

October 5, 2015

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 the September 14 and 21, 2015 meetings as presented.

**ROLL CALL VOTE**

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

Noes: None

Abstain: Councilman Whalen

**MOTION CARRIED**

**ANNOUNCEMENTS AND COMMUNICATIONS**

Supervisor Barrett thanked everyone for their support of Shredding Day, particularly 3N Document Destruction for offering this service free of charge, noting a good number of canned goods were received and will go to the Jonesville Food Pantry.

Councilwoman Walowit reviewed the Animal Adoption Event held on October 3<sup>rd</sup>, noting three families took dogs to foster and there was one dog and one cat adoption.

Councilwoman Standaert announced the first training session for Youth Court is scheduled for October 7<sup>th</sup>, signups are still being taken.

Town Clerk O'Donnell presented the 2016 Tentative Budget to the Town Board.

Supervisor Barrett reviewed the 2016 Tentative Budget stating there is no town general fund property tax, highway tax will increase to .239 per \$1000 of assessed value. He noted in 2000 the highway tax was .87. The Supervisor said there has been a sharp decrease in taxes in the EMS agreements. The position of Community Development Director has been eliminated with the retirement of Barbara McHugh and current projects have been distributed to other departments. The Supervisor doesn't see any major changes to the Tentative Budget. He continued the employee benefits line decreased by almost three percent in 2015 and will remain even for 2016. Supervisor Barrett reported the Highway CSEA Unit has a contract for 2016 but there is no contract with the Town Hall unit. The Supervisor stated everyone has two percent raise except for employees in the Town Hall CSEA Unit since there is no contract. There is funding in the budget for trail and infrastructure and equipment maintenance, as well as vehicles and to revamp the town's website. Bulk waste pickup is funded and scheduled for spring of 2016. RFPs will be sent out for a new website design.

PUBLIC HEARING, 7:05 (7:25) PM  
TO CONSIDER A LOCAL LAW AMENDING  
BUILDING PERMIT FEES

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on September 28, 2015.

Supervisor Barrett explained Director of Building and Zoning Myers did a comparison of Clifton Park and similar communities in the area and made some recommendations as to change.

The public hearing was opened for comments from the audience at 7:27 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 7:27 p.m.

Councilman Whalen asked if there have been any comments from builders in the area. Mr. Myers responded no.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 214 of 2015, a resolution approving the Health Reimbursement Arrangement Plan Agreement with CDPHP for September 1, 2015 through September 1, 2016.

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

WHEREAS, by Memorandum of Agreement dated July 14, 2011 with the town's Collective Bargaining Units, and by subsequent agreements effective September 1, 2011, the town entered into a high deductible HMO Health Plan for employees, retirees and their dependents, and

WHEREAS, each year since 2012 the town has signed subsequent agreements to renew the agreement with Capital District Physician's Health Plan (CDPHP) for the administration of the Health Reimbursement Arrangement on September 1<sup>st</sup> of each year, and

WHEREAS, the town wishes to renew the agreement with CDPHP for the administration of the Health Reimbursement Arrangement associated with the town's high deductible HMO Health Plan through September 1, 2016; now, therefore, be it

RESOLVED, that the attached Health Reimbursement Arrangement Plan document is hereby approved by the Town Board in the form presented, and be it further

RESOLVED, that the Supervisor is authorized to execute the attached Health Reimbursement Arrangement Plan document and related Administrative Agreements with CDPHP for the continuation of the Health Reimbursement Arrangement Plan, and be it further

RESOLVED, that the employer shall be the sponsor of the HRA and shall be the administrator of the HRA for purposes of ERISA, and be it further

RESOLVED, that the employer hereby appoints the administrative agent to assist it with the administration of the HRA and to perform all such non-discriminatory duties related thereto, and be it further

RESOLVED, that the administrative agent shall be instructed to take such actions that are deemed necessary and proper in order to implement the HRA and to set up adequate accounting and administrative procedures to provide benefits under the HRA; and be it further

RESOLVED, that the duly authorized agents of the employer shall act as soon as possible to notify the employees of the employer of the adoption of the HRA by delivering to each employee a copy of the summary description of the HRA in the form of the Summary Plan Description presented to this meeting, which form is approved.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 215 of 2015, a resolution authorizing the Assessor to re-levy the expense of repairs or maintenance against the land on which such building is located, as provided for in Section 77-12 of the Town Code.

