

August 1, 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 Paolucci
Councilman Hughes
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Absent: Councilman Romano

Also Present: Town Attorney McCarthy
Richard Kukuk, Superintendent of Highways
Mark Heggen, Comptroller
Myla Kramer, Director of Parks, Recreation and Community Affairs
John Scavo, Director of Planning

MOTION BY Councilwoman Walowit, seconded by Councilman Paolucci, to approve the minutes of the July 18, 2011 meeting as presented.

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett announced the town Blood Drive will be held on August 10, 2011 from noon to 6:00 p.m.

The Supervisor reviewed program for "Shoot Out on the Common" on August 2, 2011.

Councilman Hughes reviewed the upcoming Stewardship Walks, noting the August 3rd walk at the 80 acre Kinns Road Park.

PRESENTATION

Supervisor Barrett presented the following resolution to clowns from "Electric City Clown Alley" in recognition of International Clown Week.

Resolution No. 203 of 2011, a resolution proclaiming the first week of August 2011 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, clowns encourage laughter in people from young to old, and rich and poor alike; 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, 2011 shall be recognized as 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
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 204 of 2011, a resolution authorizing the Town Supervisor to enter into a contract to purchase 41.42± acres of vacant land on Riverview Road.

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

WHEREAS, the Town Board wishes to enter into an agreement with the Estate of Amelia Lupe to purchase 41.42± acres of vacant land at a cost of \$300,000, and

WHEREAS, the acquisition of this land would confer a benefit to the Town of Clifton Park and its residents, and

WHEREAS, the 41.42 acres of land is identified as follows:

Section, Lot, Block:	Commonly known address:
282.-1-38	Riverview Road, Rexford

located in the Town of Clifton Park, and

WHEREAS, the project has been determined to be an Unlisted Action, and a Long Form EAF has been prepared, and

WHEREAS, the Town has submitted an application to Saratoga County for a \$100,000 County Open Space Acquisition Grant to be used towards the project, and

WHEREAS, the Town’s contribution will be a maximum of \$300,000 for the purchase of vacant land on Riverview Road, Rexford, plus an additional \$15,000 for closing costs; now, therefore, be it

RESOLVED, that the Town Board declares itself Lead Agency for purposes of reviewing the action pursuant to SEQRA, and be it further

RESOLVED, that the Town Board hereby determines that the action will not have a significant adverse impact on the environment and authorizes the preparation of a negative declaration, and be it further

RESOLVED, that the Supervisor is authorized to enter into a Purchase and Sale Agreement with the Estate of Amelia Lupe, subject to appropriation of funds through the Open Space Capital Reserve Fund, and be it further

RESOLVED, that the Town Board is authorized to allocate up to \$315,000 which includes any anticipated necessary closing and transaction fees as determined per the Town Attorney (such as may be applicable: title report and title insurance, environmental site assessment, preparation of deed, and deed recording fees), and be it further

RESOLVED, that \$157,500 is to be transferred from the Western Clifton Park Zoning Incentive Fund to A-1940-200 (Other Town Payment); and be it further

RESOLVED, that pursuant to General Municipal Law 6 (c) the balance of \$157,500 is to be transferred from the Open Space Capital Reserve fund to A-1940-200 (Other Town Payment) for the purchase of vacant land on Riverview Road, Rexford, pending compliance with the Permissive Referendum requirements of the General Municipal Law after a Public Hearing.

Supervisor Barrett stated this is one of the largest remaining parcels of vacant private land along the riverfront with 1500 linear feet with at grade river access. He noted the town has 13 miles of riverfront and reviewed characteristics of the property. The Supervisor reported the site is along the Mohawk Towpath Scenic Byway and the Erie Canal National Heritage Corridor. He said he cannot give any timelines as to when anything would be built or amenities enhanced but is a good opportunities for public safety agencies.

Director of Planning Scavo reported the two funding sources are the Western Clifton Park Zoning Incentive Fund that developers pay an additional \$30,000 per additional home granted after Town Board approval, and the Open Space Capital Reserve Fund. He noted \$157,500 would be paid out of each account. He further explained a Permissive Referendum is required for monies to be taken from the Open Space Capital Reserve fund and is the reason for the public hearing. Mr. Scavo said an application for a county grant of up to \$100,000 has been submitted and, if successful, would reimburse one of the town funds.

