

October 20, 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
Mark Heggen, Comptroller
Steven Myers, Director of Building and Development

MOTION BY Councilman Romano, seconded by Councilwoman Walowit, to approve the minutes of October 6, 2014 meeting as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett announced two of the four Farmland Protection grants submitted to NYS Agriculture and Markets have been awarded to the town - \$70,826 for the town to lease development rights for five years on Lindsey Orchard Farm, a 253 acre orchard. The town will contribute \$23,609 towards the project and \$18,746 for the town to lease the development rights for five years on the Miller Farm, an 82 acre field crop and orchard operation. The town will contribute \$6,249 towards this project. The Supervisor noted the town will spend \$30,000 over five years to preserve 335 acres. He thanked Jennifer Viggiani for her work in this grant submission. He further noted a budget adjustment will be necessary.

**PUBLIC HEARING, 7:00 PM (7:08)
TO CONSIDER CONSERVATION EASEMENT
HISTORIC PRESERVATION APPLICATION**

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

Supervisor Barrett said application is for 38 Droms Road, Rexford, for 20 years.

The public hearing was opened for comments from the audience at 7:10 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 7:11 p.m.

PUBLIC HEARING, 7:05 PM (7:12)
TO CONSIDER A LOCAL LAW AMENDING SECTION 103-13
BUILDING PERMIT FEES

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

Director of Building and Zoning, Steven Myers, reported a comparison was done of like municipalities and it was found the town fees to be considerably lower than Niskayuna, Colonie and Halfmoon. He said even with this adjustment, the town's fees are still below other towns in some cases.

The public hearing was opened for comments from the audience at 7:14 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 7:15 P.M.

PUBLIC PRIVILEGE ON RESOLUTIONS

Question from the floor asked if there are plans to take down the house at 475 Vischer Ferry Road. Supervisor Barrett responded at some point it could be but could also be used for storage.

Resolution No. 254 of 2014, a resolution scheduling a public hearing to consider the 2015 Preliminary Budget.

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

WHEREAS, the Town Board wishes to obtain comment regarding the 2015 Preliminary Budget; now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled for Thursday, November 6, 2014 at 7:00 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York, to consider the 2015 Preliminary Budget; and be it further

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

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 255 of 2014, a resolution expressing the intent of the 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 P.M. and 8:00 P.M.

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

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 P.M. and 8:00 P.M. on Halloween.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 256 of 2014, a resolution authorizing the Town Supervisor to sign a Memorandum of Understanding with the Not So Common Players (NSCP) for the provision of continued support for the presentation of theatrical productions and musical presentations.

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

WHEREAS, the Town of Clifton Park has sponsored and supported the Not So Common Players (NSCP) theater group since its inception in 2001, and

WHEREAS, the town and the NSCP formalized the notice of the town's support and commitment to the NSCP by Memorandum of Understanding pursuant to NYSTL 64 (17) (B) In 2010, and

WHEREAS, the NSCP has been established as a 501 C3 Charitable Organization pursuant to the Internal Revenue Code, and as a Charitable Organization pursuant to rules established by the Charities Bureau of the New York State Department of Law, and

WHEREAS, the town wishes to renew the existing Memorandum of Understanding with the NSCP for another two year term through December 31, 2016, pursuant to paragraph 3 of the attached agreement; now, therefore, be it

RESOLVED, that the Town Board authorizes the Town Supervisor to sign the attached Memorandum of Understanding between the Town of Clifton Park and the Not So Common Players, subject to annual appropriation.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 257 of 2014, a resolution authorizing notice to be served and a public hearing to be scheduled regarding the demolition and removal of the unsafe structure at 969 Main Street, Clifton Park (Tax Parcel No. 259. 9-3-14), owner of record William R. Millington.

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

WHEREAS, Chapter 77 of the Clifton Park Town Code provides that the Town Board may order, after notice and a hearing, the demolition and removal of a building upon its finding that the building is unsafe, dangerous and incapable of being safely repaired, and

WHEREAS, Steven Myers, Director of Building and Zoning, has submitted a written report pursuant to Town Code Section 77-4, and has reported that it is his opinion that a residential structure at 969 Main Street is in extremely poor condition and has major structural deficits including signs of a failing roof, storm foundation and chimney, and

WHEREAS, the Town Board accepts the report of Steven Myers pursuant to Section 77-5; now, therefore, be it

RESOLVED, that the owners of 969 Main Street are hereby ordered to show cause at a hearing before the Town Board on November 10, 2014 at 7:05 p.m. in the Wood Memorial Meeting Room in the Clifton Park Town Hall, why the building at that location should not be demolished and the resulting debris removed within 30 days of service of the notice contained in Exhibit "A"; and be it further

RESOLVED, that the Town Clerk is hereby directed to serve the notice contained in Exhibit "A" not later than five days before the hearing in accordance with the provisions of Chapter 77 of the Town Code and to file the notice with the Saratoga County Clerk.

