

August 4, 2014

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

Also Present: Town Attorney McCarthy
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 21, 2014 meeting as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

Councilwoman Standaert introduced 7th grade student Deka Jon-Nwaklo who is sitting with the Board this evening and noted they reviewed the agenda and the responsibilities of the Town Board.

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett announced the 10th Annual National Night Out is scheduled for August 5th, noting this is in celebration of first responders and law enforcement.

Supervisor Barrett reviewed the damages and repairs being made to the Senior Center after the recent flooding. There is no date for reopening as of yet.

Councilman Whalen announced the Community Arts and Culture Commission is sponsoring a photo contest, the winners of which will have their winning photos as part of the Arts and Culture 2015 calendar.

Superintendent of Highways Kukuk announced road construction and road closures in the areas of Moe and Clifton Park Center Roads will begin this week.

PRESENTATIONS

Supervisor Barrett presented Resolution No. 199 to the Electric City Clowns in attendance this evening.

Resolution No. 199 of 2014, a resolution proclaiming the first week of August 2014 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 have long been known as ambassadors of joy and good will and bring happiness to both children and adults, 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, and

WHEREAS, locally the Electric City Clowns participate in regular community service at hospitals, nursing homes and assisted living facilities; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park do hereby proclaim that the week of August 1-7, 2014, 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 Whalen, Councilwoman Standaert, Councilman Romano, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

REPORT ON HONEY BEES

Frank Berlin, Main St, Jonesville and David Wood, Southern Adirondack Beekeepers Association, reviewed the process and importance of keeping and bringing honey bees into town.

PUBLIC HEARING, 7:35 PM CONTINUATION FROM JULY 21, 2014
TO CONSIDER A LOCAL LAW AMENDING THE
VAN PATTEN GOLF COURSE PDD

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on July 10, 2014.

Town Attorney McCarthy reviewed minor changes made from the previous legislation, noting language added due to the driveway needing upgrades, clarifying that Lots 2,4, and 5 shall continue as Residential R-1 and Lot 3 will be zoned B-3. He explained Lot 3 wasn't zoned B-3 in the prior legislation but the zoning map reflected intent to do so. Legislation also notes the size of the PDD is approximately 317 acres reduced from 318.

Joe Dannible, EDP, reviewed the PDD and proposed language. He said everything is staying essentially the same with the original PDD. He explained none of the lots outside of the PDD were ever subdivided from the original golf course but just remained outside for future use.

The public hearing was opened for comments from the audience at 7:40 p.m.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 7:41 p.m.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 200 of 2014, a resolution accepting an application for inclusion in the Conservation Easement Historic Preservation program of a parcel of land located at 974 Main Street, Clifton Park.

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

WHEREAS, a public hearing was held on July 21, 2014 to receive public comment regarding an application for a conservation easement for inclusion of a parcel of land at 974 Main Street, Clifton Park, into the Conservation Easement program in accordance with Chapter 125 of the Town Code, as amended, and

WHEREAS, the Town Board has considered the application and the comments received; now, therefore, be it

RESOLVED, that the application for a parcel of land located at 974 Main Street, Clifton Park, owned by Robert Frazier (SBL 259.9-3-17) is hereby accepted and is granted a Conservation Easement in accordance with the provisions of Article XIII of Chapter 208-78 of the Town Code; and be it further

RESOLVED, that said applicant, whose parcel has been granted a conservation easement, shall execute an agreement provided by the Town of Clifton Park.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 201 of 2014, a resolution accepting the conveyance of a portion of Bonneau Road, subject to easements retained for driveway access.

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

WHEREAS, as a condition of approval for the subdivision of lands of Belmonte Properties on October 14, 2009, the Town of Clifton Park Planning Board required that the applicant convey lands to the Town of Clifton Park for such purposes as are incidental thereto and for the benefit of the grantee; now, therefore, be it

RESOLVED, that the Town Board hereby accepts the conveyance of a portion of Bonneau Road from Belmonte Properties, briefly described as follows:

Name of Owner

- Portion of Bonneau Road Belmonte Properties
SBL 283-1-29-1

and be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt of an approval by the Town Attorney of all necessary documents including review of the recorded deed in the Saratoga County Clerk’s office, metes and bounds description of the conveyance and retained easements, provision of title report, provisions for payment of all taxes, recording fees and assessments which are acceptable to the Town Attorney; and be it further

RESOLVED, that there be appended to the within resolution a copy of the recorded conveyance after it has been filed with the Saratoga County Clerk.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 202 of 2014, a resolution certifying retirement days for elected and appointed officials.

