

December 10, 2018

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.

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

Also Present: Town Attorney McCarthy  
Mark Heggen, Comptroller  
John Scavo, Director of Planning  
Walter Smead, Assessor

#### ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor reminded all of Letters to Santa, the Blood Drive on December 12<sup>th</sup> and Clifton Park Community Chorus on December 16<sup>th</sup>.

Councilwoman Standaert said though Youth Court training has been completed, there is still opportunity for anyone to apply.

#### PRESENTATION

Supervisor Barrett presented the following resolution to Russell Coonradt in appreciation of his service to the community.

Resolution No. 285 of 2018, a resolution recognizing the achievements and contributions of the 2018 New York State EMS Educator of Excellence, Russell Coonradt.

Introduced by Supervisor Barrett, who moved its adoption, seconded by entire Town Board.

WHEREAS, Russ Coonradt has served his community as a Navy Corpsman, Petty Officer Second Class, as an EMT, and as a New York State Certified Instructor/Coordinator, and

WHEREAS, Russ Coonradt in partnership with the Clifton Park Halfmoon Emergency Corps, established a free EMT course for US Military Veterans, with the goal being that veterans would have an opportunity for free education and certification that might ultimately be applied to gainful employment, and

WHEREAS, in 2016 Russ Coonradt was the Certified Lab Instructor for the inaugural course, and was the Certified Instructor Coordinator for the 2018 course, and

WHEREAS, the EMT Course is specifically designed for military veterans, providing groups of veterans an opportunity to work together, train together, and succeed together, with the result that all 2018 veteran EMT students passed their practical exams in 2018, and

WHEREAS, Mr. Coonradt has been recognized in 2017 as a WGNA Capital Region Hometown Hero, and most recently, was awarded the New York State EMS Educator of Excellence for 2018, and

WHEREAS, the Town Board wishes to recognize Russ Coonradt as one who has served his country and his community with honor; now, therefore, be it

RESOLVED, that Russell Coonradt is gratefully recognized by the Clifton Park Town Board, on behalf of all citizens of the Town, for his service to his community and country.

Mr. Coonradt reviewed the process of training veterans to become EMS technicians, noting this is a benefit to the veterans' community. He said this award should be given to the students in the program. Supervisor Barrett congratulated Mr. Coonradt for all his work with the veterans.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PRESENTATION ON T.I.P. PENDING GRANT

Supervisor Barrett said at this time the town is managing over \$5 million dollars in grant projects. notably the joint Sitterly Road project with the Town of Halfmoon<sup>8</sup> coming to fruition in 2019.

Director of Planning Scavo reviewed pending grant applications for 2019-2024: Tanner Road and Route 146 round-a-bout; Route 146/Route 146A Bicycle and Pedestrian Access; Grooms Road Multi-Use Trail Connection to Moe Road Multi-Use Trail; Hubbs Road-Main Street Multi-Use Trail; and Town Center Walkability – Clifton Country Road Pedestrian Enhancement.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 286 of 2018, a resolution authorizing the Supervisor to sign a contract with DASNY for grant reimbursement for upgrades to the Clifton Park Senior Community Center.

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

WHEREAS, the town was awarded grant funding pursuant to the State and Municipal Facilities Program for upgrades to the Clifton Park Senior Community Center, and

WHEREAS, the grant program is administered by the Dormitory Authority of the State of New York, and

WHEREAS, contracts for new flooring, upgrades to the HVAC system, and a new front door at the center were awarded by Resolutions No. 164, 171, and 165 of 2018, and

WHEREAS, work on the upgrades has been completed, and

WHEREAS, DASNY has forwarded execution contracts for the disbursement of grant funds under the S.A.M. Program for reimbursement of \$85,000 towards the cost of the upgrades; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign the attached Grant Disbursement Account Contract with DASNY for the Clifton Park Senior Community Center upgrades.

Supervisor Barrett expressed appreciation to Senator Tedisco for his assistance in obtaining the grant.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 287 of 2018, a resolution authorizing the implementation and funding in the first instance 100% of 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 Councilman Whalen.