Supervisor Barrett said this is a difficult situation and the town will move at a slow and methodical pace, however, if this is a threat to public safety, action needs to be taken. Director of Building and Zoning Myers reported there are structural issues and though he has not had access to the house, looking through the windows one could see the house is "packed" and he doesn't believe it is salvageable. Town Attorney McCarthy said he has been in touch with the attorney for the estate and the current owner will be at the Town Board meeting on November 10th. Mr. Myers said this was originally activated by the children of the original owner.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 258 of 2014, a resolution authorizing the Supervisor to sign a real property contract for the sale and purchase of 475 Vischer Ferry Road, Clifton Park.

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

WHEREAS, the Town Board wishes to provide additional space for the consolidation of town hall operations and to provide space for possible future expansion of town hall facilities as necessary, and

WHEREAS, property owned by Louis J. Pasquarell, Jr. and Lois Pasquarell at 475 Vischer Ferry Road has become available for purchase, and

WHEREAS, the town acquired property adjacent to town hall in 2011, and property at 471 Vischer Ferry Road in 2006, and

WHEREAS, acquisition of the Pasquarell property at 475 Vischer Ferry Road will provide adequate contiguous property adjacent to town hall for future town hall operations, now, therefore, be it

RESOLVED, that the Supervisor is authorized to execute a real property contract, approved by the Town Attorney's office as to form, for the sale and purchase of 475 Vischer Ferry Road for the sale price of \$242,000, to be paid from Unreserved Fund Balance.

Supervisor Barrett said this will give the town ownership of all the land adjacent to the town access road and possibly a new facility for the Buildings and Grounds Department which would then allow the Sewer Department to move into the building on Clifton Park Center Road. The Supervisor noted Louis Pasquarell is an employee of the Town of Clifton Park. Having ownership of the properties on Vischer Ferry Road gives the town the opportunity to plan properly for the future.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 259 of 2014, a resolution accepting the conveyance of a strip of land along Crossings Boulevard and Sitterly Road.

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

WHEREAS, as a condition of site plan approval of Crossings Property Development LLC’s medical building project, the Clifton Park Planning Board required the application to convey to the Town of Clifton Park the herein described property for highway purposes and/or 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 strip of land along Crossings Boulevard and Sitterly Road, briefly described as follows:

<u>Parcel</u>	<u>Name of Owner</u>
a portion of SBL 272-1-16 4’ strip of land Approx. 6071 sq. ft.	Crossings Property Development LLC

and be it further

RESOLVED, that this conveyance is expressly conditioned upon a Release of Part of Mortgaged Premises by Berkshire Bank, the mortgagee of the parcel to be conveyed, and be it further

RESOLVED, that this conveyance is also expressly conditioned upon receipt of an approval by the Town Attorney of all necessary documents including review of the recorded deed and the Release of Part of Mortgaged Premises in the Saratoga County Clerk’s Office, provision of title report, provisions for payment of all taxes, recording fees, and assessments which are acceptable by 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. 260 of 2014, a resolution accepting a quote from Regional Computer Recycling & Recovery (RCR&R) to handle the collection of electronics at the permanent recycling site located at the Clifton Park Transfer Station.

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

WHEREAS, the town has facilitated the recycling of electronics through contracts with E-lot Recycling since 2012, and

WHEREAS, the electronics recycling industry continues to evolve consistent with state regulations and incentives, and

WHEREAS, the town has issued a request for proposals to solicit interested vendors to renew the contract for the collection of electronics at the permanent recycling site at the Clifton Park Transfer Station, as a revenue opportunity, and

WHEREAS, due to reductions in the industries covered electronic recycling program, direct costs of year round recycling has increased and the lists of available products has decreased, and

WHEREAS, the cost to the town for recycling television monitors will increase depending on the weight of each unit, and

WHEREAS, Scott Reese, Storm Water Management Technician, has reviewed the proposals and recommends awarding the contract to RCR&R, Scotia, New York, as the lowest responsible vendor who has submitted a quote of \$.29 per pound for the removal of CRT (glass) monitors, CRT televisions and rear projection televisions, no charge for transportation and most electronic items, per attached; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign a one year contract consistent with the attached proposal from RCR&C, Scotia, New York; and be it further

RESOLVED, that the Supervisor is authorized to set the price for acceptance of television monitors at the permanent electronics recycling facility based upon actual costs to the town for the contract period November 1, 2014 through October 31, 2015.

