

September 5, 2017

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: Supervisor Barrett
Councilman Whalen
Councilwoman Standaert
Councilman Romano
Councilwoman Walowit
Town Clerk O'Donnell

Also Present: Town Attorney McCarthy
Dahn S. Bull, Superintendent of Highways
Mark Heggen, Comptroller
Michael O'Brien, Collection System Manager
John Scavo, Director of Planning
Matthew Andrus, Information Specialist

MOTION BY Councilman Romano, seconded by Councilwomen Walowit, to approve the minutes of the August 21, 2017 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 reminded residents of Hazardous Waste Day on September 9th, Farm Fest on September 15 and 16 and Shredding Day on October 1st.

PRESENTATION

Members of the Clifton Park VFW Post 1498 presented the flag of the Town of Clifton Park that was flown over the Post of 1st Apache Co., 2/87th Infantry Regiment, 10th Mountain Division, Helmand, Afghanistan on the 31st of August 2016 and signed by members of the Company.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 215 of 2017, a resolution to authorize a professional services agreement for engineering, design and planning services relative to potential zoning amendments to the Form Based Town Center Zoning Code and to transfer \$10,000 from Contingency.

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

WHEREAS, the Town Board wishes to explore the feasibility and authorize professional services for engineering, design and planning to prepare Form Based zoning code amendments,

subject to approval, for an area east of Interstate 87 included in the original Town Center Plan Study Area, and

WHEREAS, currently there are sufficient funds in the Town's Contingency Account to make a transfer of \$10,000 to meet the needs of this study, and

WHEREAS, the engineering studies will provide details for the project, including organizing working group and stakeholder meetings, revisions to the study area boundary and schedule, proposed changes to Tables of Allowable Uses, and other Form Based Code Documents and draft materials to comply with SEQRA; now, therefore, be it

RESOLVED, that the Comptroller is authorized to make a transfer from Contingency in the amount of \$10,000 to A-1440-135 (Engineering-Engineering), and be it further

RESOLVED, that the Town Board authorizes the Supervisor to sign the agreement for the scope of services with M. J. Engineering and Land Surveying, P.C., for an amount not to exceed \$22,700 from A-1440-135(Engineering-Engineering).

Director of Planning Scavo stated there has been a very good investments on the western side of I87 and it is time to look at the eastern side. Supervisor Barrett reported there will be a comprehensive public planning process and he would like to get this going as soon as possible.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 216 of 2017, a resolution authorizing the installation of a street light at the entrance to the Longkill Subdivision also known as Kain Preserve, at the intersection of Kain Terrace and Longkill Road.

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

WHEREAS, the Longkill Subdivision was approved by resolution by the Clifton Park Planning Board on July 10, 2007 per the approved subdivision plan, titled, "Longkill Subdivision", and

WHEREAS, Section 179-78A of the Town Code requires that owners and developers provide appropriate street lighting at intersections of proposed streets with existing arterial streets in accordance with an Illuminations Engineering Society, NMPC, and NYSEG standards, and

WHEREAS, the installation of the street light is warranted at this time; now, therefore, be it

RESOLVED, that authorization is hereby granted for the installation of a street light at the entrance to the Longkill Subdivision, at the intersection of Kain Terrace and Longkill Road; and be it further

RESOLVED, that said street light shall be charged to the Clifton Park Lighting District No. 1 and that a copy of this authorization shall be forwarded to the National Grid utility company.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 217 of 2017, a resolution authorizing the Animal Control Officer to attend the Effective Animal Cruelty Investigations and Prosecutions in New York State, Oneida County, taught by the New York State Division of Criminal Justice Service (DCJS), Office of Public Safety, in partnership with the Mohawk Valley Police Academy and the ASPCA.

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

WHEREAS, Teresa Cook, Animal Control Officer, has requested authorization to attend the New York State DCJS Training Course in Utica, N.Y. from September 11 – 12, 2017, and

WHEREAS, this course, the most comprehensive Animal Cruelty Investigation Course ever offered by DCJS, covers effective animal cruelty investigations and prosecutions and Teresa Cook's attendance at this training course would provide a benefit to the Town of Clifton Park as the Animal Control Officer; now, therefore, be it

RESOLVED, that Teresa Cook, Animal Control Officer, is hereby authorized to attend the Effective Animal Cruelty Investigations and Prosecutions in New York State – DCJS, Office of Public Safety, in partnership with the Mohawk Valley Police Academy and the ASPCA Training Course in Utica, N.Y. from September 11 – 12, 2017 at a cost not to exceed \$300 from A-2268-00001 (Animal Control-Travel & Conferences).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 218 of 2017, a resolution appointing Linda DiCaprio and James Mahon as members of the Ethics Board.

