

September 2, 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
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Absent: Councilman Romano

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

MOTION BY Councilwoman Walowit, seconded by Councilman Whalen, to approve the minutes of the August 18, 2014 meeting as presented.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Romano

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett reminded residents of Hazardous Waste Day scheduled for September 6th from 8:00 a.m. to 4:00 p.m.

PRESENTATION TO THE BOARD

Michael Anderton of Boy Scout Troop 246 read his Character Counts Essay on Loyalty. Supervisor Barrett reported Michael had presented his essay at the Saratoga County Board of Supervisors.

**PUBLIC HEARING, 7:00 (7:10) PM
TO CONSIDER A LOCAL LAW AMENDING CHAPTER 13-3 OF THE TOWN CODE
ENVIRONMENTAL CONSERVATION COMMISSION MEMBER TERMS**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on August 22, 2014.

Supervisor Barrett summarized the proposed local law explaining this will increase membership from seven to nine members and eliminate the associate member requirement.

The public hearing was opened for comments from the audience at 7:11 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 7:12 p.m.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 214 of 2014, a resolution proclaiming September 17, 2014 through September 23, 2014 as Constitution Week in the Town of Clifton Park.

Introduced by Supervisor Barrett, who moved its adoption, seconded by the entire Town Board.

WHEREAS, September 17, 2014 marks the 227th Anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention, and

WHEREAS, the United States Constitution was the first document of its kind in the world and has paved the way for millions of people since that have sought democracy and freedom, and

WHEREAS, the Clifton Park Town Board proudly recognizes that this document has secured the Blessings of Liberty for many generations of Americans by instilling power in We the People, and

WHEREAS, it is fitting and proper to officially recognize this magnificent document that is the supreme law of our nation and the anniversary of its creation, and

WHEREAS, public law 915 guarantees the issuing of a proclamation each year by the President of the United States designating September 17th through 23rd as Constitution Week; now, therefore, be it

RESOLVED, that the Town Board proclaims September 17, 2014 through September 23, 2014 as Constitution Week in the Town of Clifton Park and encourages all residents to re-familiarize themselves with this powerful document and reaffirm the ideals of the Framers.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 215 of 2014, a resolution extending an Intermunicipal Agreement between the Town of Halfmoon and the Town of Clifton Park for the provision of Animal Control Services.

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

WHEREAS, by authority of Section 119-o of General Municipal Law of the State of New York, the parties hereto are enabled to enter into binding agreements for the cooperative performance of various municipal projects, contracts and functions, and

WHEREAS, the Towns of Clifton Park and Halfmoon recognize the benefits to both municipalities that arise from the cooperative provision of services to their residents, and

WHEREAS, Resolution No. 15 of 2014 authorized an agreement between the Town of Halfmoon and the Town of Clifton Park, and

WHEREAS, Clifton Park and Halfmoon wish to extend an existing agreement whereby Clifton Park will provide on call and sick/vacation coverage for the Halfmoon Animal Control Department, and

WHEREAS, Clifton Park has the personnel and equipment to provide on call and sick/vacation coverage for the Halfmoon Animal Control Department; now, therefore, be it

RESOLVED, that the Town Board approves extending the Intermunicipal Agreement between the Town of Halfmoon and the Town of Clifton Park for the provision of Animal Control Services per the attached agreement; and be it further

RESOLVED, that the Intermunicipal Agreement between Clifton Park and Halfmoon is hereby extended for the period commencing September 1, 2014 through August 31, 2015.

The Clifton Park Animal Control Office will be on call from 8:00 p.m. Fridays until 8:00 a.m. Mondays. Cost is \$35 per hour plus mileage. The Town of Halfmoon will be paying per call.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 216 of 2014, a resolution authorizing the residents of Crescent Estates subdivision to conduct their 6th Annual Block Party on September 27, 2014.

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

WHEREAS, the residents of Crescent Estates plan to conduct a block party within the subdivision on September 27, 2014, from 12:00 P.M. to 4:00 P. M. and have requested permission to use Walnut at Parkwood to Irene Drive 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 Walnut at Parkwood to Irene Drive, September 27, 2014 from 12:00 P.M. to 4:00 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, Councilwoman Standaert,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 217 of 2014, a resolution scheduling a public hearing to consider an application for the Conservation Easement Historic Preservation program.