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

WHEREAS, in February of 2012, the Town Board adopted Resolution No. 40 to respond to isolated incidents where the abandonment of properties or extended foreclosure process results in neglect to real property, and

WHEREAS, Section 77-12, of the Town Code, as amended, requires that record of costs and expenses incurred in providing such maintenance be reported to the Town Board no later than November 1<sup>st</sup> of each year, and

WHEREAS, the Code Enforcement Officer has reported the identification of (33) vacant, abandoned, or foreclosure properties meeting criteria outlined in Section 77-10, as amended, and

WHEREAS, maintenance performed by the Buildings and Grounds Department pursuant to Section 77 of the Town Code has been completed by the Department of Buildings and Grounds on all (33) properties at a cost of \$17,040, per the attached exhibit, and

WHEREAS, the code requires that the Town Board authorize the Assessor to re-levy the unpaid bills on affected properties for the 2016 tax roll to ensure re-payment to the town consistent with Resolution No. 40 of 2012; now, therefore, be it

RESOLVED, that the Town Board authorizes the Assessor to re-levy the unpaid bills on the respective properties as delineated on Attachment 1 to this resolution for the 2016 Town and County Tax bills; and be it further

RESOLVED, that all proceeds be returned in February to the Town of Clifton Park.

Supervisor Barrett explained the town maintains these properties so neighbors are not negatively affected. He further explained once ownership and where property is in the cycle of foreclosure and abandonment is determined, the town will perform minor maintenance. He reported seven properties were removed from the list, however, six were added. Part of the maintenance is to secure the property.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 216 of 2015, a resolution declaring an emergency pursuant to General Municipal Law Section 103 (4), and authorizing the transfer of Barney Road pool funds and payment to Clardon Swimming Pool Services, Inc. for repairs of damaged filtration system.

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

WHEREAS, on July 20, 2015 a failure in power delivery to the Barney Road pool house developed at the intersection of Barney Road and South Barney Road when a transformer breaker did not fully trip, delivering lower voltage power to the pump room, and

WHEREAS, the loss of three-phase power to the pool house caused the pool motors to work, underpowered, for several hours leading to their irreparable damage, and

WHEREAS, in a situation where the motors are not pumping water to the pool, the Barney Road pool had to be shut down, and

WHEREAS, General Municipal Law Section 103 (4) provides that the appropriate officers may award contracts to respond to emergency or unforeseen conditions affecting public property which cannot await competitive bidding, and

WHEREAS, Town Supervisor Philip Barrett determined the situation constituted an emergency under General Municipal Law Section 103 (4) and retained Clardon Swimming Pool Service, Inc. to remove damaged equipment, repair and replace the necessary piping and hardware, bringing the Barney Road pool back online, and

WHEREAS, the Town of Clifton Park's insurance company, Selective Insurance, was contacted and a claim was filed for the repairs and equipment losses, and

WHEREAS, Selective Insurance paid the claim in the amount of \$21,788.61 to cover costs incurred by the damage; now, therefore, be it

RESOLVED, that the Town Board determines that the failure and damage of the existing pumps at Barney Road pool house constitutes an emergency for procurement purposes under Section 103 (4) of General Municipal Law; and be it further

RESOLVED, that the Comptroller is authorized to increase Insurance Recoveries (A-2680), by \$21,789, and increase the Barney Road pool equipment line (A-7150-200) by the same amount, for payment to Clardon Swimming Pool Service, Inc., Schenectady, New York, for the emergency repair of the Barney Road pool pumps.