Supervisor Barrett explained due to low reimbursement from New York State there are no companies that will take TVs and CRTs without charging the town, therefore, the town is going to have to charge residents in order to accept TVs and CRTs.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 261 of 2014, a resolution authorizing the Shenendehowa Senior Citizens to serve alcoholic beverages at a monthly dinner at the Shenendehowa Adult Community Center.

Introduced by Councilwoman Walowit, who moved its adoption, seconded by Councilwoman Standaert.

WHEREAS, the Shenendehowa Adult Community Center is hosting a monthly dinner on October 27, 2014 from 5:30 - 7:30 P.M., and

WHEREAS, the event will be a Halloween theme pizza party with approximately 100 people in attendance, and

WHEREAS, the Shenendehowa Senior Citizens have requested permission to serve alcohol in the form of beer and wine at the event; now, therefore, be it

RESOLVED, that the sponsoring group is hereby authorized to serve beer and wine at a monthly dinner at the Shenendehowa Adult Community Center on October 27, 2014 from 5:30 - 7:30 P.M.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 262 of 2014, a resolution accepting an application for inclusion in the Conservation Easement Historic Preservation program of a parcel of land located at 38 Droms Road, Rexford, Town of Clifton Park.

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

WHEREAS, a public hearing was held on October 20, 2014 to receive public comment regarding an application for inclusion of a parcel of land at 38 Droms Road into the Conservation Easement Historic Preservation 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 38 Droms Rd., Rexford, (SBL 276.-1-37.1) owned by Nancy DeKorp and Walter Szwetkowski 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 application who 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. 263 of 2014, a resolution adopting Local Law No. 8 of 2014, a local law amending Section 103-16 of the Town Code, Building Permit Fees.

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

WHEREAS, Steven Myers, Director of Building and Zoning, after reviewing comparable municipalities' fees, has recommended that Section 103-16 of the Town Code, Building Permit Fees, be amended, and

WHEREAS, a public hearing was held on October 20, 2014 and no comments were received; now, therefore, be it

RESOLVED, that Town Board of the Town of Clifton Park hereby adopts Local Law No. 8 of 2014, a local law amending Section 103-16 of the Town Code, Building Permit Fees; and be it further

RESOLVED, that the Town Clerk publish and post notice of same.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Kathryn Dudding, Sandalwood Drive, said she takes four dance classes a week at the Shenendehowa Adult Community Center and expressed concerned with the new floor in the studio, noting the replacement floor is unsafe, has a very slippery surface for tap shoes or leather ballet shoes. She reported boards keep “popping” up, floor is a “trip hazard” and needs to be fixed as soon as possible. Ms. Dudding said these dance classes may have to be moved to another location if this is not addressed in the near future.

Supervisor Barrett said he has met with the dance instructor and a class member. He said the floor does not adhere to the sub base. The company that installed the floor has been given the opportunity to fix the floor, however, some areas have been fixed but other boards are popping up and it seems by “fixing” it, it has been made worse. He doesn’t believe the floor is sound and will have a final solution on October 21st noting the first concern is the integrity of the floor itself.

Frank Berlin, Main Street, said the Girl Scouts will be sowing seeds at the capped landfill on October 21st. He reviewed the process of the Open Space Committee in submitting applications for the farmland grants.

Jim Baisley, Barkwood Lane, revisited his various concerns about uncompleted projects stated at the previous Town Board meeting, specifically completion of a Moe Road trail, boat launch, and Garnsey Park. He expressed concern that there was no public comment on the purchase of the property on Vischer Ferry Road.

Supervisor Barrett said there are two huge trail projects going on at this time. He said there is a long term vision for Garnsey Park. Regarding the properties purchased on Vischer Ferry Road, he stated the Town Board is planning for the future. The Supervisor said the estimate for a Moe Road trail is approximately \$2 million. He said the town is always looking at trail connections, by having developers put land or money aside for future connections.

Mr. Berlin noted often developers put in trails.

Brent Vild, Valencia Lane, asked how the town identifies the entity that owns a particular property that the town has cleaned up.

Town Attorney McCarthy explained the process of finding a homeowner and if foreclosed, putting the bank on notice, however he noted, sometimes this can be a challenge.

Beverly Czub, Miller Road, expressed appreciation for the resolutions allowing wine and beer at the seniors’ Halloween dinner and for encouraging parents to adhere to the 4:00 to 8:00 p.m. the trick or treat hours.

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 8:35 p.m.

Patricia O’Donnell
Town Clerk