WHEREAS, the Sitterly Road Improvements and Traffic Signal Improvement Project, Town of Clifton Park, Saratoga County P.I.N. 1757.84 (the Project"), is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of 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 Right-of-Way Acquisition & Incidentals,

NOW, THEREFORE, the Town Board duly convened does hereby

RESOLVE, that the Town Board hereby approves the Sitterly Road Improvements and Traffic Signal Improvement Project, and it is hereby further

RESOLVED, that the 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 Right-of-Way Acquisition & Incidentals work for the Project or portions thereof, and it is further

RESOLVED, that the sum of \$182,014 has been previously appropriated by Resolution No. 290 of 2017 and made available to cover the cost of participation in the above phases of the Project, and it is further

RESOLVED, that the additional sum of \$71,816 shall be appropriated from H48-7629-200 (Sitterly & Wooden Roads Traffic Improvements-Trail Contractual-Equipment) and made available to cover the cost of participation in the above phases of the Project, and it is further

RESOLVED, that in the event 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 Supervisor 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 be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project; and it is further

RESOLVED, this resolution shall take effect immediately.

It was noted this is a joint project with the Town of Halfmoon.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 288 of 2018, a resolution authorizing the Town Board to approve the Recommended Just Compensation amounts for the acquisition of properties necessary for the completion of the Sitterly Road Traffic Improvements and Traffic Signals Project regarding the Right-of-Way Acquisition Phase.

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

WHEREAS, the town has received funding for the construction of the Sitterly Road Traffic Improvements Project, and

WHEREAS, the town has retained R. K. Hite & Co., Inc. to evaluate the land acquisition necessary for the construction of the project, and to prepare appraisal reports on the interests in land required for the project, and

WHEREAS, by Resolution No. 290 of 2017, the Town Board approved the project and appropriated funds for design and right-of-way acquisitions, and

WHEREAS, R.K. Hite & Co., Inc. has completed the analysis of the acquisitions required for the project and has requested that determinations be made for just compensation for the owners of property where rights are to be acquired, and

WHEREAS, the Town Attorney recommends acceptance of the recommendations made by R. K. Hite & Co., Inc.; now, therefore, be it

RESOLVED, that the Town Board finds and determines that the appraisal reports on the properties listed in the attached Request for Determination of Just Compensation are complete and support the requested values for the real property interests required for the project; and be it further

RESOLVED, that the Town Board approves the just compensation amounts for the properties listed; and be it further

RESOLVED, that R. K. Hite & Co., Inc. is authorized to offer the amounts to the property owners as listed on the attached Request for Just Compensation.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 289 of 2018, a resolution that action to consider and adopt a local law amending Local Law No. 2 of 1967, Section 208-of the Town Code, defining the space and bulk requirements for two family dwelling units as including the equivalent as two separate units within each of the affected zones, as a Type I action under the State Environmental Quality Review Act, and issuing a Negative Declaration.

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

WHEREAS, a proposal has been presented to the Town Board to define the structures for two-family dwelling units as two separate units for the purposes of determining conformity with Space and Bulk requirements for the R-1, CR, R-3 and HR Zoning Districts, and

WHEREAS, the proposal has been reviewed by the town's Planning Department and Director, who has prepared an Environmental Assessment Form for the review of the proposal pursuant to the State Environmental Quality Review Act, and

WHEREAS, John Scavo, Planning Director, has also prepared Parts 2 and 3 of the EAF, recommending that the Town Board classify the proposed legislative action as a Type I Action, and issue a Negative Declaration for its Determination of Significance, and

WHEREAS, the Town Board has reviewed the Environmental Assessment Forms, attached, prepared by the Planning Department; now, therefore, be it

RESOLVED, that the Town Board accepts the recommendation of the town's Planning Department and hereby determines that the adoption of the proposed local law constitutes a Type I Action pursuant to SEQRA, and will not have a negative impact on the environment, and be it further

RESOLVED, that the Town Board hereby issues a Negative Declaration with regard to the proposal; and be it further

RESOLVED, that this resolution shall take effect immediately.

Director of Planning Scavo read the proposed legislation.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 290 of 2018, a resolution adopting Local Law No. 6 of 2018 amending Chapter 208, Zoning of the Town Code, regarding two-family dwellings, Article III, Residential Districts, R-1, CR, HR and R-3.

