

October 15, 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  
Mark Heggen, Comptroller  
Barbara McHugh, Director of Community Development  
Michael Montague, Environmental Specialist

MOTION BY Councilman Whalen, seconded by Councilman Romano, to approve the minutes of the October 1, 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 thanked all the volunteers involved in the Shredding Day, as well as 3N Document Destruction. He noted the turnout was lower than in the past.

He reminded residents that the town is partnering with the Town of Ballston for a bulk waste pickup on October 20<sup>th</sup> at the Ballston Lake Ambulance location. He noted there will be a charge for items dropped off.

The Supervisor reported there was a great turn out for the trails and parks clean up day, noting there were almost 100 volunteers from the Boy Scouts, Girl Scouts, Captain, as well as other organizations. Boy Scout Troop 45 did trail clearing at the Dwaaskill Nature Preserve.

**REPORT TO THE BOARD – HOUSING CHOICE VOUCHER ANNUAL PHA PLAN**

James Mastrianni, Joseph Mastrianni, Inc., noting the company administers affordable housing programs. He reviewed the town's Section 8 Program, noting is entirely sponsored by HUD and doesn't require any funds directly from the municipality. He explained the company has been administering the program in Clifton Park since 1981 and HUD provides about \$260,000 per year in funding to support the program which helps 56 families. He further explained the program jurisdiction is different from the municipal boundaries and encompasses Towns of Clifton Park, Malta and Halfmoon. Mr. Mastrianni reviewed the family self sufficiency program.

**REPORT TO THE BOARD – SARATOGA WATER AUTHORITY**

Supervisor Barrett explained there have been some issues with the County water involving the aesthetic quality of the water the town has been receiving. He reported the Boyack Road water plant has been down for a few weeks for maintenance and should be back on line by the end of

the month and while that plant has been down the Clifton Park Water Authority (CPWA) has been buying a tremendous amount of county water and there is concern with the aesthetic and lesser quality of the water, however, the town has been assured the water is safe. He continued Clifton Park Water Authority has done a great job in acquiring additional resources in the quality, as well as the quantity of the water.

Ed Hernandez, Executive Director, Saratoga County Water Authority, speaking with regard to the issues with county water supply, stated there have been significant issues with taste and odor of the water. He explained it is a seasonal event that is common with water systems from the Hudson River and in the past the county was able to address it with the treatment system at the county, however, this year over the last month the issues have been much more significant than in the past and the treatment could not address the problem. He continued the treatment system had to be upgraded and it appears to be working very well and it is expected a significant improvement in the water quality will be seen over the next week or two. Mr. Hernandez reviewed the procedure to address the situation. Supervisor Barrett said it appears the time frame is open ended and he wants assurance that this will be corrected. Councilman Whalen asked what is causing the problem. Mr. Hernandez again reviewed the correction process. Councilman Hughes said there have been a significant number of complaints from residents and there is concern there will be no relief until the end of the month at which time the Boyack Road plant will be back in service. Councilman Hughes questioned if this is a recurring problem, why hasn't it been addressed professionally by an engineer or scientist. Mr. Hernandez responded this was looked at and is why the treatment plant was designed and equipped with powder activated carbon system which has worked in the past but not this year so adjustments and improvements needed to be made at the facility. Councilman Romano asked if a difference can be seen, after treatment, and prior to going into the system. Mr. Hernandez responded yes, there has been a significant improvement in reduction in total organic carbon, as well as reduction in chlorine demand. In response to Councilwoman Walowit's question, this issue has always come up in the fall.

Helmut Gerstenberger, Chairman of the Clifton Park Water Authority, stated the Water Authority is doing everything they can to be proactive to solve and remedy the problem. He explained normally the majority of water is received from the Boyack Road treatment plant and a couple of other ground well sources. The Boyack Road treatment plant had to come off line for a major capital improvement and it was necessary to purchase county water. He said the Water Authority has a water connection with the Town of Glenville but due to major construction on Glenridge Road this connection was not possible. Mr. Gerstenberger reported the Authority has been purchasing about 2 million gallons of water a day from the county. He said the Boyack Road treatment plant should be up and running by the end of the month.

Supervisor Barrett said it is understood that the Clifton Park Water Authority did not create the issue but is a result of "bad timing".

Councilwoman Walowit asked if this situation had been explained either by mailings or on the Clifton Park Water Authority website. Mr. Gerstenberger said the Authority has been proactive in communicating with residents, noting the issue has been sporadic.

Councilman Hughes stated he has found the Clifton Park Water Authority very proactive and easy to reach.

#### PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 237 of 2013, a resolution scheduling a public hearing to consider the 2013 Preliminary Budget.

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

WHEREAS, the Town Board wishes to obtain comment regarding the 2013 Preliminary Budget; now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled for Thursday, November 8, 2012 at 7:00 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York, to consider the 2013 Preliminary Budget; and be it further

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

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 238 of 2012, a resolution expressing the intent of the Town of Clifton Park Town Board to encourage parents to limit the times that children will be trick or treating on Halloween to between the hours of 4:00 - 8:00 P.M.

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

WHEREAS, for safety reasons the Clifton Park Town Board wishes to encourage parents to limit the hours that their children will trick or treat; now, therefore, be it

RESOLVED, that the Town Board encourages families residing within the Town of Clifton Park to limit trick or treating to between the hours of 4:00 - 8:00 P.M. on Halloween.

Supervisor Barrett stated this is strictly a recommendation.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 239 of 2012, a resolution accepting a quote from Regional Computer Recycling and Repair to handle the collection of electronics at the permanent recycling site located at the Clifton Park Transfer Station.

