

November 10, 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

**ANNOUNCEMENTS AND COMMUNICATIONS**

Supervisor Barrett acknowledged a letter from DEC congratulating the town on the Water Quality Improvement Project application funding of \$215,000 for upgrades to storm water areas in the Exit 9 area. This grant requires a town match of \$70,000.

**PUBLIC HEARING, 7:00 PM  
PHA PLAN FOR 2015  
SECTION 8 HOUSING CHOICE VOUCHER PROGRAM**

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

James Mastrianni, Joseph F. Mastrianni, Inc., noted the town and his organization have been working together since 1981. The Housing Choice Voucher Program is HUD's federal program to help the low income, disabled and elderly afford safe, sanitary and decent housing by subsidizing a portion of the participants rent, based upon their income. His company also offers a Family Self Sufficiency program that allows working on a one to one basis to move parties out of subsidized existence. Mr. Mastrianni said the Five Year Plan outlines goals of the program as well as the administrative plan and noted this is the same plan as the last five years with no significant changes. He distributed a summary of statistics showing a "snapshot" of the program, attached. He said without stable housing it is very hard to receive positive outcomes and noted the program also prevents homelessness.

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

Everyone was given an opportunity to speak in favor of or against the program and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 7:12 p.m.

**PUBLIC HEARING, 7:05 (7:13) PM  
TO CONSIDER DEMOLITION AND REMOVAL OF A STRUCTURE AT  
969 MAIN STREET (Tax Map No. 259.9-3-41)**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on October 24, 2014.

Director of Building and Zoning Myers said he received several different complaints regarding the house, surveyed the property, and found it secured but through the windows saw a lot of materials in both the garage and house as well as several deficiencies in the house. He reported an area in the basement crawl space is open to the weather, roof along the eaves has large holes also open to the weather, roof has a bit of a sag and obvious exterior issues with siding, paint, and

windows, as well as some foundation issues. He continued based on complaints and according to town law, the town has to proceed down this road. Supervisor Barrett asked if there are any holes in the roof as there is a lot of moss growth. Mr. Myers reported the north side eaves are open for length of roof and weather has gotten in and possibly animals living inside. Supervisor Barrett stated the town's concern is public safety and condition of property.

Andrea DiDomenico, attorney for property owner, Carolyn Turner, reported Ms. Turner had her contractor go into the building and he doesn't consider the building to be unsafe. She noted personal property items have been stored in the building and it has been secured for years. She said complaints the town received came from siblings of the decedent and apparently there are some family issues. She continued the contractor has not seen any signs of forced entry or indication of anyone in the building.

Ms. DiDomenico stated if in fact it is the Town Board's desire to proceed this evening under the town's unsafe building law she asked that the Building Inspector be sworn in and she be allowed to cross examine him. She stated they want to work with the town and Ms. Turner has a plan in place to get the building emptied. There is also a garage that has items inside that need to be examined and disposed of. She will do her best and has an individual to walk through the property on November 11<sup>th</sup> to give an assessment of what exactly is in the house and how to dispose of the items.

Ms. DiDomenico asked the town to provide 30 days for her client to get back with a completion plan and possibly adjourn further testimony and evidentiary hearing with regard to making a decision as to whether or not this is an unsafe building that would warrant demolition. Supervisor Barrett said he is hoping it can be worked out. When asked why Mrs. Turner is clearing out the building now, Ms. DiDomenico replied because she was served with the notice and noted there are a lot of items from previous owners in the house passed down from generation to generation and she didn't have any impetus to remove items.

Supervisor Barrett said elements are getting inside and items will be damaged. Ms. DiDomenico said as far as an opening in the roof, the contractor, Mr. Ken Meyers, said he didn't see any evidence of severe damages. Supervisor Barrett said there is concern with wildlife living in the building. Ms. DiDomenico said Mrs. Turner will walk through with an individual to see where a window is missing.

Town Attorney McCarthy said the town had asked for access so the Building Inspector could do a structural examination of the interior and hasn't been granted entrance as yet. Ms. DiDomenico responded entrance has not been denied either. Mr. McCarthy asked if the house is to be saved will you allow the Building Inspector in the house for a structural exam from the interior. Ms. DiDomenico replied if the town withdraws the hearing, then she will talk to her client about allowing the Building Inspector access. She said her client didn't want to grant access until she and her contractor, Mr. Ken Meyers, go through the house as she is concerned about someone tripping or falling over an item.