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

WHEREAS, the town's Conservation Easement program requires public comment on properties proposed to be included in the program, and

WHEREAS, Martin and Patrice O'Connor have requested inclusion in the program for property at 692 Route 146A (SBL 264.3-46.1); now, therefore, be it

RESOLVED, that a public hearing is scheduled for September 15, 2014 at 7:00 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York to consider the property owned by Martin and Patrice O'Connor (SBL 264.3-46.1) for inclusion in the Conservation Easement Historic Preservation program, and be it further

RESOLVED, that the property owner give notice to all adjacent property owners and other entities as provided in the town's Conservation Easement legislation in advance of the public hearing and submit receipts of mailing to the Town Clerk's office prior to the date of the public hearing; 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,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 218 of 2014, a resolution appointing Christine Pagniello as Receiver of Taxes and Assessments for the Town of Clifton Park.

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

WHEREAS, due to the retirement of Lorraine Varley, a vacancy exists in the office of Receiver of Taxes and Assessments, and

WHEREAS, Supervisor Barrett has recommended Christine Pagniello, currently of the Parks and Recreation Department, for the position of Receiver of Taxes and Assessments, and

WHEREAS, Christine Pagniello has been employed as a Senior Account Clerk in the Town's Department of Parks and Recreation since July of 2008, and

WHEREAS, in her position as Senior Account Clerk, Mrs. Pagniello has had primary customer care contact, interacting with residents, parents and family members in a reliable and conscientious manner and has demonstrated friendly and accurate communication skills, and

WHEREAS, Mrs. Pagniello's responsibilities for the town have included the oversight and preparation of all revenue accounting and reporting, and she has demonstrated the background training, education and experience commensurate with the duties and responsibilities of Receiver of Taxes and Assessments; now, therefore, be it

RESOLVED, that Christine Pagniello, 14 Coventry Drive, Clifton Park is appointed to fill the unexpired term of Lorraine Varley, term to expire December 31, 2014, to be paid at Grade

7, Step 1, (\$26.86 per hour) \$16,400.00 through 2014, to be paid with a transfer of \$10,000.00 from A-1315-E0098 (Comptroller-Assistant Comptroller) and \$6,400.00 from A-1330-E0752 (Receiver of Taxes-Lorraine Varley) to A-1330-E0065 (Receiver of Taxes-Christine Pagnello), effective immediately; and be it further

RESOLVED, that Christine Pagnello is authorized to sign checks drawn on the accounts of "Receiver of Taxes and Assessments," Town of Clifton Park.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 219 of 2014, a resolution to accept a permanent easement over the Clifton Park-Halfmoon Library multi-use path.

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

WHEREAS, by agreement dated April 9, 2008, the Clifton Park-Halfmoon Library contributed \$17,000.00 toward the construction of the multi-use path connecting the library property with property owned by Shenendehowa Central School District, and

WHEREAS, pursuant to the terms of the agreement for funding the construction of the trail, the library agreed to convey, and the town agreed to accept an interest in the property of the trail for maintenance purposes, and

WHEREAS, the Board of Directors of the Clifton Park-Halfmoon Library has agreed to convey a permanent easement over the multi-use path to the town to allow for Highway Department equipment to maintain the trail and to keep it open in winter as necessary; now, therefore, be it

RESOLVED, that the town accepts the conveyance of the attached permanent easement over that portion of the library multi-use trail that connects the library parking lot with property of the Shenendehowa School District.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 220 of 2014, a resolution accepting the conveyance of a parkland access parcel on Sheffield Drive from Teele and Mitchell.

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

WHEREAS, as a condition of approval for the subdivision of lands as shown on a map entitled Sherwood Forest Stratford Section Phase IV, said map dated September 6, 1988, 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, and

WHEREAS, the Town of Clifton Park did accept a majority of the parkland from Teele-Mitchell Design Builders, Inc. on November 15, 1988 by virtue of a Deed bearing the same date and recorded in the Saratoga County Clerk’s Office at Book 1278 at Page 789, these lands, which are contiguous to Lots 12-14 Sheffield Drive, did not contain a 20’ storm drainage easement which was intended to be conveyed; now, therefore, be it

RESOLVED, that the Town Board hereby accepts the conveyance of a Parkland Access Parcel on Sheffield Drive, briefly described as follows:

- | | |
|---|---|
| <ul style="list-style-type: none"> • 20’ Storm Drainage Easement SBL 271.6-4-7 | <p><u>Name of Owner</u> Teele and Mitchell</p> |
|---|---|

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,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 221 of 2014, a resolution authorizing the conveyance of easement over property at Veteran’s Park for the construction of a wireless communications facility.