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

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”.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 203 of 2014, a resolution adopting changes to the Town of Clifton Park’s Investment Policy.

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

WHEREAS, the Town of Clifton Park wishes to amend Section X, Procedures for Securing Deposits, to allow for funds to be collateralized by an irrevocable letter of credit through the Federal Home Loan Bank as authorized by New York State, through GML 10.3c (ii); now, therefore, be it

RESOLVED, that the Town of Clifton Park's investment policy is hereby amended, per Exhibit "A".

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 204 of 2014, a resolution authorizing the implementation and funding of a State "Marchiselli" Program-aid eligible transportation federal-aid project, to fully fund the local share of federal- and state-aid eligible and ineligible project costs and appropriating funds therefore.

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

WHEREAS, a project for Mohawk Towpath National Scenic Byway: Improved Recreational Access to the Vischer Ferry Nature and Historic Preserve P.I.N. 1SB1.32.321 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80 % federal funds and 20% non-federal funds, and

WHEREAS, the Town of Clifton Park desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of \$521,000 work for the Project or portions thereof, with the federal share of such costs to be applied directly by the New York State Department of Transportation ("NYSDOT") pursuant to agreement; now, therefore, be it

RESOLVED, that the Town Board duly convened does hereby, and be it further

RESOLVED, that the Town Board hereby approves the above project; and be it further

RESOLVED, that the Town Board hereby authorizes the Town of Clifton Park to pay in the first instance the full non-federal share of the cost of \$104,220 together with project partner Mohawk Towpath National Scenic Byway as per the application budget work for the Project or portions thereof, and be it further

RESOLVED, that the sum of \$104,220 is hereby appropriated from H36-1440-135 (Capital Projects-Improved Recreational Access to VFNP-Engineering) and made available to cover the cost of participation in the above phase of the Project, and be it further

RESOLVED, that in the event the non-federal share of the cost of the project exceeds the amount appropriated above, the Town Board of the Town of Clifton Park shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Town Supervisor of the Town of Clifton Park be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for federal aid and/or Marchiselli aid on behalf of the Town of Clifton Park with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of the non-federal share of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and be it further

RESOLVED, that a certified copy of this resolution is filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project; and it is further

RESOLVED, this resolution shall take effect immediately.

Director of Community Development McHugh explained this resolution requires that the town will embark upon proper utilization of the \$521,000 for the project proposed in partnership with the Mohawk Towpath Scenic Byway Coalition. She noted this is the third and last of “3 sisters” grouping of grants – Greenway, NYS Canal Corp project and this evening’s Scenic Byway, and that the town is aware of the cash match requirement. Ms. McHugh noted the value of the three project grants together can be completed for just under \$700,000, noting the town is fortunate to have state and federal funding to pay close to 75-80 percent of the costs. The town’s share can include in kind services, donations both of professional time and materials and volunteers, and town staff time, as well as cash. Ms. McHugh distributed photos and description of proposed projects.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 205 of 2014, a resolution authorizing the Town Supervisor to sign a Memorandum of Understanding with the agreeing Mohawk Towpath Scenic Byway Coalition, Inc. to administer the Byway Grant.

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

WHEREAS, the coalition applied for and was awarded a Federal Highway Administration Scenic Byway Grant totaling \$416,880, and

WHEREAS, the town will administer the grant project as per the New York State guidelines for locally administered projects and to be lead agency and financial manager of the federal grant entitled “Improved Recreational Access to the Vischer Ferry Nature and Historic Preserve”, and

WHEREAS, the town will fulfill its responsibilities to the state as Project Lead Agency and point of contact as required by the grant, and

WHEREAS, the town will contribute a maximum of \$104,220 in cash match or a combination of cash and in-kind services equivalent to same; now, therefore, be it

RESOLVED, that authorization is given to the Town Supervisor to sign a Memorandum of Understanding (MOU) with Mohawk Towpath Scenic Byway Coalition to administer a federal grant awarded to the Mohawk Towpath Scenic Byway.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 206 of 2014, a resolution to extinguish storm water easement and turn responsibility for retention pond over to Fairchild Square LLC, accept separate drainage easement in existing facility.