Ms. DiDomenico reported she has been contacted by a town resident interested in saving the house, and the Historic Preservation Commission may also be interested in wanting to see the house rehabbed. Supervisor Barrett reiterated the house needs to be weatherproofed. The Supervisor said he would certainly encourage anyone interested in purchasing the property and preserving the building. Ms. DiDomenico said one person she spoke with said the building might be dated back to the 1700s.

It was noted there may be some photos or documents that pertain to the Jonesville Cemetery and, if so, it would be appreciated if they could be kept aside for the Town Historian to review. Ms. DiDomenico said Ms. Turner will see if she can find anything of significance to the cemetery and to the town.

Ms. DiDomenico asked the Town Board to postpone the public hearing for a period of 30 days to allow the owner to move forward with the professional people she needs to contact in order to empty the buildings, get buildings secure, if openings exist, and to help with the sale of the property. Supervisor Barrett asked what will be done to the perimeter of the house and garage regarding improvement during the 30 days. Ms. DiDomenico responded within the next 30 days,

Ms. Turner, with assistance, will be able to identify how best to dispose of contents between the garage and house and has individuals to help direct her with items outside. She said the vehicle could be disposed of. Ms. DiDomenico said there may be some title issues regarding the house that have to be researched and possibly a survey done.

Mr. Ken Meyers, contractor, said he would be available to meet with Director of Building Steven Myers on November 12<sup>th</sup>. Supervisor Barrett said the town has no desire to get involved with anyone's private business and private property but this situation has gotten to a point where there is a potential public safety issue for the neighbors and neighborhood. Ms. DiDomenico noted there is a shed between the cemetery and Ms. Turner's property and this will also be looked at.

The public hearing was opened for comments from the audience at 7:33 p.m.

Everyone was given an opportunity to speak in favor of or against the proposed demolition and no one wished to be heard.

Supervisor Barrett said based on Ms. DiDomenico's comments and request, the public hearing can adjourn and keep open for 30 days to see status and progress made. The Town Board agreed. Ms. DiDomenico said she would report back to Mr. McCarthy by the end of the week to give an update of the progress.

Supervisor Barrett declared the public hearing adjourned until the December 15, 2014 Town Board meeting.

PUBLIC HEARING, 7:10 pm (7:40 PM)  
TO CONSIDER A LOCAL LAW AMENDING SECTION 35-3  
MEMBERSHIP ON THE COMMUNITY ARTS AND CULTURE COMMISSION

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on November 6, 2014.

Councilman Whalen summarized the proposed local law explaining residents of southern Saratoga County have shown interest in joining the commission and this will allow people to join as associate non-voting members.

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. 269 of 2014, a resolution adopting the Section 8 Housing Choice Voucher Program PHA Plan for 2015.

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

WHEREAS, the Town of Clifton Park operates a Section 8 Housing Choice Voucher Program funded by the U. S. Department of Housing and Urban Development, and

WHEREAS, the Town of Clifton Park is required by the U. S. Department of Housing and Urban Development to prepare and adopt a written PHA Plan that establishes local policies for administration of the Section 8 Housing Choice Voucher Program in accordance with regulations of the U. S. Department of Housing and Urban Development, and

WHEREAS, the Town Board of the Town of Clifton Park has caused a written PHA Plan for 2015 to be prepared establishing local policies for administration of the Section 8 Housing

Choice Voucher Program in accordance with regulations of the U. S. Department of Housing and Urban Development, and has reviewed such written plan, and

WHEREAS, on November 10, 2014 a public hearing was conducted by the Town Board to obtain input regarding the Section 8 Housing Choice Voucher Program PHA Plan for 2015, and

WHEREAS, the public was given the opportunity to speak in favor of or against the proposed Section 8 Housing Choice Voucher Program; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby adopts the PHA Plan for 2015 for operation of the Town of Clifton Park Section 8 Housing Choice Voucher Program.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 270 of 2014, a resolution designating a structure located at 321 Riverview Road, Rexford, be placed on the Clifton Park Town Register of Historic Places.

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

WHEREAS, the Historic Preservation Commission has recommended that the Harmon Van Vranken House, c. 1833, located at 321 Riverview Road (SBL 288.13-1-9) Vischer Ferry, be added to the Town Register of Historic Places, and

WHEREAS, structures placed on this register will be given historic status for purposes of town-wide recognition and as such shall be provided with appropriate marker and inclusion in a town brochure identifying all sites so designated; now, therefore, be it

RESOLVED, that the Town Board hereby adds the Harmon Van Vranken House, 321 Riverview Road, Rexford, to the Town Register of Historic Places.

Historic Preservation Chair Kazmierczak reported members of commission visited the house and noted there are many historic features in the home.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 271 of 2014, a resolution appointing Sandra Pace to the Historic Preservation Commission.

