

September 4, 2012

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

Also Present: Town Attorney McCarthy  
Richard Kukuk, Superintendent of Highways  
Mark Heggen, Comptroller

MOTION BY Councilman Romano, seconded by Councilwoman Walowit, to approve the minutes of the August 20, 2012 meeting as presented.

**ROLL CALL VOTE**

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

Noes: None

**MOTION CARRIED**

**ANNOUNCEMENTS AND COMMUNICATIONS**

Supervisor Barrett reminded residents of Hazardous Waste Day scheduled for September 8, 2012 from 8:00 a.m. to 4:00 p.m.

**PUBLIC PRIVILEGE ON RESOLUTIONS**

No one wished to be heard.

Resolution No. 209 of 2012, a resolution appointing Martin E. Torrey as a Marriage Officer in the Town of Clifton Park for one day, September 15, 2012.

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

WHEREAS, the State Domestic Relations Law, Section 11-c authorizes Town Boards to appoint Marriage Officers who shall have the authority to solemnize marriages within the town, and

WHEREAS, town resident Martin E. Torrey wishes to serve as a town Marriage Officer in the Town of Clifton Park pursuant to the New York State Domestic Relations Law for one day Saturday, September 15, 2012 and for one ceremony, that being for the marriage between Kristen Elizabeth Rogaris and Brendan John Nielsen who reside at 8J Legacy Lane, Clifton Park; now, therefore, be it

RESOLVED, that Martin E. Torrey, 10 Arbor Lane, Clifton Park is hereby appointed as a Marriage Officer in the Town of Clifton Park pursuant to New York State Domestic Relations Law Section 11-c for one day September 15, 2012, and for one ceremony, that being for the

marriage of Kristen Elizabeth Rogaris and Brendan John Nielsen, no fee to be charged, wedding ceremony to take place at 87 Robinwood Drive in the Town of Clifton Park.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 210 of 2012, a resolution authorizing Deputy Town Attorney Joel Peller to attend a seminar October 9, 2012 in Albany, New York.

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

WHEREAS, Deputy Town Attorney Joel Peller has requested authorization to attend a “Road and Easement Law from A to Z” seminar, October 9, 2012 at the Albany Marriott, at a cost not to exceed \$349, and

WHEREAS, Mr. Peller’s attendance at the seminar would provide a benefit to the Town of Clifton Park; now, therefore, be it

RESOLVED, that Joel Peller is hereby authorized to attend the “Road and Easement Law from A to Z” seminar, October 9, 2012 at the Albany Marriott, in Albany, New York, at a cost not to exceed \$349, to be paid from A1420-0001 (Travel-Conferences).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 211 of 2012, a resolution authorizing the expenditure of funds from the Water Development Capital Reserve Fund for the Rivercrest and Rexford Interconnection Project.

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

WHEREAS, by Resolution No. 169 of 2002 the Town Board created the Water Development Capital Reserve Fund, and

WHEREAS, on August 6, 2012, the Town Board held a public hearing on a proposal to expend funds from the Water Development Capital Reserve Fund, and

WHEREAS, by Resolution No. 189 of 2012 the Town Board awarded the bid for construction of the Interconnection Project to Tom Kubricky Co. Inc. in an amount up to \$14,222, and

WHEREAS, by Resolution No. 188 of 2012, the Town Board resolved to share 50% of the costs of the Interconnection Project with the Clifton Park Water Authority (CPWA), and

WHEREAS, additional valve equipment was required in order to properly terminate the water connection through the Town of Glenville, with pipe and parts from E. J. Prescott, Round Lake, New York at a total cost of \$2286.62, and

WHEREAS, by Resolution No. 188 of 2012 the Town Board authorized McDonald Engineering to design and supervise the construction of the Project; now, therefore, be it

RESOLVED, that the Town Comptroller is authorized to expend up to \$20,000 from the Water Development Capital Reserve Fund to Tom Kubricky Co. Inc., E. J. Prescott and McDonald Engineering for the town's share of the Rivercrest and Rexford Interconnection Project, and be it further

RESOLVED, that this resolution is subject to Permissive Referendum pursuant to General Municipal Law Section 6-c (8); and be it further

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

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 212 of 2012, a resolution extending the Transfer Station hours for Fall Cleanup.

