

December 14, 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
 John Scavo, Director of Planning

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett reminded all of the Clifton Park Community Chorus concert to be held December 20th at 3 p.m. at Shenendehowa Methodist Church.

Supervisor Barrett reviewed the resolution on the agenda this evening regarding the town's proposal to institute a "bed/occupancy tax" for hotels and motels. He explained this tax will be 1.5 percent which is much less than any other municipality in the town's peer group. The town will partner with the expertise of the Chamber of Southern Saratoga. The Supervisor said he has met with hotel owners and they want to foster a mentoring program in hospitality. This tax will bolster the economic viability of the town while preserving and enhancing business opportunities to ensure future success for the hospitality sector. The Supervisor said a Clifton Park Hospitality Committee will be created and will build on meetings held in recent months. At this date there are 710 hotel rooms in town and by 2017 there will be close to 1000. The Chamber will have dedicated staff working with the hospitality sector each and every day. Supervisor Barrett stated there will be no expense to town government nor any new public sector jobs and there will be no fees or membership charges for the various business within the hospitality sector. The town will collect and manage disbursement of funds through an annual plan and by December 1st of each year put together a budget working with the chamber and members of the committee for the following year. The Supervisor noted the hospitality customer base consists of three segments - business travel, sports, and families. Funds will be directed into a geographical area that comprises the hospitality sector. A Hotel District will be created encompassing the Exit 9 commerce area and money from occupancy tax can only be spent in that area.

Pete Bardunias, President of the Chamber of Southern Saratoga County, commended the town for all it offers and for promoting the town through the hospitality tax. Since the Chamber doesn't have a dedicated budget to promote the town of Clifton Park, the town will establish a funding mechanism and commission the chamber to go out and bring in more people to do things in our community.

Supervisor Barrett reported any timber harvesting to occur at Kinns Road Park has been postponed and conversations continue with the county for alternatives. He said an agreement is expected the near future that will benefit all parties and will be a good course for the future regarding the maintenance of Kinns Road Park.

PRESENTATION TO THE BOARD

Eagle Scout Candidate Chris Bell, Troop 45, presented his Dwaas Kill Eagle Scout project with the project goals of improving public access to Dwaas Kill Nature Preserve and promote public awareness and use of town's open spaces. He explained this was a six part project that took one

year to complete. He raised \$1300, with 22 volunteers resulting in 150 hours of work. Chris thanked Open Space Coordinator Jennifer Viggiani and Communications and Technology Director Dahn Bull for their guidance and support.

PUBLIC PRIVILEGE ON RESOLUTIONS

Statement from the floor regarding the proposed occupancy tax, that the Chamber has been promoting the town for years and why would the town be paying them now. Supervisor Barrett responded the Chamber has been advocating for their members and promoting business within the town. Chamber President Bardunias also responded businesses have been promoted but there are no tourism directed funds and now the tax funds will be directed to promoting Clifton Park. Supervisor Barrett said the ripple effect from the hospitality sector will be tremendous. He said the Chamber will continue to work with the hospitality sector and all the businesses in Clifton Park but this initiative will not be executed by the Chamber with the same amount assets of today. Additional resources are needed for a successful program, noting the funding that is coming from hospitality industry. The Chamber will be hiring additional personnel dedicated to Clifton Park hospitality industry.

Councilman Romano explained only a portion of the tax receipts will be going to the Chamber.

Supervisor Barrett stated the county will have nothing to do with the hospitality tax. This is a Clifton Park program.

Resolution No. 255 of 2015, a resolution pursuant to Article IX of the New York State Constitution sending a Home Rule message in Support of Legislation authorizing the collection of an occupancy tax on hotel and motel rooms within the town.

