

December 7, 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
Richard Kukuk, Superintendent of Highways

MOTION BY Councilman Romano, seconded by Councilwoman Walowit, to approve the minutes of the November 9 and 16, 2015 meetings as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor reminded all of the December 9th Blood Drive and the Clifton Park Community Chorus concerts scheduled for December 13th and 20th.

**PUBLIC HEARING, 7:05 PM
TO CONSIDER A LOCAL LAW AMENDING SECTION 208-43.2 AND 208-37(B)
REMOVING BOARDINGHOUSES**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on November 30, 2015.

Supervisor Barrett summarized the proposed local law explaining this legislation will remove "boardinghouses" from the town code. He stated, as did Town Attorney McCarthy, that this is an outdated concept and not something suitable for zoning in the town.

The public hearing was opened for comments from the audience at 7:07 p.m.

Town Attorney McCarthy said currently this term is only used in Hamlet Mixed Use and Neighborhood Business in the town code.

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 7:08 pm.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 248 of 2015, a resolution authorizing the promotion of Diana Fraser in the Office of Parks, Recreation and Community Affairs as Assistant Director per Civil Service certification.

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

WHEREAS, Robin Dutcher has announced her intention to retire from a position in the Office of Parks, Recreation and Community Affairs, effective December 26, 2015, and

WHEREAS, an opening will exist for the position of Assistant Director of Parks, Recreation and Community Affairs, and

WHEREAS, the opening for the Assistant Director of Parks, Recreation and Community Affairs was posted on August 11, 2015, and

WHEREAS, Diana Fraser has been employed as a Program Director in the Town's Office of Parks, Recreation and Community Affairs since February 2008, and

WHEREAS, Diana Fraser successfully passed the Civil Service Exam for the position of Assistant Director, and has applied for the position, and

WHEREAS, after interviewing Diana Fraser, 28 Dunsbach Road, Halfmoon, and reviewing her qualifications, Supervisor Barrett has recommended that Diana Fraser fill the position of Assistant Director of Parks, Recreation and Community Affairs, and

WHEREAS, in the role as Assistant Director of Parks, Recreation and Community Affairs, Diana Fraser will be added to the list of employees authorized by the Procurement Policy and Procedures to approve purchase orders and vouchers on behalf of the Parks and Recreation Department; now, therefore, be it

RESOLVED, that the Clifton Park Town Board hereby authorizes the promotion of Diana Fraser, 28 Dunsbach Road, Halfmoon, to fill the position of Assistant Director at Grade 7, Step 4, year 1, (\$30.75/hour) effective December 28, 2015.

Supervisor Barrett stated Diana Fraser has been in the department for several years and is more than qualified to assume the duties of Assistant Director, noting it will be a seamless transition. He congratulated and wished Robin Dutcher well on her retirement.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 249 of 2015, a resolution authorizing the Supervisor to execute documents relating to the conveyance of an abandoned portion of Old Route 146 to Clifton Park Hotel Partners, LLC.

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

WHEREAS, pursuant to Resolution No. 116 of 2013, the Town Board of the Town of Clifton Park authorized the abandonment of a .64 acre triangular shaped right of way on Old

Route 146 under Section 205 of the New York State Highway Law as this portion of the roadway had not been travelled or used for more than six years, and

WHEREAS, the adjoining landowner, Paul Massaroni, had previously requested that the Town of Clifton Park convey the abandoned portion of the roadway to satisfy a condition of the site plan approval by the Clifton Park Planning Board for the proposed Courtyard Inn by Marriott which is currently under construction at the site, and

WHEREAS, Mr. Massaroni is now moving forward with the approved commercial construction and has since placed the lands consisting of the 629 Plank Road Plaza in the name of the Massaroni Enterprises Trust, in which he currently serves as Trustee, and

WHEREAS, the Massaroni Enterprises Trust has contracted to convey the 629 Plank Road Plaza land to Clifton Park Hotel Partners, LLC in order for this entity to construct a hotel on the site, and

WHEREAS, the Town now wishes to complete the transfer of the abandoned portion of the right of way of Old Route 146 to Clifton Park Hotel Partners, LLC, for such purposes as are incidental to the construction of the hotel thereto and for the benefit of the grantee; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute documents to effectuate the conveyance of land formerly part of Old Route 146, briefly described as follows:

<u>Parcel</u>	<u>Name of Owner</u>
Portion of Town Road to become a part of SBL 272.-1-3.1 .64 acres of land	Town of Clifton Park

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 proposed Quitclaim Deed, transfer forms, together with the related provisions of a title report, provisions for payment of any 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. 250 of 2015, a resolution hiring a substitute driver for the Town of Clifton Park Senior Van.

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

WHEREAS, a need exists for a substitute driver for the Senior Van, and

WHEREAS, Robert Brondi, 12 Ashley Drive, Ballston Lake, has been recommended to fill the position; now, therefore, be it

RESOLVED, that Robert Brondi, 12 Ashley Drive, Ballston Lake, be appointed to fill the position of substitute driver, for the Senior Van, at Grade 1, Step 3, to be paid from A6772-E2250 (Community Support-Senior Support-Sub Driver), effective immediately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 251 of 2015, a resolution authorizing Bridget Daniels to serve alcoholic beverages at a private birthday celebration to be held at Locust Lane Clubhouse on January 9, 2016.