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

WHEREAS, an opening exists for a member to the Historic Preservation Commission, and

WHEREAS, Sandra Pace, former member of the Historic Preservation Commission and liaison to the Planning Board, would like to rejoin the commission as an active member, and

WHEREAS, Sandra Pace's return to the Historic Preservation Commission would confer a benefit to the commission; now, therefore, be it

RESOLVED, that Sandra Pace, 57 Dorsman Drive, Clifton Park, is hereby appointed to the Historic Preservation Commission to serve at the pleasure of the Town Board.

Councilman Whalen said Ms. Pace was liaison from Planning Board to the Commission. He noted Mr. Kazmierczak is retiring from the chairman position and thanked him for his service.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 272 of 2014, a resolution authorizing Bast Hatfield Construction to make improvements to the southwest pond intake at Valencia Pond.

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

WHEREAS, the Clifton Knolls Park District requested that McDonald Engineering inspect the boards and bannisters at the southwest pond intake at Valencia Pond and submitted their findings to the Buildings and Grounds Supervisor, per Exhibit A, and

WHEREAS, Bast Hatfield was the original contractor that installed the Valencia Lane intake deck, and

WHEREAS, Bast Hatfield submitted a quote of \$6,211 for needed improvements to southwest pond intake at Valencia Pond, and

WHEREAS, the park district has voted to accept Bast Hatfield's quote for an amount not to exceed \$6,211 for improvements on the southwest pond intake at Valencia Pond; now, therefore, be it

RESOLVED, that the Town Board, as Commissioners of the Clifton Knolls Park District, hereby accepts the quote of Bast Hatfield, 1399 Vischer Ferry Road, for improvements to the southwest pond intake at Valencia Pond, for an amount not to exceed \$6,211, to be budgeted from SP3-7131-200, (Clifton Knolls PD-Capital Improvements) with a transfer of \$5,000, from SP3-7131-24 (Clifton Knolls PD-General Maintenance) to SP3-7131-200.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 273 of 2014, a resolution authorizing a penalty for late payment of Real Property Taxes.

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

WHEREAS, the Receiver of Taxes is responsible for the collection of Saratoga County real property taxes and special district taxes, and

WHEREAS, non-payment or late payment of real property tax bills result in additional administrative expenses associated with the collection of the tax, and

WHEREAS, Real Property Tax Law Section 987 (1) authorizes a municipality to attach a penalty of two dollars which shall be chargeable against tax parcels where taxes remain unpaid past certain annual deadlines to offset the cost to the Receiver of Taxes for mailing a notice of unpaid taxes to such property owners; now, therefore, be it

RESOLVED, that the Receiver of Taxes is authorized to mail a notice to the owner of any tax parcel for which taxes remain unpaid more than 31 days following the period during which taxes may be paid without interest, and no later than the 85th day after such expiration, and be it further

RESOLVED, that the notice shall state: “The taxes on your property have not been paid. If the taxes should have been paid through a real property tax escrow account, please immediately notify the holder of the account that the taxes have not yet been paid”, and be it further

RESOLVED, that authorization is provided to attach a fee of \$2 to each tax parcel within the Town of Clifton Park for which taxes remain unpaid more than 31 days after expiration of the period within which taxes may be paid without interest.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 274 of 2014, a resolution authorizing the Supervisor to sign a Payment Processing Service Agreement between Value Payments Systems, LLC, a Tennessee limited liability company (VPS), and the Town of Clifton Park, for electronic payment of real property taxes.

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

WHEREAS, VPS is in the business of providing internet, phone and point of sale based electronic payment services to public and private sector merchants, and

WHEREAS, the Town of Clifton Park desires to provide its taxpayers the option and opportunity to pay various “amounts due” to merchant through VPS as set forth under the terms and conditions of the attached agreement, and

WHEREAS, the convenience fees associated with the ability to pay taxes with credit and debit cards are as outlined in the attached schedule; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign a Payment Processing Service Agreement between Value Payments Systems, LLC and the Town of Clifton Park for electronic payment of real property taxes.

Supervisor Barrett noted other municipalities have used this company and they come highly recommended. He reported there will be hours at the Senior Center to accept payments. There is a convenience fee that will be publicized and the taxpayer will pay the fee.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 275 of 2014, a resolution donating two slots of ice time for the 2014 Clifton Park Youth Hockey Association (CPYHA) annual “Top Shelf Tournament” that will be held at the Clifton Park Ice Arena.