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

WHEREAS, in the 1990's the Exit 9 Commerce Area in the Town of Clifton Park steadily became home to many empty buildings and retail space in various commercial properties were vacant, and

WHEREAS, Since 2001, the Town of Clifton Park, through cooperation between government leaders and the private sector, has experienced a tremendous revitalization of the Exit 9 Commerce Area and Route 9 north of Route 146, that has included significant investments in retail, healthcare and hospitality, and

WHEREAS, the successful redevelopment efforts have assisted the town in a large expansion of Clifton Park's parks and trail systems, provided services close to home, expanded the tax base, provided job opportunities and generated a great deal of revenue for the town, county and New York State, and

WHEREAS, based on this recent history of forging successful partnerships, the Town Board will be building on that success by fostering a new initiative to support the hospitality sector of the town's economy, and

WHEREAS, the Town of Clifton Park will be establishing a Hospitality Committee in early 2016 comprised of members representing the hospitality sector of the town's economy, town government, New York State government and the Chamber of Southern Saratoga County, and

WHEREAS, the Hospitality Committee will be a cooperative effort to assist the hospitality sector with attracting clients, fostering employment opportunities and establishing mentoring programs for future leaders in the industry and any other issues of importance to the hospitality sector, and

WHEREAS, the town will establish a Hotel District that will be a defined geographical area that will encompass all of the hotels that are operating or under construction, and

WHEREAS, the area known as the Hotel District will be the sole focus of the effort and investment of funds, and

WHEREAS, to maximize efficiencies and leverage expertise available within the Town of Clifton Park, the Town Board will be establishing a partnership with the Chamber of Southern Saratoga County, and

WHEREAS, the Town Board wishes to establish a partnership with the Chamber of Southern Saratoga County to fund dedicated staff and internet presence to promote the hospitality sector, local sports venues and identify synergies with tourism destinations within the greater Saratoga County and central New York regions, and

WHEREAS, the town has completed comprehensive planning studies for the Exit 9 area, and has implemented innovative zoning laws to stimulate new investment and further redevelopment in the Exit 9 area, which have identified the need for new infrastructure in the areas of public safety including transportation enhancements and environmental protection within the greater Exit 9 commerce area, and

WHEREAS, the Town Board intends to identify a Hotel District surrounding existing hotel projects, including new construction, and wishes to establish a revenue stream to fund promotional partnerships with the Chamber of Southern Saratoga County and to provide for public safety and related enhancements within the broader area surrounding new construction in hospitality, healthcare and retail growth within the town; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park herein requests that the New York State Legislature enact legislation proposed, as attached, to authorize the town to collect a 1.5% occupancy tax on hotel and motel rooms within the town, for the purposes stated; and be it further

RESOLVED, that copies of this resolution be forwarded to Assemblyman James Tedisco and New York State Senator Hugh Farley forthwith and that the Town Supervisor is authorized to prepare and execute on behalf of the town any legal instruments necessary for this matter to be presented before the New York State Legislature.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 256 of 2015, a resolution authorizing Judge Robert Rybak, Court Clerks Laura Davidson and Charlene Marra to attend the Association of Town's meeting.

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

WHEREAS, the state requires all Town Judges to attend a training session on a yearly basis, and

WHEREAS, Court Clerks must continue to refresh their skills and be aware of changes in state law and regulations, and

WHEREAS, the Office of Court Administration provides the necessary training for both Judges and Court Clerks at the annual meeting of the Association of Towns held in New York City from February 14-17, 2016, and attendance at these meetings would provide a public benefit to the town; now, therefore, be it

RESOLVED, that Judge Robert Rybak, Court Clerks Laura Davidson and Charlene Marra are hereby authorized to attend the New York State Association of Towns annual meeting

in New York City from February 14-17, 2016, to be paid from A1110-001 (Training & Conferences); and be it further

RESOLVED, that meals and other incidentals be paid per the stated 2016 per diem.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 257 of 2015, a resolution authorizing Richard Kukuk, Superintendent of Highways, to purchase an Erskine Skid Steer Snow Blower for use by the Highway Department.

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

WHEREAS, by Resolution No. 262 of 2013, the Town Board authorized the purchase of a WL30 Wheel Loader with Snow Blower manufactured by Wacker-Neuson, after public bidding, and

WHEREAS, the Highway Department has made a warranty claim relative to the equipment, which did not perform according to specifications, and

WHEREAS, the Superintendent of Highways received a quote from Admar Supply, the original supplier of the equipment, for an upgraded Erskine Snow Blower with trade-in credit of \$41,000 for the 2013 purchase; now, therefore, be it

RESOLVED, the Superintendent of Highways is hereby authorized to accept the quote of ADMAR Supply for the Erskine ES2010 Skid Steer Snow Blower with hydraulic auger and control valves in the amount of \$16,230 after trade-in credit with the funds to come from DA-5130-213 (Vehicle Equipment Line) as budgeted.

