

July 18, 2011

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 Hughes
Councilman Romano
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Absent: Councilman Paolucci

Also Present: Deputy Town Attorney Peller
Richard Kukuk, Superintendent of Highways
Mark Heggen, Comptroller
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 5, 2011 meeting as presented.

PUBLIC FORUM ON PETITION PROPOSING DISCONTINUANCE OF A PORTION OF BIETTE ROAD

Supervisor Barrett said this is a Highway Department decision. He reported 500 foot notices were sent advising of this petition and the Public Forum to give people the opportunity to comment.

Dominick Arico, representing petitioner Wayne Beale, owner of the Rusty Nail, located on the corner of Biette Road and NYS Route 9. Mr. Arico distributed and displayed plans showing the planned discontinuance of approximately 135 feet of the northern terminus of Biette Road. He said currently nothing more can be done to the building or to the parking area. Mr. Arico explained the new land area would consist of two lots instead of the current three. He said there are no development plans in process. He thinks the state will be happy to have two of the three curb cuts on Route 9 closed off. Mr. Arico said the road is more of a user road than a town right of way, though the town does maintain it. There are storm sewers on the road that will be removed and reconfigured based on how the development would go. The applicant will take responsibility for the storm sewer and the road as it exists now. Councilman Hughes asked if there is the possibility of a patio or deck off the back. Mr. Arico said yes if that area of Biette Road is eliminated.

Superintendent of Highways Kukuk said he is familiar with this proposal. He stated there is a recurring drainage problem on the north end of the property where the road meets Route 9 and because of the elevation there is no place for it to drain in times of heavy rain. If this plan goes through as is, the owner could change the elevation and do what he wants to do to his property and the Highway Department would be relieved of a major drainage headache. Highway Superintendent Kukuk said his one concern is how public safety would be addressed particularly if fire and ambulance have a way to get in and out of the site. He said a dead end would be all right with him as long as there is proper signage so that any users of the road would know that there is no outlet. He said he doesn't see a lot of disadvantages to abandoning that portion of the road.

Director of Planning Scavo reported his only concern would be the increase in traffic coming from the other end of Biette Road and would the parking lot of the Rusty Nail be used as a means to get in and out from that end of Biette Road or would it force all the traffic through the right of way.

Supervisor Barrett commented it appears if one is on the south side of Rusty Nail on Biette Road they are not going to be able to travel north the full length.

Mr. Scavo stated fire access needs to be addressed before any discontinuance to make sure there is a sign-off from emergency services.

Mr. Arico said they would like to get started as soon as possible with the site plan process.

Councilman Romano asked if the house on the north side will stay. Mr. Arico said he believes the house will be removed but most likely the garage will be maintained for storage.

Mr. Arico noted this proposed change does not affect the music stores.

Supervisor Barrett asked if there were any comments from residents or business owners on Biette Road. There were no responses from those in the audience, however, the Supervisor invited anyone with comment to email or call his office or that of the Highway Superintendent.

Supervisor Barrett said the decision on the petition is ultimately up to Superintendent of Highways Kukuk and any comments received will be passed on to him. Mr. Kukuk said he thinks the answers needed regarding emergency services and any further engineering details will be received in a few days.

PRESENTATION TO THE BOARD

John Stevens, representing Infinigy Engineering and owner of Independent Towers, proposed the possibility of putting a communication tower on the Clifton Common, stating it is well known there is a coverage gap within the central part of town which encompasses Route 146 over to Route 9. He stated there is much more cell phone usage, particularly with children. He said various locations have been looked at but with the town's 500 foot set back from residential areas, not much property is left. Mr. Stevens reported speaking with the school, St. Edward's Church and the two area shopping centers. He said there is not good coverage on the Clifton Common particularly when there is heavy phone usage which could be a public safety issue. He displayed a map showing the 500 foot setbacks and possible location of the tower behind the arena and in the vicinity of the basketball courts and parking area. Mr. Stevens said the 75 foot light pole could be replaced with a 100 foot pole, the light put back on and the top 30 feet could be used by a number of carriers and potentially also by the town Highway Department. He said the antennas would be hidden inside and would be similar to the tower on the Lindsey farm on Grooms Road.

Supervisor Barrett said several years ago it was noted that a large area of land was needed for servicing activities of the tower. Mr. Stevens responded only an area of 30 by 40 feet would be necessary. Councilwoman Walowit questioned sound coming from the site. Mr. Stevens said the sound would be minimized. He said it is up to the landowners to provide access to the site but his people would do the plowing. He reported on past cell tower projects.

Question from the floor asked if the pole could be affected by July 4th fireworks. Mr. Stevens responded no.

Comment from the floor regarding cell phones not working on the Common and the difficulty reaching her children on the 4th of July. Attendee spoke in favor of the cell tower on Common.