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

WHEREAS, the CPYHA will be hosting the “Top Shelf Tournament” December 5-7, 2014 at the Clifton Park Ice Arena, and

WHEREAS, the Clifton Park Youth Hockey Association is a non-profit organization dedicated to providing the best experience for our community’s youth playing the sport of ice hockey; emphasizing leadership, teamwork and good sportsmanship, and

WHEREAS, CPYHA has requested that the Town of Clifton Park donate two sheets of ice time to help offset the costs of hosting the tournament and allow CPYHA to offer a tremendous tournament experience as well as showcase the CPYHA program and the Clifton Park community, and

WHEREAS, at the Squirt Division, six teams of skaters nine to ten years of age are expected to participate in the tournament, and

WHEREAS, five teams in total will descend upon our area and will be staying at local hotels in Clifton Park, conferring a benefit to local businesses as well as to the community as a whole; now, therefore, be it

RESOLVED, that the Town of Clifton Park is authorized to donate two slots of ice time in support of the Clifton Park Youth Hockey Association hosting of the “Top Shelf Tournament” at the Clifton Park Ice Arena December 5-7, 2014.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 276 of 2014, a resolution reducing the speed limit to 40 mph on a stretch of Hatlee Road between Jonesville and Benedict Road to the north.

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

WHEREAS, Hatlee Road is a county road connecting Main Street in Jonesville with Benedict Road on the north, and

WHEREAS, posted speed limits vary between 30 MPH in Jonesville to 45 MPH to Benedict, which represents a large incremental increase, and

WHEREAS, the town has authority to establish and adjust speed limits on highways within the town pursuant to Section 1662- (a) of the Vehicle and Traffic Law, and

WHEREAS, the Town Board believes it to be in the best interest of the traveling public to reduce the speed limit to 40 MPH on the stretch of Hatlee Road between Jonesville and Benedict Road to the north; now, therefore, be it

RESOLVED, that the speed limit on the remainder of Hatlee Road be reduced from 45 mph to 40 mph; and be it further

RESOLVED, that a copy of this resolution be sent to the Saratoga County Commissioner of Public Works to install and maintain the appropriate signs.

Supervisor Barrett explained homeowners in the area have request the speed limit be lowered. Both Messrs. Scavo and Kukuk agree with the speed reduction.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 277 of 2014, a resolution authorizing the Town Supervisor to sign the attached Consulting Agreement and Contract Amendment in the amount of \$28,000 with MJ Engineering.

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

WHEREAS, by Resolution No. 19 of 2010, the Town Board authorized the retention of MJ Engineering to perform engineering services for the Crescent Road multi-use path, and

WHEREAS, MJ Engineering prepared acquisition mapping and land surveying services in connection with real property acquisitions necessary for construction of the multi-use path, and

WHEREAS, additional costs were incurred for proceedings under the Eminent Domain Procedures Act relative to certain real property rights necessary for the project, and

WHEREAS, additional costs for supplemental maps and outside legal services associated with the condemnation procedures totaled \$28,000, which 80%, or \$22,400 is reimbursable through the Federal Highway Administration after payment by the town in the first instance; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign the attached Consultant Agreement and Contract Amendment in the amount of \$28,000 with MJ Engineering; and be it further

RESOLVED, that the Comptroller is authorized to transfer \$28,000 from A-8150-15 (Interfund Transfer-Other) to H35 (Crescent Road-Capital Improvements).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 278 of 2014, a resolution approving Change Order No.1 to the Longkill Park District No. II Playground Equipment Improvements Project.

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

WHEREAS, by Resolution No. 250 of 2014, the Town Board awarded the bid for upgrades to playground equipment at George T. Smith Park to Pat Corsetti, Inc. as sole bidder, and

WHEREAS, the park district wishes to substitute certain equipment for the slides at the park for less expensive equipment, and

WHEREAS, Pat Corsetti, Inc., Mamaroneck, New York, has agreed to substitute certain benches for the slide equipment to be removed from the contract, and

WHEREAS, the substitution results in a net decrease in contract price of \$3,199.90; now, therefore, be it

RESOLVED, that Change Order No. 1 to Pat Corsetti, Inc., playground equipment supply and installation contract be approved, and be it further

RESOLVED, that decrease amount of \$3,199.90 is released from encumbrance in Capital Projects Fund H42.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Jim Baisley, Barkwood Lane, thanked the Town Board for placing the “Thank You Veterans” signs throughout town, noting these signs are a reminder not only to residents but to all who drive through town. He stated the importance of recognizing and thanking veterans.

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 8:10 p.m.

Patricia O’Donnell  
Town Clerk