Supervisor Barrett said the town will be able to purchase the property without using general fund monies.

Councilman Hughes stated this is a terrific addition and will enhance the quality of life in town.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 205 of 2011, a resolution scheduling a public hearing regarding a proposal to withdraw up to \$157,500 from the Open Space Capital Reserve Fund for the purchase of vacant land on Riverview Road.

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

WHEREAS, the Town Board has authorized the Supervisor to sign a Purchase Contract with the Estate of Amelia Lupe for 41.42 acres of vacant land on Riverview Road in the Town of Clifton Park for a total purchase price of \$300,000, and

WHEREAS, the Town of Clifton Park has submitted an application to Saratoga County for a \$100,000 County Open Space Acquisition Grant to be used towards the project, and

WHEREAS, the Town Board wishes to fund \$157,500 through withdrawal from the Town's Open Space Capital Reserve Fund, established pursuant to Resolution No. 49 of 2003, and

WHEREAS, pursuant to General Municipal Law 6(c), withdrawals of such funds are pursuant to permissive referendum after a public hearing; now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled for August 22, 2011 at 7:00 P.M., in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York, regarding a proposal to withdraw up to \$157,500 from the Open Space Capital Reserve Fund for the purchase of 41.42 acres of vacant land on Riverview Road; and be it further

RESOLVED, that the Town Clerk publish notice of same.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 206 of 2011, a resolution authorizing the Supervisor to sign contracts with returning 2011-2012 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 2011-2012 fall and winter returning subcontractors, per Schedule A.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 207 of 2011, a resolution permitting Patricia Ward and Dig Deep to serve alcohol during a fundraising softball tournament at Veteran's Park on September 3, 2011.

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

WHEREAS, Patricia Ward and Dig Deep, 42 Sweet Brier Drive, Ballston Lake, has requested a waiver of the town's "No Alcohol" policy for the consumption of alcohol during a charity softball tournament at Veteran's Park on September 3, 2011, and

WHEREAS, it is the town's policy to require the using agency to monitor the consumption of alcohol, be responsible for the group's activities, and to provide the town with appropriate evidence of insurance to indemnify the Town; now, therefore, be it

RESOLVED, that Patricia Ward and Dig Deep is authorized to consume alcohol during a fundraising softball tournament on September 3, 2011 at Veterans Park providing that they provide the town with a certificate of insurance in the amount of \$1,000,000, naming the Town of Clifton Park as an insured, so as to indemnify the Town for any incidents which may result with the waiver of the "No Alcohol" policy for the event.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 208 of 2011, a resolution authorizing the hiring of additional lifeguards to cover end of summer "shifts".

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

WHEREAS, the Director of Parks, Recreation and Community Affairs has identified a need to hire additional lifeguards to fill end of summer "shifts", and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, 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, Recreation and Community Affairs is authorized to hire the lifeguards listed in Schedule "A", effective immediately through September 5, 2011, at a rate of \$7.75 per hour, to be paid from A-7150-4690 (Barney Road Pool-Guards), A-7152-4690 (Locust Lane Pool-Guards) and SPS-7151-4690 (Longkill No. 1 Park District/Country Knolls Pool-Guards).

Director of Park, Recreation and Community Affairs Kramer said most of the candidates have taken the WSI and/or Life Guarding Courses that the town ran this year.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 209 of 2011, a resolution authorizing the Supervisor to sign contracts with new 2011-2012 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 new 2011-2012 fall and winter subcontractors, per Schedule A.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 210 of 2011, a resolution permitting Marty Willey and Sweet Adelines Capitaland Chorus to serve alcohol during a picnic at Collins Park on August 7, 2011.