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

WHEREAS, Bridget Daniels is hosting a 50th Birthday Celebration on January 9, 2016 from 6 - 9 P.M., with approximately 40 people in attendance, and

WHEREAS, Bridget Daniels has requested permission to serve alcohol in the form of beer and wine at the event, and

WHEREAS, it is the town's policy to require the using group to monitor the consumption of alcohol, be responsible for the group's activities and to provide the town with appropriate evidence of insurance to indemnify the town; now, therefore, be it

RESOLVED, that Ms. Daniels is hereby authorized to serve beer and wine at a birthday party at the Locust Lane Clubhouse on January 9, 2015 from 6 – 9 P.M. providing that she provide the town with a certificate of insurance in the amount of \$1,000,000, naming the Town of Clifton Park as an insured, so as to indemnify the town for any incidents which may result with the waiver of the “no alcohol” policy for the event.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 252 of 2015, a resolution re-adopting Local Law No. 12 of 2015 amending Section 103-13, 208-7, and 208-71 et seq., of the Town Code.

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

WHEREAS, on November 2, 2015, the Town Board held a public hearing to solicit public input on a proposal to adjust the application fees for Planned Development Districts under the Zoning Code, to update and modernize the application procedures and standardize the references to Planned Districts throughout the code, and

WHEREAS, on November 9, 2015, the Town Board passed Local Law No. 12 of 2015, a local law amending Sections 103-13, 208-7, and 208-71 et seq., of the Town Code, and to eliminate references to the former “Planned Unit Development District” throughout the code, and

WHEREAS, the Saratoga County Planning Board had not completed its review of the proposed changes as of November 9, 2015, and

WHEREAS, the County has subsequently completed its review and has no objections to the town’s proposed amendments to the zoning code to clarify the fee structure, update the application procedures for Planned Development Districts, and to standardize all references to Planned Development Districts throughout the code, and

WHEREAS, the Town Board wishes to re-adopt the changes, consistent with the November 2, 2015 Public Hearing, to reflect the positive recommendation of the Saratoga County Planning Board; now therefore be it

RESOLVED, that the Town Board hereby re-adopts Local Law No. 12 of 2015, a local law amending Sections 103-13, 208-7, and 208-71 et seq., of the Town Code, and to eliminate references to the former “Planned Unit Development District” and to standardize all references to Planned Development Districts throughout the code and be it further

RESOLVED, that the Town Clerk is directed to 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. 253 of 2015, a resolution accepting the bids for equipment declared surplus by the Town Board and sold at public auction.

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

WHEREAS, the Clifton Park Town Board adopted Resolutions No. 195, 224 and 230 of 2015 authorizing the sale of equipment declared surplus by the Town Board and authorizing the Highway Department to list the surplus equipment through Auctions International, an online public auction site, on behalf of the Safety and Security Department, Clifton Park Sewer District #1, and the Clifton Knolls Leaf District, and

WHEREAS, the public auction closed on Friday, December 4th, 2015, with proceeds from the auction totaling \$10,363.11; now, therefore, be it

RESOLVED, that the Clifton Park Town Board accepts the bids for the equipment declared surplus, per the attached printout of winning bids; and be it further

RESOLVED, that the proceeds from the live auction be deposited according to the following schedule:

Department	Fund		Winning Bid
Clifton Knolls Leaf District	SR	6 items	\$ 6047.00
Clifton Park Sewer District #1	G7	1 item	\$ 321.11
Safety & Security	A	3 items	\$ 3995.00
		TOTAL	\$ 10,363.11

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 254 of 2015, a resolution appointing Philip Barrett as a marriage officer in the Town of Clifton Park.

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

WHEREAS, Philip Barrett, Supervisor of the Town of Clifton Park, wishes to serve as a marriage officer pursuant to New York State Domestic Relations Law Section 11-c; now, therefore, be it

RESOLVED, that Philip Barrett is hereby appointed as a marriage officer in the Town of Clifton Park pursuant to New York State Domestic Relations Law Section 11-c for a term to expire December 31, 2017, at no salary.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Sandy Roth, Sweet Briar Drive, updated the Board on the Household Hazardous Waste Day with a financial comparison of 2015 to 2014. He reported latex paint was taken in 2014 at a cost of \$11,400, in 2015 the cost was \$750. He said in 2014 the state reimbursement was \$12,753 compared to \$15,809 in 2015. Mr. Roth explained even though there were less people this year, the amount discarded was almost the same as 2014. He said the contract calls for five percent increase every year and since waste day will be every other year the company is considering an increase of between seven and eight percent in 2017. DEC no longer reimburses for used oil, smoke detectors and batteries. He said 7 out of 9 ECC members volunteered on Hazardous Waste Day.

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 7:35 p.m.

Patricia O'Donnell
Town Clerk