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

WHEREAS, two vacancies exist on the Ethics Board, and

WHEREAS, both terms will expire December 31, 2018, and

WHEREAS, Supervisor Barrett recommends that Linda DiCaprio, 7 Blueberry Lane, Clifton Park and James Mahon, 1 Woodstock Drive, Clifton Park, be appointed as members of the Ethics Board to fill the unexpired terms; now, therefore, be it

RESOLVED, that Linda DiCaprio and James Mahon are hereby appointed to the Clifton Park Ethics Board, terms to expire December 31, 2018.

Supervisor Barrett noted vacancies exist due to the passing of Bill Pomeroy, longtime chairman of the Ethics Committee and the resignation of Mark Goldstein.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 219 of 2017, a resolution authorizing Change Order No. 1 to Contract No. 2 for the Town of Clifton Park Sewer District No. 1 Sanitary Replacement Project Asbestos Containing Material (ACM) Abatement Monitoring.

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

WHEREAS, on September 19, 2016, the contract for ACM Abatement Monitoring work was awarded by Resolution No. 225 of 2016, to Professional Service Industries, Schenectady, New York, in the amount of \$12,540, and

WHEREAS, the project incurred additional costs in order to comply with Department of Labor variance preparation, and

WHEREAS, McDonald Engineering has verified all costs listed in the invoices for an additional amount of \$996; now, therefore, be it

RESOLVED, that the Town Board hereby accepts Change Order No. 1 to increase the contract by \$996 to be paid from H46-8111-200 (Clifton Park Sewer Dist. #1-Sewer Contractual-Equipment).

Collection System Manager O'Brien stated this was outside the scope of the original contract and after a routine inspection, the Department of Labor felt the condition of the pipe required a change on what should be done.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 220 of 2017, a resolution authorizing Change Order No. 1 for a Bio Maintenance Program for three of the Clifton Knolls ponds.

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

WHEREAS, Resolution No. 116 of 2017 authorized the contract for water quality improvement applications of the three town owned ponds in Clifton Knolls to Burden Aquatics Inc., and

WHEREAS, Scott Reese, Stormwater Management Technician, has recommended that additional bio maintenance treatments be performed in addition to existing contract; now, therefore, be it

RESOLVED, that Change Order No. 1 of the contract with Burden Aquatics Inc., to perform professional services relating to water quality improvement for the Clifton Knolls ponds, is hereby authorized for an increase amount not to exceed \$6,400 with \$4,800 to be transferred from SP3-7131-024 (Clifton Knolls Park District-Contractual-General Maintenance) for the three

Clifton Knolls Ponds and \$1,600 to be transferred from A-7190-24 (General fund-Golf Course-General Maintenance) for the Barney Road Golf Course Pond; and be it further

RESOLVED, that Town Supervisor Phillip Barrett is authorized to sign the contract.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 221 of 2017, a resolution accepting the conveyance of a portion of roadways and a stormwater management parcel within the Fairway Woods Subdivision Phase 3 and Phase 4, subject to easements retained for driveway access.

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

WHEREAS, as a condition of approval for the Fairway Woods Phase 3 Subdivision signed on July 12, 2007 and Fairway Woods Phase 4 Subdivision signed on January 31, 2010, the Town Planning Board required that the applicant convey lands to the town 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 portion of roadways and a stormwater management parcel from Massullo Brothers Builders, Inc., briefly described as follows:

- Portion of Tipperary Way
SBL: 258.20-3-99
- Portion of Fairleigh Way
SBL: 258.20-3-99
- Stormwater Management Parcel
SBL: 258.16-2-17

And, be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt of an approval by the Town Attorney of all necessary documents including review of the recorded deed in the Saratoga County Clerk's office, metes and bounds description of the conveyance and retained easements, provision of title report, provisions for payment of all taxes, recording fees and assessments which are acceptable to the Town Attorney; and be it further

RESOLVED, that there be appended to the within resolution a copy of the recorded conveyance as 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. 222 of 2017, a resolution accepting an application for inclusion in the Conservation Easement Historic Preservation program of a house located at 349 Vischer Ferry Road, Town of Clifton Park.

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

WHEREAS, a public hearing was held on August 21, 2017 to allow the Town Board to receive public comment regarding an application for a Conservation Easement for inclusion of a house at 349 Vischer Ferry Road into the Conservation Easement Historic 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 house located at 349 Vischer Ferry Road, Clifton Park, owned by Priscilla Kelly (SBL:277.-1-17), and known as the Shopmyer House, is hereby accepted and is granted a 15 year conservation easement in accordance with the attached application, pursuant to Chapter 125 of the Town Code.