Supervisor Barrett reported the claim was paid in full.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 217 of 2015, a resolution authorizing the hiring of staff for the Clifton Park Action Park.

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

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

WHEREAS, Myla Kramer, Director of the Office of Parks, Recreation and Community Affairs, has recommended that Donovan Ryan, 14 Mallard Drive, REXFORD, be hired to fill the position; now, therefore, be it

RESOLVED, that authorization is hereby given to hire Donovan Ryan as attendant for the Clifton Park Action Park, effective retroactively from October 2, 2015 through November 5, 2015 at a salary of \$8.50 per hour from A-7200-E4000 (Action Park-Part Time Employee).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 218 of 2015, a resolution authorizing the Town Supervisor to sign a purchase agreement acquiring Parks and Recreation Management software from Business Automation Services, Inc.

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

WHEREAS, the Supervisor is authorized to enter into a contract with any accounting, engineering firm, professional services firm, or other professional consulting firm for the needs of the Town of Clifton Park, subject to legal review by the Town Attorney's office and as the Town Board may deem appropriate, and

WHEREAS, a registration system was created and initiated in 2006 by ICOM Tech Services of Clifton Park in order to establish a means of registering and scheduling for classes, sports, events, and memberships offered by the town's Parks and Recreation Department, and through its internet webpage, and,

WHEREAS, the current system relies heavily on manual upkeep and patches to maintain the registration system, and

WHEREAS, the number of programs, camps and classes offered by the Department of Parks and Recreation has grown, offering far more recreational opportunities, classes, sports leagues and events, as well as weekly and seasonal camps, and

WHEREAS, Business Automation Services, Inc. provides software and other services to the town's Receiver of Taxes and Town Clerk's offices, and has demonstrated the ability to provide user friendly applications, and

WHEREAS, Business Automation Services, Inc., of Clifton Park, has proposed a plan to reconstruct the Parks and Recreation Department's software registration systems, replacing and updating software registration for residents, improving user interface and creating a program in the Parks and Recreation Department which is compatible with the department's current internal operations, and

WHEREAS, these significant changes will greatly enhance the Parks and Recreation Department's daily operations, limit server malfunctions and enhance security without disrupting current programs or operations; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to enter into an agreement with Business Automation Services, Inc. of Clifton Park, acquiring software and professional services to institute a new registration system for the Parks and Recreation Department; and be it further

RESOLVED, that the comptroller is authorized to pay a down payment of \$7,000 from line A-7021-004 (Parks and Recreation –Computer) to be paid to Business Automation Services, Inc. for immediate services required to assess the needs for the program, and be it further

RESOLVED, that the remaining cost of the project shall be offset as budgeted in the 2016 Budget.

This program will be tailored to the needs of the Department of Parks, Recreation and Community Affairs.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Anton Salacker, Crestmont Drive, reiterated his request for sidewalk on the north side of Route 146 from the St. Peter's Medical facility to Northcrest Drive, a distance of approximately a half mile. He said a petition was submitted a year ago but no interest was shown by the Town Board. He was hoping this project could be part of the 2016 budget. He asked what else he can do to get the sidewalk moving and suggested the town set aside money each year in a "sidewalk trust fund". He asked Town Board members to walk on the north side of Route 146 and experience traffic and sprinklers. It is his understanding the Open Space Committee has recommended this project. Mr. Salacker asked how this project can be put on the agenda for a future Town Board meeting.. Supervisor Barrett said it is not true that the Town Board has no interest in the petition and he knows there is a great deal of support for it but this could be said about every neighborhood. Regarding a trust fund, the demand today for trails and sidewalks outstrips all of the resources for decades to come. He noted St. Peter's built the trail and in other instances developers have built sidewalks and trails. Mr. Salacker said this is in the western end of the Town Center Plan and the half mile would be a way for anyone to walk to anything on the north side. He asked how the Town Board sets priorities. Supervisor Barrett reported the trails have been through grants and by developers paying for them.

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 8:05 p.m.

Patricia O'Donnell  
Town Clerk