YMCA to use Town roadways for a 5K Run/Walk event.

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

WHEREAS, the Southern Saratoga YMCA is organizing a “Run/Walk” event on Tuesday, August 17, 2010 starting at 6:30 pm and ending when the last participant arrives back at the YMCA, and

WHEREAS, the event will begin at the YMCA, proceed through Hollandale into Clifton Gardens and back to the YMCA; now, therefore, be it

RESOLVED, that authorization is given for the Southern Saratoga YMCA to use Town roadways for a 5K Run/Walk event; and be it further

RESOLVED, that YMCA volunteers be permitted to temporarily stop traffic at each intersection that a vehicle and a 5K participant arrive at, at the same time.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 214 of 2010, a resolution honoring Kevin Malinoski for attaining the rank of Eagle Scout.

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

WHEREAS, Kevin Malinoski, 15 Temple Hills, Clifton Park, of Boy Scout Troop 6 has attained the rank of Eagle Scout, and

WHEREAS, for his Eagle Scout Project, Kevin took on the task of mapping out the Northwoods Trail located off Ushers Road in Clifton Park and is centered around the Round Lake Reservoir, and

WHEREAS, to accomplish his Eagle Scout Project, Kevin enlisted Troop 6 to help mark out the trail and to build two kiosks to display maps of the trail for hikers/walkers to view while on the trail, and

WHEREAS, by building the trail, Kevin and Troop 6 have created a safe walking area that connects the existing trails and allows the community to use the state wide recognized trail system; now, therefore, be it

RESOLVED, that the Clifton Park Town Board recognizes and honors Kevin Malinoski of Boy Scout Troop 6 for having attained the rank of Eagle Scout.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 215 of 2010, a resolution adopting Local Law \_\_\_ of 2010 establishing Retirement Incentive Program Part “A”, pursuant to Chapter 105 of the Laws of 2010.

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

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, and

WHEREAS, on August 16, 2010 at 7:10 p.m. a public hearing was conducted regarding the proposed local law and all who wished to speak were given the opportunity to; now, therefore, be it

RESOLVED, that Local Law No. \_\_\_ of 2010, a local law establishing Retirement Incentive Program Part “A”, pursuant to Chapter 105 of the Laws of 2010 is hereby adopted, per Exhibit “A”, and be it further

RESOLVED, that this local law shall take effect August 30, 2010, and be it further

RESOLVED, that the commencement date of the retirement incentive program shall be November 30, 2010; and be it further

RESOLVED, that the Town Clerk file said notice with the New York State Department of State as required by law.

Supervisor Barrett explained this resolution is being brought forward to bring credence to each plan as employees have shown interest in both.

MOTION BY Councilman Paolucci to amend the resolution to reflect the fact provisions of Part A were reviewed and staff has done due diligence to find the town does not meet the “hurdles” which is an important reason to vote no. Supervisor Barrett said the discussion will be noted in the minutes and that should suffice. Discussion ensued regarding whether or not to amend the resolution. **There was no second to Councilman Paolucci’s motion.** Supervisor Barrett called the question on the resolution.

ROLL CALL VOTE

Ayes: None  
Noes: Councilman Paolucci, Councilman Romano,  
Councilwoman Walowit, Supervisor Barrett  
Absent: Councilman Hughes

**RESOLUTION DEFEATED 4-0**

Supervisor Barrett asked that the comments in the public hearing be part of Resolution No. 215.

Resolution No. 216 of 2010, a resolution adopting Local Law No. 6 of 2010, a local law establishing Retirement Incentive Program Part “B”, pursuant to Chapter 105 of the Laws of 2010.

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

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, and

WHEREAS, on August 16, 2010 at 7:20 p.m. a public hearing was conducted regarding the proposed local law and all who wished to speak were given the opportunity to; now, therefore, be it

RESOLVED, that Local Law No. 6 of 2010, a local law establishing Retirement Incentive Program Part “B”, pursuant to Chapter 105 of the Laws of 2010 is hereby adopted, per Exhibit “A”, and be it further

RESOLVED, that this local law shall take effect August 30, 2010, and be it further

RESOLVED, that the commencement date of the retirement incentive program shall be October 1, 2010; and be it further

RESOLVED, that the Town Clerk file said notice with the New York State Department of State as required by law.

Supervisor Barrett said through the discussion of the public hearing and findings of the Town Comptroller, the town has more promise with this plan. This plan gives more flexibility and there may be couple of employees that will take the incentive.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

PUBLIC PRIVILEGE

Norman Goldman, London Square Drive, continued to express concern with the Adult Use Zoning Law adopted in 2001 and asked the Board to point out any factual errors he may have made in his comments.

Mr. Goldman asked for clarification of Town Law Section 268 regarding the historic building that was demolished. Town Attorney McCarthy responded there was statutory authority to bring a misdemeanor complaint in local court for zoning violation. He said when the building came down, the town looked at every statute, state and local, that might be relevant and used whatever tools available. Mr. McCarthy said the statute allows the local court jurisdiction.

MOTION by Councilwoman Walowit, seconded by Councilman Romano, to adjourn the meeting to the next regular meeting or any other meeting necessary for the conduct of Town business.

Motion carried at 8:15 p.m.

Patricia O'Donnell  
Town Clerk