Superintendent of Highways Kukuk said public agencies such as Highway Departments are going to be using a different technology and our two- way radio communication used now is becoming antiquated. He stated the 60 foot tall transmitter tower on the highway building is inadequate. There are a lot of dead spots throughout town so the system will have to be upgraded. Mr. Kukuk stated there is a need for a higher tower to attach the highway transmitter, noting one of the configurations would be using Knoll Top or another one up north, but a higher tower is needed here.

REPORT TO THE BOARD

John Kimball, Tournament Director Clifton Park Soccer Club, thanked the Town Board for their support of the International Soccer Tournament. He noted there were 125 teams, the tournament went smoothly, and many compliments were received regarding the condition of the fields.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 195 of 2011, a resolution in connection with a block party to be held on Heavenly Way.

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

WHEREAS, the residents of Heavenly Way wish to conduct a block party on Saturday, July 30, 2011 between the hours of 3:00 pm and 10:00 pm and have requested permission to use Heavenly Way for their party activities; now, therefore, be it

RESOLVED, that the residents, with the approval and advice of the Town Highway Superintendent, have permission to use Heavenly Way, July 30, 2011 from 3:00 pm to 10:00 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 Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 196 of 2011, a resolution accepting a quote for professional appraisal services for 41.42 acres of vacant land on Riverview Road.

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

WHEREAS, the Town wishes to explore the feasibility of the purchase of the 41 acre parcel located on Riverview Road, SBL No. 282.-1-38, and

WHEREAS, quotes were received to conduct a real estate summary appraisal report of the aforementioned parcel under consideration for potential acquisition by the Town of Clifton Park, and

WHEREAS, John Scavo, Director of Planning, has recommended that the quote of Caryn Zeh Appraisals, LLC of Glenmont, New York, be accepted as the lowest responsible quote, and

WHEREAS, Caryn Zeh Appraisals, LLC is a New York State Certified Woman-Owned Business and New York State Certified General Real Estate Appraiser, and

WHEREAS, this resolution does not bind the Town to any decision regarding the possible purchase of this property, but provides the Town with necessary information regarding potential values; now, therefore, be it

RESOLVED, that the quote of Caryn Zeh Appraisals, LLC be accepted in an amount of \$1,600; and be it further

RESOLVED, that the Supervisor is authorized to enter into an agreement or engagement letter with Caryn Zeh Appraisals, LLC at a cost not to exceed a total expenditure of \$1,600 for an appraisal report, to be paid with a transfer of \$1600 from Contingency to A-1940-200 (Open Space-Development).

Director of Planning Scavo estimates a written appraisal will be received within a week's time.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution 197 of 2011, a resolution authorizing the Town Supervisor to submit a grant application to the County of Saratoga for 41.42 acres of woodlands, pond, and riverfront on Riverview Road.

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

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 29, 2011, and

WHEREAS, the parcel offers the potential for increased access to public waterway with its 1,525 linear feet of frontage along the Mohawk River and meets the overall goal of increasing town protected open space in western Clifton Park, and

WHEREAS, this area is within a quarter mile of the Town of Clifton Park's Mohawk Landing, and

WHEREAS, this area offers additionally a unique public access to a water body as it includes a large pond surrounded by woodlands and some wooded wetlands thus offering a diverse natural setting for different types of outdoors recreation, and

WHEREAS, the acquisition of said land in the Town of Clifton Park is in accordance with the 2006 Town of Clifton Park Comprehensive Plan, the 2003 Town of Clifton Park Open Space Plan, the 2005 Western Clifton Park Land Conservation Plan and the Generic Environmental Impact Statement, 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 2011 grant application for matching grant funds from the County of Saratoga in accordance with the provisions of the Saratoga County Farmland/ Open Space Protection Program and is authorized to take such steps as necessary to progress this 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.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 198 of 2011, a resolution in connection with a block party to be held on Valdepenas Lane and Cortes Court.

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

WHEREAS, the neighbors of Valdepenas Lane and Cortes Court wish to conduct a block party on Saturday, September 3, 2011, between the hours of 12:00 pm and 6:00 pm and have requested permission to use Valdepenas Lane and Cortes Court for their party activities; now, therefore, be it

RESOLVED, that the residents, with the approval and advice of the Town Highway Superintendent, have permission to use Valdepenas Lane and Cortes Court, September 3, 2011 from 12:00 - 6:00 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 Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 199 of 2011, a resolution authorizing the transfer of \$150,000 from Highway Undesignated Funds to Highway Paving Account for 2011 paving projects.

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

WHEREAS, Richard Kukuk, Superintendent of Highways, has increased the number of paving projects planned for 2011, and

WHEREAS, Superintendent of Highways Kukuk has requested that \$150,000 be transferred from Highway Undesignated Funds into Highway Paving for the additional paving projects; now, therefore, be it

RESOLVED, that authorization is hereby granted to the Comptroller to transfer \$150,000 from Highway Undesignated Fund Balance (DA-909) into Highway Paving (DA-5110-00030) for the additional paving projects planned for 2011.