Superintendent of Highways Kukuk reported the equipment purchased two years ago was inadequate, particularly with last year's snows. He said a liberal trade-in allowance allowed an upgrade to a larger model and more powerful snow blower.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 258 of 2015, a resolution authorizing the implementation, and funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore.

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

WHEREAS, a Project, Crescent Road Bike and Pedestrian Improvements and two (2) SPOT Improvements, P.I.N. 1757.36 ("the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds, and

WHEREAS, the Town of Clifton Park desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of design, and ROW Acquisition/Incidentals, and Construction/CT;

NOW, THEREFORE, the Town of Clifton Park Town Board duly convened, does hereby

RESOLVE, that the Town of Clifton Park Town Board hereby approves the above-subject project, and it is hereby further

RESOLVED, that the Town of Clifton Park Town Board, hereby authorizes the Town of Clifton Park to pay in the first instance 100% of the federal and non-federal share of the cost of Design and ROW Acquisition/Incidentals and Construction/CI work for the project or portions thereof, and it is further

RESOLVED, that the sum of \$368,400 has already been appropriated from the General Fund by Resolution No. 88 of 2010 (\$154,000), and by Resolution No. 167 of 2013 (\$43,400) and made available to cover the cost of participation in the above phase of the Project, and it is further

RESOLVED, that the additional sum of \$2,179,000 has been appropriated from Resolution No. 166 of 2014 (\$137,000 Engineering) and, appropriated pursuant to General Municipal Law Section 103 by Resolution No. 210 of 2015 (\$2,042,000 for construction contract for James H. Maloy, Inc.) and made available to cover the cost of participation in the above phase of the Project, and it is further

RESOLVED, that in the event of the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Town Board of the Town of Clifton Park shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Town Supervisor of the Town of Clifton Park be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Town of Clifton Park with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution is filed with the New York State Commissioner of Transportation by attaching to it any necessary agreement in connection with the Project; and it is further

RESOLVED, this resolution shall take effect immediately.

Director of Planning Scavo this acknowledges the fact that 80 percent of federal share will be spent with the town's and state's money committed up front.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 259 of 2015, a resolution authorizing the Supervisor to submit a grant application to the Capital District Transportation Committee (CDTC) Linkage Program.

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

WHEREAS, the Town of Clifton Park desires to develop a grant application to evaluate development of comprehensive planning for the Crescent Road Corridor that establishes a multi-modal approach to providing for future transportation needs, and

WHEREAS, the proposed study will involve a community-based evaluation to determine how best to meet the needs of current and future users, and to establish a long-term plan to guide evolution of the corridor that balances existing land use and future transportation needs, and

WHEREAS, planning for future transportation needs requires objective data regarding existing travel demand characteristics, current and projected land use and the identification of activity centers, employment patterns and related uses, and

WHEREAS, the CDTC Linkage Program provides an established vehicle for the assessment of transportation improvement alternatives in context of the future vision for the corridor; now, therefore, be it

RESOLVED, that the Town Board authorizes the Supervisor to work with planning staff to develop a final scope of work and fee schedule to submit an application to CDTC for Linkage Grant Program funding assistance for the 2016-2017 funding cycle.

Director of Planning Scavo explained the corridor was designed in 1984-85, as was the signal technology. With the study there should be solutions for signal retiming integration and projects done to improve traffic safety and mobility. There will be interactive signage for alternate routes when needed.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 260 of 2015, a resolution authorizing the purchase of a 2016 Dodge Grand Caravan SXT from Mobility Works, 1615 Central Avenue, Albany, NY and to authorize a transfer from unassigned funds.