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

WHEREAS, Jeffrey Vedder, Transfer Station Supervisor, has requested that the Transfer Station be open on Sundays, October 21, 28 and November 4, 11, 2012 between the hours of 10 AM and 4 PM, for fall cleanup of leaves and brush only, and

WHEREAS, the Transfer Station Supervisor has proposed the attached schedule to support the extended hours of operation; now, therefore, be it

RESOLVED, that the Transfer Station will be open for extended hours on Sundays October 21, 28 and November 4 and 11, 2012 (weather permitting), between the hours of 10 AM and 4:00 PM, for fall cleanup of leaves and brush only.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 213 of 2012, a resolution authorizing the residents of Hunter Meadow subdivision to conduct a block party on September 22, 2012.

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

WHEREAS, the residents of the Hunter Meadow subdivision plan to conduct a block party within the subdivision on September 22, 2012, from 12:00 P.M. to 11:00 P. M. and have requested permission to use Hunter Meadow off of Pine Hill Bend 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 Hunter Meadow off of Pine Hill Bend, September 22, 2012 from 12:00 P.M. to 11:00 P.M. for their party activities, but must not block off the streets 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 Whalen, Councilman Hughes, Councilman Romano,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 214 of 2012, a resolution approving a Lease Agreement with Independent Towers LLC for telecommunication equipment at Clifton Common.

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

WHEREAS, requests were solicited in September 2011 for proposals for the construction of wireless facilities on the Clifton Common, and

WHEREAS, Independent Towers submitted a proposal dated October 14, 2011 which sought to incorporate existing uses within the Common and mitigate against impacts to the recreational uses of the park by constructing wireless facilities on a light pole or poles at Field 14, aka the Babe Ruth field, and

WHEREAS, the New York State Legislature has authorized the town to enter into a lease for the .2 acres necessary for the site with an easement for an additional 1.41 acres per Exhibit “A” to the lease for access to the site; now, therefore, be it

RESOLVED, the Town Board authorizes the Supervisor to execute the attached lease with Independent Towers consistent with their proposal submitted on October 14, 2011, and be it further

RESOLVED, that this resolution is subject to Permissive Referendum pursuant to Town Law Section 64 (2); and be it further

RESOLVED, that the Town Clerk is authorized to publish notice of same.

Supervisor Barrett said a committee was formed to review the RFPs. He expressed appreciation to the baseball league for their partnership. He stated if this resolution is approved, the applicant will go through a rigorous Planning Board process.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 215 of 2012, a resolution certifying retirement days for elected and appointed officials.

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

WHEREAS, it is necessary to establish standard work days for elected and appointed officials to be reported to the New York State and Local Employees' Retirement System based on the record of activities maintained; now, therefore, be it

RESOLVED, that the Town Board hereby establishes standard work days for elected and appointed officials, per Schedule "A".

Town Comptroller Heggen explained this requirement was put in place by the State Comptroller in 2009.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Richard Harlow, Grooms Road, reiterated his concern with the noise of off road vehicles coming from behind his property. He asked the Town Board to consider adopting part of the Town of Patterson's Noise Ordinance that includes daytime levels. Supervisor Barrett stated it was a long painstaking process to get to the nighttime noise ordinance and a daytime ordinance would be much more difficult. Mr. Harlow said he hasn't experienced anything serious since the last time he spoke to the Town Board. Councilman Hughes said a daytime ordinance would require many exemptions and the law would have no holistic value. Councilwoman Walowit compared the Town of Patterson with the Town of Clifton Park noting there is not a lot of commonality. Mr. Harlow said the "Cotton Property", the property in question, has received a Conservation Easement and therefore, in his opinion, "the town is subsidizing the racetrack and noise emanating from it". Supervisor Barrett disagreed and said the Conservation Easement is meant to preserve the property. He said this is private property and what they're doing is legal. Mr. Harlow said there is a shooting range on the neighbor's property. Councilman Whalen reviewed the American National Standards Institute decibel standards adopted by the Consumer Product Safety Commission. He said by adopting a standard of 65 decibels ATVs would be outlawed in town and he is not comfortable with that. Councilman Hughes, noting a decibel of 65 for an adult conversation, stated the 65 level is impractical for legislation. Supervisor Barrett said a change in the noise ordinance will not happen any time in the near future. The Supervisor said it appears the night time issue of the ATVs has been resolved. Mr. Harlow said he would like to see the hours of the current ordinance changed from 10:00 p.m. to 8:00 p.m.

Question from the floor asked if there will be a traffic light at Grooms and Vischer Ferry Roads. Supervisor Barrett said it may be warranted in the future but not at this time.

John Bologna, Goldfield Lane, asked about the possibility of single-stream recycling at the Transfer Station. Supervisor Barrett explained the Recycling Center is run by the County but he will bring this up to the new supervisor of the Recycling Center.

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 7:50 p.m.

Patricia O'Donnell, Town Clerk