Superintendent of Highways Kukuk reported last year just over \$1 million was expended for paving. He explained approximately 10 miles of roadway can be done, noting the town is becoming of the age where more and more roads are in need of pavement maintenance. He stated it is important not to fall behind as there are a lot of miles of roads that need repair. Superintendent Kukuk said the Highway Department receives \$260,000 in CHIPS money from New York State and \$700,000 town funds.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 200 of 2011, a resolution authorizing the transfer of \$150,000 from Undesignated Fund Balance to Highway Paving Account for additional 2011 paving projects.

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

WHEREAS, Richard Kukuk, Superintendent of Highways, has increased the number of paving projects planned for 2011, and

WHEREAS, it is necessary to appropriate additional funds for the additional paving projects; now, therefore, be it

RESOLVED, that authorization is hereby granted to the Comptroller to transfer \$150,000 from Undesignated Fund Balance (A-909) into A-8150-15 Other Funds (Highway Tax Stabilization) and increase the Highway Fund Budget by \$150,000, with an increase to revenues in the Highway Fund DA-5032 (Highway Transfer from General Fund) and increase expenditures by \$150,000 in DA-5110-30 (Highway Fund-Highway Maintenance-Paving) for the additional paving projects planned for 2011.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 201 of 2011, a resolution regarding bids for materials used by the Highway Department.

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

WHEREAS, bids were received for certain materials used by the Highway Department, and

WHEREAS, Highway Superintendent Richard Kukuk has requested that the conforming bids received be awarded to the lowest responsible bidders based upon price, availability and supplying material as specified per attached recap; now, therefore, be it

RESOLVED, that the following bids for materials awarded to the following lowest responsible bid

- 1) Asphalt Concrete 6F Delivered in Place-Del Signore Blacktop Paving \$59.85/ton
- 2) Asphalt Concrete 7F Delivered in Place-HMA Contracting \$60.94/ton
- 3) Dense Binder Delivered in Place-Peter Luizzi & Brothers \$55.68/ton
- 4) Curb Mix F.O.B.-Pompa Brothers \$78/ton

Superintendent of Highways Kukuk said Clifton Country Road will be done next year after the mall construction is complete.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 202 of 2011, a resolution establishing a budget for renovation and repairs to the Historic Grooms Tavern facility.

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

WHEREAS, the Town of Clifton Park has received \$52,000 in the form of outside revenues that includes a grant award of \$50,000 from Community Capital Assistance Program (CCAP) for repairs to the Historic Grooms Tavern facility and \$2,000 from Friends of Historic Grooms Tavern (FHGT), and

WHEREAS, expenses to complete planned renovations are anticipated to cost \$54,800 with \$2,800 to come from Town funds; now, therefore, be it

RESOLVED, that the Comptroller is authorized to transfer \$1,500 from A-886 (General Fund Designated for Capital Projects) as authorized by Resolution No. 115 of 2004, amount still available and with a transfer of \$1,300 from Contingency to A-1627-200 (General Fund-Grooms Tavern-Equipment) for a total of \$2,800 from Town Funds; and be it further

RESOLVED, that the budget is increased by \$52,000 with \$50,000 increase to revenue line A-3089 (NYS Revenue) and A-2705 (Gifts and Donations) by \$2,000 and expected expenditures of up to \$52,000 to be allocated as follows, increase from A-1627-135 (General

Fund-Grooms Road Engineering) by \$7,500 and an increase of \$44,500 to A-1627-200 (General Fund-Grooms Road-Capital Equipment), per Schedule A.

Historic Preservation Chairman Kazmierczak noted he is working with Town Historian Scherer, the NYS Historic Preservation Office and the Friends of Grooms Tavern. He reported kitchenette plans are being reviewed by the town engineer. This grant will allow drawings for the stairs, mantle, and to complete the kitchenette. Mr. Kazmierczak responded all work will be in the time period of Grooms Tavern.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

PUBLIC PRIVILEGE

Lisa Castaldo, Secada Drive, member of Shenendehowa Crew, speaking with regard to the riverfront property, said anything the Town Board can do to bring river access would be beneficial to the entire community. She noted Shen Crew currently rents a boat house in Alplaus. Speaking on her own behalf, she expressed appreciation to the Highway Department for their help this past winter.

Dave Hyde, Bradt Road, Rexford, spoke in support of the river access plan. He noted Ashdown Road between Schaubert Road and Route 146A needs work. Mr. Kukuk responded it is on the list.

Supervisor Barrett stated the riverfront property does offer a tremendous amount of opportunity and there are a lot of alternatives that can be considered for the property.

Frank Berlin, Main Street, Jonesville, spoke in favor of the riverfront property, noting this will give people an access to the town's southern border and offer a great opportunity. He reviewed a report for a plan of action for the town and Eric Canal riverfront; the report included a recommendation to identify sites for a public boat launch on the Mohawk River. Mr. Berlin reported he received a call about a tree to be taken down that contained a honey bee hive. He said a professional bee collector will be on site to save the hive when the tree is taken down.

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 8:23 p.m.

Patricia O'Donnell
Town Clerk