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

WHEREAS, Marty Willey, 12 Emmons Drive, Clifton Park, has requested a waiver of the town's "No Alcohol" policy for the consumption of alcohol during a picnic at Collins Park on August 7, 2011, and

WHEREAS, it is the town's policy to require the using agency to monitor the consumption of alcohol, be responsible for the group's activities, and to provide the town with appropriate evidence of insurance to indemnify the town; now, therefore, be it

RESOLVED, that Marty Willey and Sweet Adelines is authorized to consume alcohol during a picnic on August 7, 2011 at Collins Park providing that they provide the town with a certificate of insurance in the amount of \$1,000,000, naming the Town of Clifton Park as an insured, so as to indemnify the town for any incidents which may result with the waiver of the "No Alcohol" policy for the event.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 211 of 2011, a resolution in connection with a block party to be held in the Country Knolls South subdivision.

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

WHEREAS, the residents of Country Knolls South wish to conduct a block party within the subdivision on Saturday, September 3, 2011 between the hours of 12:00 pm and 5:00 pm and have requested permission to use Longview Drive from Pepper Hollow to Sugar Plum Ridge for their party activities; now, therefore, be it

RESOLVED, that the residents of Country Knolls South, with the approval and advice of the Town Highway Superintendent, have permission to use Longview Drive, September 3, 2010

from 12:00 pm to 5:00 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,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 212 of 2011, a resolution awarding the bid for the Old Highway Garage Roof Replacement Project.

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

WHEREAS, on July 12, 2011 bids were received for the above referenced contract, and

WHEREAS, the low bidder for the Old Highway Garage Roof Replacement Project is Moisture Barriers, Inc. in the amount of \$103,346, and

WHEREAS, as per letter from McDonald Engineering dated July 13, 2011, McDonald Engineering has reviewed the bids and has recommended to the Town Supervisor that the bid of Moisture Barriers, Inc. be accepted, and

WHEREAS, McDonald Engineering has completed numerous similar projects with the low bidder and feel that they are qualified to perform the work for which they bid; now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced bid in the amount of \$103,346 to Moisture Barriers, Inc., Albany, New York, to be paid with a transfer of \$103,346 from Undesignated Fund Balance to A5132-200 (Highway Garage-Equipment).

Supervisor Barrett stated the building itself is in good structural condition.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 213 of 2011, a resolution approving an amendment to current contracts with CSEA.

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

WHEREAS, health care costs have increased significantly over the past several years and are projected to continue to increase substantially more than all other components of the town's budget, and

WHEREAS, these costs, as a percentage of the town's annual budget, have increased from 6% in 2000 to 11% in 2011, and

WHEREAS, the town has worked diligently with its insurance consultants and carriers to find ways to reduce health care costs while maintaining the level of coverage to which the town is committed through its contracts with CSEA, and

WHEREAS, on July 14, 2011, Supervisor Barrett and CSEA Leadership signed a Memorandum of Understanding proposing an amendment to existing contracts by consolidating health care coverage for all employees and retirees into a single group health insurance plan offered by CDPHP, and

WHEREAS, on July 28, 2011, both bargaining units within the town voted affirmatively to ratify the proposed amendment to the contracts, and

WHEREAS, the Consolidated Group Health Insurance Plan offered by CDPHP is projected to result in substantial savings to both the town and to employees, retirees and their eligible dependents, through lower premiums and reduced co-pays, while maintaining levels of health coverage and prescription drugs previously provided; now, therefore, be it

RESOLVED, that the Town Board ratifies the attached Memorandum of Understanding with CSEA; and be it further

RESOLVED, that the Supervisor is authorized to sign any related contract amendments and implementing agreements.

Supervisor Barrett stated all town employees will now be covered by CDPHP, reason being great rates, recommendation by town's insurance broker, Adirondack Trust Insurance, and the majority of current employees have CDPHP. He said the CSEA contract runs to 2014 and thanked all involved for working on this change. He said the goal is to retain the current benefits for employees but at the same time reduce cost for the town and employees. The Supervisor reported employee town meetings were held to explain the change and both union bargaining units voted in the affirmative. Supervisor Barrett explained the town will fund the initial deductible, the plan will include Health Reimbursement Accounts, retirees will also maintain their benefits as they know them but some may be changing to less expensive plans. Changes will take effect September 1, 2011. He reported approximately \$250,000 will be saved but savings could be higher. The Supervisor said the changes will run with the union contracts until December 2014. Councilman Paolucci said this is a proactive and excellent approach. Councilman Hughes said CDPHP has been a good partner in this endeavor and is among the very best in the state.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 214 of 2011, a resolution to approve a Participation Agreement with CSEA Strategic Benefit Trust (SBT) for administration of Town Health Reimbursement Account.