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

WHEREAS, the town's Senior Express van service provides transportation to eligible seniors over 50 years of age, including transportation to medical appointments both within the town and to Albany and regional hospital areas, and

WHEREAS, the town does not currently have adequate capabilities to transport handicapped individuals efficiently with existing equipment, and

WHEREAS, the County of Saratoga has provided grant funding to offset 50% of the cost of a new van with handicap accessibility, and

WHEREAS, Mobility Works, Central Avenue, Albany, New York, provides a retrofitted Dodge Caravan with Braunability Wheelchair Vans which offers a cost efficient method of transportation, making out of town transportation to hospitals and outside medical appointments for handicapped individuals more efficient than the town's current bus and van vehicles, and

WHEREAS, the Comptroller and Town Attorney recommend the selection of the Mobility Works/Braunability Line as a sole source for the retrofitting and any necessary service and maintenance for the region; now, therefore, be it

RESOLVED, that the Clifton Park Town Board hereby authorizes the purchase of a model year 2016 Dodge Caravan SXT with BraunAbility XT features including power side ramp, from Mobility Works, 1615 Central Avenue, Albany, New York, as described in the attached documents, at a cost not to exceed \$55,030, to be paid from A-6772-200 (Senior Van - Equipment); and be it further

RESOLVED, that account A-1280 (County Government Grant) shall be increased by \$27,515, and that the Unassigned Fund balance shall be transferred from A-909 (Fund Balance) for \$27,515 to A-6772-200 (Senior Van-Equipment).

Supervisor Barrett noted there is also a \$1000 rebate.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 261 of 2015, a resolution adopting Local Law No. 14 of 2015 amending Sections 208-43.2 and 208-37 (B) of the Zoning Code to eliminate Boardinghouse as an allowed use in the Hamlet Mixed Use and B-3 Neighborhood Business Zones.

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

WHEREAS, on December 7, 2015, the Town Board held a public hearing to solicit public input on a proposal to remove the term "Boardinghouse" as an allowed use from sections of the Zoning Code, and

WHEREAS, the Town Board has updated the zoning code to provide for multi-family residential uses within the Town Center Zones, and

WHEREAS, neighborhoods within the Neighborhood Business Zone (B-3) and Hamlet Mixed Use Zones continue to evolve, and

WHEREAS, John Scavo, Planning Director, has recommended that Boardinghouses be deleted from the list of allowed uses within both the Neighborhood Business (B-3) and Hamlet Mixed Use Zoning codes to avoid incompatible uses within those neighborhoods within the town; now, therefore, be it

RESOLVED, the Town Board hereby adopts Local Law No. 14 of 2015 amending Sections 208-43.2 and 208-37 (B) of the Zoning Code to eliminate Boardinghouses as an allowed use in the Hamlet Mixed Use and Neighborhood Business (B-3) Zones..

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 262 of 2015, a resolution establishing the position of a Temporary Seasonal Highway employee to assist in reporting to snow emergencies.

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

WHEREAS, the Highway Department has experienced a retirement and long term medical leave among the MEO staff capable of operating the town's plow trucks, and

WHEREAS, the Town Board wishes to provide immediate, short term capacity for the Highway Department to respond to snow emergencies during the 2015-2016 winter season, and

WHEREAS, additional capacity can be obtained in the near term through the establishment of a seasonal MEO position; now, therefore, be it

RESOLVED, that the position of Temporary Seasonal MEO is hereby established, effective immediately through April 15, 2016.

Supervisor Barrett congratulated Russ Speanburg, a highway employee for 40 years, on his retirement. This temporary position is an on-call only basis when weather event or emergencies occur and only after all union personnel have been called in.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 263 of 2015, a resolution hiring a part-time clerk for the Highway Department.

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

WHEREAS, a vacancy exists for a part-time clerk in the Highway Department, and

WHEREAS, Ellenmarie Martin, 5 North Pointe, Apartment 2 South, Clifton Park, has been recommended to fill this position; now, therefore, be it

RESOLVED, that Ellenmarie Martin, 5 North Pointe, Apartment 2 South, Clifton Park, be appointed to fill the position of part-time clerk in the Highway Department, at Grade 4, Step 1, Year 1, to be paid from A-05010-E4000 (Highway Administrative – Part Time Employee) effective immediately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

No one wished to be heard.

12/14/2015

MOTION BY Supervisor Barrett, seconded by Councilwoman Walowit, to move into Executive Session to discuss public safety. Motion unanimously carried at 8:30 p.m.

Returned to regular meeting at 8:39 p.m.

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 8:40 p.m.

Patricia O'Donnell
Town Clerk