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

WHEREAS, the Town Board has operated Household Hazardous Waste Day since 1995, and

WHEREAS, electronics recycling has grown significantly since the onset of Household Hazardous Waste Day, and

WHEREAS, the town has issued a Request for Proposals to solicit interested vendors to handle the collection of electronics at the permanent recycling site at the Clifton Park Transfer Station, and

WHEREAS, two companies specializing in electronic recycling responded with proposals, and

WHEREAS, Michael Montague, Environmental Specialist, has reviewed the proposals and recommends awarding the contract to Regional Computer Recycling and Repair as the responsible vendor having submitted the highest revenue producing quote of \$.06 per pound; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign a one year contract consistent with the attached proposal from Regional Computer Recycling and Repair, 7318 Victor-Mendon Road, Victor, New York, for the collection of electronics at a cost of \$.06 per pound.

Supervisor Barrett said no permit is required nor is there a charge to drop off electronic items. Environmental Specialist Montague reported to date the town has received \$7500 from the electronic items.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 240 of 2012, a resolution approving an option agreement with HelioSage, LLC.

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

WHEREAS, the Clifton Park landfill comprises 25+ acres of open field at 217 Vischer Ferry Road, and

WHEREAS, the landfill was capped in 1993 pursuant to a Consent Decree from the New York State Department of Environmental Conservation (NYSDEC), and consistent with 6 NYC RR Part 360 Regulations, and

WHEREAS, the 25 acre site comprising the capped landfill currently provides no revenue, usage or current utility, but does provide a large open air area exposed to sunlight without obstruction from tall structures or trees, and

WHEREAS, the Town Board supports the continued investigation into the economic and technical feasibility of utilizing the open air capped landfill for the generation of renewable energy through the use of solar technology through the adaptive re-use of the capped landfill,

WHEREAS, state and federal energy policy continues to evolve toward initiatives supporting the study and installation of renewable energy technologies including the provision of incentives for solar energy projects, and

WHEREAS, the Town Board has reviewed proposals from HelioSage, LLC, Charlottesville, Virginia, as well as the company's qualifications and project experience, and wishes to advance the project through the execution of an option agreement that will allow both parties to explore and investigate the economic viability of the project based on the continuing development of state policy affecting the project, and

WHEREAS, the option will allow HelioSage to include the landfill site as a potentially viable project for up to a three year investigation period, and will allow the town to assess the type, structure, and value for comparable projects of similar scope and size as state policy develops, but does not commit the town or the company to a long term lease agreement beyond the option period without further negotiation; now, therefore, be it

RESOLVED, that the Supervisor is authorized to execute an option agreement providing HelioSage, LLC, Charlottesville, Virginia, with up to a three year option on the Clifton Park landfill site consistent with the attached proposal.

Supervisor Barrett said this is a strict land lease and there are no financial or maintenance responsibilities. He stated the project will not occur without NYS legislation being passed to make it fiscally viable, explaining the legislation would basically say power providers would be mandated to purchase energy from projects such as these.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 241 of 2012, a resolution authorizing the purchase of 10,000 Town of Clifton Park maps.

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

WHEREAS, the town has partnered with the Southern Saratoga Chamber of Commerce to produce a map of the Town of Clifton Park, containing a full road index, all town facilities such as parks, trails, civic buildings, historic sites and Shenendehowa schools on one side, and

WHEREAS, the second side of the map will be of the southern half of Saratoga County, helping to show Clifton Park's many connections to our surrounding communities and destinations, and

WHEREAS, the partnership collaboration contributes to reducing the per map costs significantly, and

WHEREAS, the 2012 map will be entirely current and up to date and will be produced by Jimapco Inc., a local map company; now, therefore, be it

RESOLVED, that the Town Board authorizes the purchase of 10,000 maps at a cost of \$5,540, to be paid with a transfer of \$5,540 from Contingency to Community Development A-8989-008. (Printing)

Director of Community Development McHugh commented we are benefitting from a volume discount.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Beverly Czub, Miller Road, Rexford, asked if Helio Energy has to have a rider for insurance. Mr. McCarthy responded yes.

Frank Berlin, Main St., Jonesville, express concern about Prestige Auto on Route 9 and the buffer zone. He said cars are parked right up to the edge of the stream and water could be run off into the Land Conservation zone.

Environmental Specialist Montague reported the Army Corp of Engineers is allowing Prestige Auto to pave in front of the building since it is an ACOE wetland and drains directly to the Dwaaskill without any treatment. The applicant has agreed to create a wetland in the back of the building and have run off be piped into the wetland to get clean and filtered before it is discharged into the Dwaaskill. Mr. Montague said the ECC felt it this would be better for the stream. This issue has not been in front of the Town Board.

James Ruhl, Wood Dale Drive, agreed with Mr. Berlin and stated there are two intrusions into the LC zone – both the building and the sediment basin. He feels the applicant should be making the corrections. Mr. Ruhl said a zoning variance requires hardship and he sees no hardship.

Town Attorney McCarthy asked why Mr. Ruhl is presenting this issue to the Town Board that has no vote on it. Mr. Ruhl stated he is presenting it to the Town Board as a matter of information and public privilege.

Richard Harlow, Grooms Road, said the noise issue has not gone away and stated there is a “motorcross raceway” behind his property. He reiterated his concern that there are no daytime noise restrictions. He presented distributed information regarding Saratoga Springs noise ordinance. After review of information Mr. Harlow distributed, there was no restriction noted of noise during daytime hours.

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 8:33 p.m.

Patricia O'Donnell  
Town Clerk