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

WHEREAS, by Resolution No. 114 of 2014, the Town Board sought Home Rule authority from the State Legislature to convey an easement over a portion of a park road at Veteran’s Park to the Benevolent and Protective Order of the Elks to facilitate access to a proposed wireless communications facility on Elk’s Club property, and

WHEREAS, by S-7238-A and A-9603-A, the State Legislature passed Home Rule authority, and

WHEREAS, Governor Cuomo has signed the Home Rule Bills passed by the State Legislature, and

WHEREAS, the Planning Board has recommended, and the Town Board has approved local authorization for the wireless facility on the Elks Club property, and

WHEREAS, the easement is necessary for efficient access to the proposed site for fiber optic and electric utility, as well as for ingress and egress for maintenance and construction vehicles, and

WHEREAS, the Assessor has recommended a fair value of \$750.00 for the easement, based on the valuation of the adjacent parcel of land; now, therefore be it

RESOLVED, the Town Board authorizes conveyance of the attached permanent easement to Independent Towers Holdings, LLC, its successors and assigns, for \$750.00 which will support park projects within the town.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 222 of 2014, a resolution appointing Andrew J. Maturro as a provisional part-time Animal Control Officer pending Civil Service Certification.

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

WHEREAS, a need exists for a part-time Animal Control Officer, and

WHEREAS, Andrew J. Maturro, has been recommended to be appointed as a provisional part-time Animal Control Officer until the next Civil Service exam is given; now, therefore, be it

RESOLVED, that Andrew J. Maturro, 2215 Huntridge Road, Clifton Park, is hereby appointed as a part-time provisional Animal Control Officer for the Town of Clifton Park, NY, pending the Civil Service Test, at Grade 3, Step 1(\$16.82 per hour) as budgeted from A-3510-E-4000 (General Fund-Animal Control-Part-time Employee).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 223 of 2014, a resolution authorizing the Supervisor to sign Letters of Agreement with Arts and Glass, United Coast Guard Auxiliary and The Puppet People for classes during the 2014-2015 Fall/Winter season.

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

WHEREAS, the preservation and enhancement of public arts, culture awareness, and entertainment within the Town of Clifton Park is recognized to be of vital importance to the quality of life of the residents of Clifton Park, and

WHEREAS, the Town recognizes that the community arts programs promote positive youth development, and

WHEREAS, Myla Kramer, Director of Parks and Recreation has requested that the Town Board authorize certain Letters of Agreement for classes during the 2014-2015 Fall/Winter season; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign the attached Letters of Agreement with Arts and Glass, United States Coast Guard Auxiliary and The Puppet People.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 224 of 2014 , a resolution authorizing the hiring of Thomas Paskewich as an attendant at the Clifton Park Action Park.

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

WHEREAS, an opening exists for an attendant at the Clifton Park Action Park, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs recommends that Thomas Paskewich be hired to fill the position; now, therefore, be it

RESOLVED, that Thomas Paskewich, 29 Pine Hill Bend, Ballston Lake be hired as an attendant for the Clifton Park Action Park, effective August 28, 2014 through October 31, 2014, to be paid at Step 1, \$8.50 per hour, to be budgeted from A-7200-E4000 (Parks-Part-Time Employee).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 225 of 2014, a resolution authorizing condemnation proceedings for Crescent Road Multi-Use Trail.