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

WHEREAS, Chapter 208 of the Town Code provides space and bulk standards for single family homes, in various zoning codes within the town, and

WHEREAS, Chapter 208 of the Town Code contains separate definitions for two-family dwellings which are allowed in the R-1, CR, HR and R-3 Zones by Special Use permits, and

WHEREAS, the Town Board scheduled and held a public hearing on December 3, 2018 at 7:10 p.m. on a proposal to define two-family dwelling units within the space and bulk standards by requiring the equivalent of two separate dwelling units for purposes of space and bulk tables within the code, and

WHEREAS, the Town Board wishes to define two-family dwelling units as two separate units for space and bulk purposes in the R-1, CR, HR and R-3 Zoning Designations; now, therefore, be it

RESOLVED, that the Town Board hereby adopts Local Law No. 6 of 2018, a local law amending Chapter 208, Zoning, of the Town Code, regarding two-family dwellings, Article III, Residential Districts, R-1, CR, HR and R-3.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 291 of 2018, a resolution regarding the adoption of Determination and Findings for the Ballston Lake Sewer District Construction Project and Eminent Domain Proceedings.

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

WHEREAS, the Town Board conducted an Eminent Domain Public Hearing regarding the Ballston Lake Sewer District (BLSL) Construction Project on December 3, 2018, and

WHEREAS, in accordance with Article 2 of the New York State Eminent Domain Procedure Law (EDPL), a Determination and Findings are required to be made by the Town Board within 90 days of the public hearing, and

WHEREAS, the Town Board of the Town of Ballston, as lead agency for the coordinated review of the project, has made specific findings regarding the environmental significance of the project and the EDPL proceedings pursuant to the State Environmental Quality Review Act (SEQRA); now, therefore, be it

RESOLVED, that the Town Board hereby adopts the attached Determination and Findings pursuant to Section 204 of the Eminent Domain Procedure Law and authorizes Supervisor Barrett to sign the same on behalf of the Town Board, and be it further

RESOLVED, that the Town Clerk, with the assistance of the Eminent Domain attorneys for the town, are to publish and mail to the four affected property owners a synopsis of the attached Determination and Findings, as required by law; and be it further

RESOLVED, that the Eminent Domain attorneys for the town, in conjunction with the engineers for the Project, take all steps necessary to acquire the property interests described in the EDPL Public Hearing record and Determination and Findings, including proceedings required under the Eminent Domain Procedure Law.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 292 of 2018, a resolution setting a public hearing extending the deadline for applications for the Partial Tax Exemption for Real Property of Senior Citizens.

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

WHEREAS, Section 467 of the NYS Real Property Tax Law allows the Assessor to extend deadlines in cases of illness or death of immediate family members with Town Board approval, and

WHEREAS, the statute provides that such Town Board approval be in the form of a local law, and

WHEREAS, the Town Board wishes to authorize the Assessor to extend the deadline for certain exemptions under RPTL 467 where illness or death of an immediate family member impacts the applicant's ability to file prior to taxable status date, and

WHEREAS, the Town Board wishes to receive public comment on a proposal to extend the deadline in cases of illness or death of immediate family members; now, therefore, be it

RESOLVED, that a public hearing is scheduled for January 2, 2019 at approximately 7:30 pm on a proposal to extend the deadline for applications for the Partial Tax Exemption for Real Property of Senior Citizens in the case of illness or death of an immediate family member; and be it further

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

Town Assessor Smead said anyone meeting requirements can extend filing from the March 1<sup>st</sup> deadline to Grievance Day in May.

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.

MOTION BY Supervisor Barrett to move into Executive Session for the purpose of discussing union negotiations, seconded by Councilwoman Walowit. Motion unanimously carried at 8:10 p.m.

Regularly scheduled meeting convened at 8:45 p.m.

No action.

MOTION BY Councilwoman Walowit, seconded by Councilman Whalen, adjourn the meeting to the next regular meeting or any other meeting necessary for the conduct of Town business.

Motion carried at 8:46 p.m.

Patricia O'Donnell  
Town Clerk