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

WHEREAS, the Town and CSEA have entered into an agreement to consolidate the town's health insurance offering to a Capital District Physician's Health Plan (CDPHP), and

WHEREAS, the town wishes to enter into an agreement with a third party administrator to handle a health reimbursement account on behalf of the town and its employees, and

WHEREAS, the CSEA Strategic Benefit Trust is compliant with the Federal Health Information Personal Privacy Act (HIPPA); now, therefore, be it

RESOLVED, the Town Supervisor is authorized to enter into an agreement consistent with the attached Participation Agreement with CSEA Strategic Benefit Trust subject to review by the Town Attorney; and be it further

RESOLVED, that the Comptroller is authorized to execute related deposit account agreements, enrollments and bank authorizations.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 215 of 2011, a resolution authorizing the hiring of a specialized counselor for the 2011 Autism Program within the full day summer recreation camp.

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

WHEREAS, the Town of Clifton Park will be hosting two one-week sessions within the full day summer camp at the Clifton Common for children who are diagnosed along the autism spectrum, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that Thomas Szalowski, 60 B Longwood Drive, Clifton Park, be hired as a specialized counselor for the Autism Program; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the hiring of Thomas Szalowski as a specialized counselor at a rate of \$10.00 per hour for the 2011 Autism Program, effective August 15 - 19, 2011, to be paid from A-7320-E4800 (Summer Rec. Full Day-Staff/Counselors).

Councilman Hughes said Clifton Park is only one of two towns in the state offering a full day summer camp for children diagnosed along the Autism spectrum. Ms. Kramer said the camp has a one to three ratio.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

PUBLIC PRIVILEGE

Sanford Roth, Sweet Brier Drive and former Town Councilman, reported on the 17th Annual Hazardous Waste Day to be held September 10th from 8 a.m. to 4 p.m. To date 150 people have registered, however, close to 1000 are expected with most signups coming in during the last two weeks. He stated previous registration is required.

Mr. Roth commended the Town Board on the planned acquisition of the Riverview Road property, noting acquisition of land along the river had been discussed well over ten years ago and hopes eventually that area will be developed into something worthwhile for the town.

Bill Koebbeman, Riverview Road, said he used Garnsey Park every week in the winter and complimented the Board on all that has been done regarding open space.

Supervisor Barrett said the funds that were set up a while ago have different revenue streams other than tax monies and are now paying dividends at this time, as are the stipulations in the GEIS Study.

Frank Berlin, Main Street, Jonesville, commenting on an article by Saratoga County Chamber of Commerce President Todd Shimkus in the July 22, 2011 Community News regarding sustainable economy, said Clifton Park is way ahead of the curve. He spoke in favor of the purchase of the 41 acres.

Jim Baisley, Barkwood Drive, agreed with the previous speaker. He asked how the sales tax revenues are tracking. He further asked that, in the future, the Comptroller give a brief report on where the town sits regarding sales tax. Mr. Baisley said he is in favor of the purchase of the riverfront property, however, there were big plans for Garnsey Park and nothing has happened and now the town is envisioning what to do with the riverfront. He stated the town can't keep buying up property without a timetable so the taxpayer can use it.

Supervisor Barrett said sales tax is tracking approximately 2 to 3 percent over last year. Regarding the purchase of property, he responded it is impossible to say when things will get done but these properties are an incredible asset for the town and aren't going away. If not purchased by the town they could have been developed. The Supervisor stated the Town Board is ensuring that the properties are there now and will be in the future.

Jim Ruhl, Wood Dale Drive, said he and Mr. Berlin would be happy to assist in designing trails for the riverfront property.

Councilman Hughes noted there are over 1000 acres of protected open space in the town and 18 miles of trails.

Beverly Czub, Miller Road, Rexford, commented on how nice the Burning Bush pool area is and the attentiveness of the pool staff.

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

Motion carried at 8:35 p.m.

Patricia O'Donnell
Town Clerk