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

WHEREAS, by deed dated November 4, 2002, the town acquired a storm water maintenance easement over a retention pond at Fairchild Square, as depicted in the attached exhibits, and

WHEREAS, Fairchild Square has undergone expansion and wishes to assume maintenance responsibilities for the storm water retention pond which was previously maintained by the town, pursuant to the prior easement, and

WHEREAS, the town wishes to maintain rights to a drainage pipe which drains into the retention pond, and

WHEREAS, Fairchild Square, LLC is willing to grant a new easement for drainage and storm water purposes to the town providing continuous rights to access the retention pond via the storm water pipe container in the new easement, and

WHEREAS, the town is willing to extinguish the existing easement over the retention pond and the obligation to maintain the pond in exchange for a right to utilize the pond through drainage facilities from Maple Line Drive to an outflow on lands of Fairchild Square LLC; now, therefore, be it

RESOLVED, the Town Board authorizes Fairchild Square LLC to assume maintenance responsibility for the existing storm water retention pond at Fairchild Square and accepts a drainage easement to big drainage pipes from Maple Line Drive onto the lands of Fairchild Square; and be it further

RESOLVED, that the Supervisor is authorized to execute real property easements and related documents to effectuate the transfer.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 207 of 2014, a resolution to authorize McDonald Engineering to prepare and publish bid documents for an expanded Buildings and Grounds Department facility.

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

WHEREAS, the Town's Department of Buildings and Grounds is responsible for maintaining all of the town's parks and recreational facilities and buildings, and

WHEREAS, the needs of the Buildings and Grounds Department has outgrown the capacity of the department's facility on Clifton Park Center Road, and

WHEREAS, the Town Board wishes to consolidate Buildings and Grounds operations at the Town Hall complex adjacent to the department's existing storage facility; now, therefore, be it

RESOLVED, that McDonald Engineering is authorized to prepare and publish bid documents for the design and construction of a storage and office facility for the Department of Buildings and Grounds.

Supervisor Barrett explained the Sewer Department will move to current Buildings and Grounds facility. The Sewer Department has increased abilities to do more work in house by adding equipment, trucks and manpower and not using outside contractors, thereby saving a tremendous amount of money for users of sewer systems. He continued the finances of the sewer operation have been very positive, with no debt, able to set aside money for repairs both on an emergency and planned basis. He commended Collection Systems Manager O'Brien and staff for doing an outstanding job. Supervisor Barrett reported anticipated completion of the new Buildings and Grounds building is May 1st.

Councilman Romano asked if there will be room for expansion. Supervisor Barrett responded this will be quoted two ways for 6 and 8 bay – if a 6 bay there would be thought of expansion in the future.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 208 of 2014, a resolution adopting Local Law No. 6 of 2014, a local law amending Local Law No. 5 of 2002, The Van Patten Golf Course Planned Development District.

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

WHEREAS, Robert and Kathy Van Patten have applied for an amendment to the Van Patten Golf Course Planned Development District to provide access to Lot No. 5 on the original PDD map for a residential driveway through the existing emergency access road, and

WHEREAS, the Planning Board has recommended that the proposed PDD amendment be approved, and

WHEREAS, on July 21, 2014 a public hearing was conducted by the Town Board to obtain input regarding the proposed changes, and

WHEREAS, the public was given the opportunity to speak in favor of or against the proposed amendment to the Planned Development District; now, therefore, be it

RESOLVED, that the Town Board hereby adopts Local Law No. 6 of 2014, amending Local Law No. 5 of 2002, The Van Patten Golf Course Planned Development District, to provide access to Lot No. 5 on the original PDD map for a residential driveway through the existing emergency access road, and be it further

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

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Anne Friedman, Leonardo Drive, reiterated her concerns regarding not hearing from a member of the Ethics Board after calling on the member's home phone and email with regard to a conversation with Robert Freeman, Director of NYS Open Government. Supervisor Barrett stated the Ethics Board reviewed the information, responded to Mr. & Mrs. Friedman and the process is completed.

Michael Albright, 18 Leonardo Drive, spoke in support of Mr. & Mrs. Friedman.

Lawrence Friedman, Leonardo Drive, reiterated his and Mrs. Friedman's concern regarding any discussion between Robert Freeman and a member of the Ethics Board.

Councilman Whalen stated the Ethics Board members are respected members of the community and volunteers and there is no reason not to believe their statements. He said there is always the possibility that a telephone conversation was not remembered.

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

Motion carried at 8:29 p.m.

Patricia O'Donnell
Town Clerk