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

WHEREAS, by Resolution No. 93 of 2014, the Town Board approved the payment of certain amounts of compensation to landowners along the Crescent Road trail construction project as just compensation for the acquisition of easements and other real property rights necessary for the trail project, and

WHEREAS, all just compensation amounts were based on appraisals of the real property rights required for the project, and

WHEREAS, the town has retained Robert Hite and the Law Offices of Hite and Beaumont to prepare documents necessary to proceed with takings under the Eminent Domain Procedure Law where necessary for the project, and

WHEREAS, Map 3 represents the acquisition in fee of two (2) portions of a larger parcel. Map 4 represents the acquisition of a temporary easement in one (1) portion of the same larger parcel. Maps 3 and 4 are portions of a parcel that is commonly known as 1576 Crescent Road, and bearing tax map identification number 283.00-2-11, in the Town of Clifton Park, County of Saratoga, State of New York. Such parcel is essentially a rectangular shaped parcel of land consisting of approximately 261,360 square feet (6.0 acres) of land area that is improved by a single family residence. The two (2) fee areas to be acquired are rectangular shaped strip parcels that abut the Crescent Road (CR 92) highway boundary. One of the fee areas is approximately eight (8) feet wide and consists of approximately 264 square feet of area, 143 square feet of which is under water. The second fee area is approximately four (4) feet wide and consists of approximately 566 square feet of area. The temporary easement area also abuts the Crescent Road (CR 92) highway boundary and consists of approximately 1,451 square feet, 468 square feet of which is under water. The term of the temporary easement shall be two (2) years from the date of acquisition unless sooner released by the town if deemed no longer necessary, and

WHEREAS, Map 15 is a fee acquisition consisting of an approximately ten (10) feet wide, rectangular shaped portion of an “L-shaped” vacant parcel of land consisting of approximately 105,502 square feet (2.422 acres) of area located on the north side of Crescent Road, across from John J. McKenna IV Way, and bearing tax map identification number 284.00-1-37 in the Town of Clifton Park, County of Saratoga, State of New York. The fee area to be acquired abuts the Crescent Road (CR 92) highway boundary and consists of approximately 957 square feet of land area, and

WHEREAS, Map 9 is a fee acquisition map consisting of an approximately 6 feet wide and 126 feet long linear strip of land consisting of 773± square feet of an area located on the North side of Crescent Road, and bearing tax map identification number 284.00-1-24 in the Town of Clifton Park, Saratoga County, State of New York, and Map 10 represents the acquisition of a temporary easement in one portion of the same larger parcel. The temporary easement area abuts the Crescent Road (CR92) highway boundary and consists of approximately 2400 square feet approximately 126 feet long and 19 feet wide, the term of the temporary easement shall be two (2) years from the date of acquisition unless sooner released by the town if deemed no longer necessary; now, therefore, be it

RESOLVED, that it is the opinion of the Town that the acquisitions depicted in Maps 3,4, 9,10 and 15 of the Crescent Road Joint Multi-Use Pathway Project are di minimis in nature in that the public interest will not be prejudiced by the construction of the Project which will not impact any improvements on the subject parcels and will not affect any easements, covenants or restrictions of record; and be it further

RESOLVED, that Robert Hite and the Law Offices of Hite and Beaumont are authorized to proceed under the Eminent Domain Procedure Law to acquire necessary Real Property Rights to Map No.3,4,9, 10, and 15 as prepared by R.K. Hite/MJ Engineering for the Right of Way acquisitions from National Commercial Bank and Trust Company (Key Bank) relative to real property identified as tax map No. 284.00-1-24, Jean Hoffman relative to real property identified as tax map 284.00-1-37, and Robert Utrich relative to real property identified as 283.00-2-11.

Supervisor Barrett said this process may not be needed but is necessary to have in place and puts the town in position to move forward to meet the deadlines. He noted everybody is compensated if land is taken.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert,
Councilwoman Walowit, Supervisor Barrett
Noes: None
Absent: Councilman Romano

DECLARED ADOPTED

PUBLIC PRIVILEGE

Jim Baisley, Barkwood Drive, expressed appreciation for the “Thank A Veteran” signs located throughout the town. He further noted the importance of the resolution proclaiming Constitution Week in the Town of Clifton Park.

Beverly Czub, Miller Road, Board Member of Shenendehowa Senior Center, thanked the town for all the assistance in the repair of the center. She reported the center officially reopened on September 2nd.

MOTION by Councilwoman Walowit, seconded by 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 7:55 p.m.

Patricia O’Donnell
Town Clerk