Councilman Whalen noted this house is on the town's Historic Register. He thanked members of the Historic Preservation Commission for their dedication to the Commission's work.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 223 of 2017, a resolution authorizing the establishment of the Vischer's Landing Park District.

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

WHEREAS, the Town Board of the Town of Clifton Park (the "Town") proposes to undertake the formation of a park district for the Vischer's Landing Subdivision to the East of Vischer Ferry Road, between Greenlea Drive and Redfield Park, as described in the Map, Plan and Report prepared by the town's Planning staff, which is on file in the Town Clerk's office, and

WHEREAS, the maximum annual cost of the services to be performed by the park district in the first year is \$3,000, and

WHEREAS, the annual costs of the park district to the typical property within the district is \$150, which will be financed through ad valorem assessments upon each of the properties listed on Exhibit A (attached), and

WHEREAS, the Town Board held a public hearing on August 21, 2017 to hear all persons interested in the project, at Town of Clifton Park Town Hall, One Town Hall Plaza, Clifton Park, New York;

NOW, THEREFORE, the Town Board of the Town of Clifton Park hereby determines that:

1. The notice of hearing was published and posted as required by law, and is otherwise sufficient.

2. All the property and property owners within the proposed district are benefited thereby.
3. All the property and property owners benefited are included within the limits of the proposed district.
4. The establishment of this district is in the public interest.

IT IS FURTHER DETERMINED AND RESOLVED that the Map, Plan and Report prepared by town Planning staff dated August 7, 2017 be adopted, and it is further

RESOLVED, that the Town Board hereby approves the establishment of the Vischer's Landing Park District as the boundaries identified within the adopted Map, Plan and Report, and approves of the expenditures for maintenance and services as outlined within the report, as may be amended from time to time by the park district through the annual budget process, to be offset by assessments on the property benefited, such assessments and charges to be assessed, levied and collected in the same manner as all other charges against the district, and consistent with the engineering Map, Plan and Report as adopted.

Supervisor Barrett noted the response from the residents of Vischer's Landing has been positive.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 224 of 2017, a resolution authorizing the Town Supervisor to file commitment documents with Saratoga County for collection of the town's share of the 2018 sales tax revenues.

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

WHEREAS, the Town of Clifton Park is required to file commitment papers regarding the collection of sales tax revenue for 2018; now, therefore, be it

RESOLVED, that the Clifton Park Town Board hereby authorizes the collection of sales tax revenue, to be paid in cash for 2018, from Saratoga County; and be it further

RESOLVED, that the Town Supervisor is hereby authorized to file the appropriate documents of commitment with Saratoga County.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 225 of 2017, a resolution scheduling a public hearing to consider a license to maintain encroachment on a portion the highway right-of-way of the intersection of Blue Barns Road and Bradt Road in Clifton Park.

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

WHEREAS, Simeon Slovacek has requested a license to allow a 100+ year old barn to maintain its encroachment in the town right-of-way for property at 82 Bradt Road at its intersection with Blue Barns Road, Clifton Park (SBL:263.-1-40), and

WHEREAS, New York State Law 130 (7)(G) provides authority for the Town Board to consider a request for a revocable license to maintain the encroachment of an existing structure within the right-of-way of public streets otherwise reserved for highway purposes, and

WHEREAS, Simeon Slovacek wishes to apply for a building permit to construct improvements and upgrades to the structure including the construction of restroom and shower facilities, and

WHEREAS, the Town Board wishes to invite public comment and input from interested parties concerning the application for a license to maintain encroachment on the highway right-of-way pursuant to NYSTL 130 (7)(G); now, therefore, be it

RESOLVED, that a public hearing is scheduled for September 18, 2017 at 7:05 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York to consider the property owned by Simeon Slovacek for a revocable license to maintain encroachment on the town right-of-way, and be it further

RESOLVED, that the property owner give notice to all adjacent property owners and other entities as provided on in advance of the public hearing and submit receipts of mailing to the Town Clerk's office prior to the date of the public hearing; and be it further

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

Supervisor Barrett reported he has spoken with a representative of the owners. The Supervisor explained approval by the Town Board would allow the owners to complete the upgrade desired and he doesn't see where the building affects the highway. It was noted the barn is 135-140 years old.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Beverly Czub, Miller Road, alerted the Town Board to the dog excrement being left on the parking lot and lawn areas of the Senior Center.

MOTION by Councilwoman Walowit, seconded by 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 7:50 p.m.

Patricia O'Donnell
Town Clerk