

Clifton Park Town Board Meeting Minutes

May 21, 2001

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 Paolucci
Councilman Roth
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Absent: Councilman Speckhard

Also Present: Town Attorney Trainor
Louis Gerard, Superintendent of Highways
Mark Heggen, Comptroller
Jason Kemper, Director of Planning
Michael Shahan, Town Administrator

MOTION by Councilman Roth, seconded by Councilman Paolucci, to approve the minutes of the May 7, 2001 meeting as presented.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Speckhard

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett announced the final CK Sanitary Systems, Inc evidentiary hearing rate increase request will be held on May 22, 2001 at 7:00 p.m. He also noted Grievance Day is May 22, 2001.

Councilman Roth reported the annual Special Collection Day is scheduled for September

22, 2001 from 10:00 a.m. to 4:00 p.m.

A Public Forum will be held on June 4th regarding the Comprehensive Plan Update.

The Town Board honored the Clifton Park Eagles squirt hockey team for winning the New York Youth Hockey Association Tier II State Championship.

PRESENTATION TO THE BOARD

Rick Kukuk, Chairman of Clifton Park Water Authority, emphasized public water supply systems are neither designed nor intended to be irrigation systems. He reported demand at this time is 35 percent ahead of what is normally produced. He reviewed enhancements to the systems since 1995. Mr. Kukuk said the only regulation in effect at this point is the odd/even days corresponding with house number, the intent of which is to balance demand. He stated the inclining block rate structure is a conservation incentive and in even the hottest weather only 15 percent go over threshold. He said the system can be built to grow incrementally with new housing starts. He emphasized the system is sized for fundamental domestic uses and anticipated demand, not for excessive lawn irrigation. Mr. Kukuk said there is sufficient future capacity and water supply is not an issue to curtail growth. He reiterated the importance of conservation and, with compliance with the rules in place, there should be no problems for the rest of the summer. Mr. Kukuk explained the odd/even regulation is for unattended lawn irrigation.

PUBLIC HEARING, 7:20 PM TO CONSIDER A LOCAL LAW EXTENDING THE SEWER MORATORIUM FOR AN ADDITIONAL NINETY DAYS

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on May 17, 2001.

Supervisor Barrett summarized the proposed local law explaining the moratorium needs to be extended in order to have sufficient time to review the draft of rules and regulations of the proposed sewer use ordinance. This is a result of the town's ownership due to abandonment of the various sewer systems. The public hearing was opened for comments from the audience at 7:35 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 7:36 p.m.

PUBLIC HEARING, 7:30 PM TO CONSIDER PLACING TWO STRUCTURES ON THE TOWN'S REGISTER OF HISTORIC PLACES

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on May 13, 2001.

John Scherer, Town Historian, reported the Grange Hall was constructed in 1896 by neighbors in Grooms Corners who wanted to build a public meeting hall and was known as Union Hall. Around World War I it reverted back to the Mosher Family who continued to lease it for public meetings and in 1924 leased to the Mohawk Valley Grange and purchased by the Grange in 1931. Mr. Scherer stated the Grange Hall represents the agricultural heritage of the town. He explained Abijah Peck was an early settler of the town who leased the house in 1807 which was later purchased by a grandson in the 1860's. Abijah Peck established the Clifton Park Center Baptist Church in 1794. Mr. Scherer said the house descended in the family to Heath Peck who sold most of the farmland that became Clifton Knolls to Robert Van Patten just before 1960.

The public hearing was opened for comments from the audience at 7:40 p.m.

Everyone was given an opportunity to speak in favor of or against the placing of the properties on the Register of Historic Places and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 7:42 p.m.

Town Administrator Shahan updated the Board on activities including 1) plans being reviewed for security, parking and traffic for the July 4th Celebration, 2) recommended having a professional firm review the town's personnel manual, and 3) reviewing telephone system and voice mail problems.

Town Comptroller Heggen reviewed the financial report for April, reporting the annual report to the Comptroller's office has been filed. He reported, unaudited figures of general fund balance \$3,976,000 and highway at \$1.2 million. He reported interest rates on CDs are down, and he is putting monies in short term CD's and savings account. Mr. Heggen is starting the process of updating the town bond rating.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 126 of 2001, a resolution awarding contract for uniform rentals and service for uniforms for Town Security Staff.

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

WHEREAS, quotes were solicited for uniform rentals and service, and

WHEREAS, the lowest conforming quote was received from UniFirst Corporation in the sum of \$8.90 per week, per employee for full time Security Officers and \$4.00 per week, per employee for part-time Security Officers; now, therefore, be it

RESOLVED, that the Supervisor is authorized to enter into an agreement for uniform rentals and services with UniFirst Corporation, Watervliet, New York as budgeted from A-3120-28 (Law Enforcement-Supplies/Equipment).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 127 of 2001, a resolution authorizing a hiring for mowing services for Park Lane Estates (Stoney Creek II Park District).

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilman Roth.

WHEREAS, quotes were received by the Town Board as Commissioners of the Stoney Creek II Park District for lawn mowing services at Park Lane Estates, and

WHEREAS, the lowest conforming quote for the work to be done is Ted Klonowski's Landscaping in the amount of \$2400 for the season; now, therefore, be it

RESOLVED, that the Town Board acting as Commissioners of the Stoney Creek II Park District hereby authorizes Michael Handerhan, Director of Buildings and Grounds to hire Ted Klonowski's Landscaping to mow Park Lane Estates (Stoney Creek II Park District) islands and cul de sacs at a cost not to exceed \$2400 for the season to be budgeted from SPO-7120-24 (Stoney Creek Park District II - General Maintenance).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 128 of 2001, a resolution referring the Executive Woods PUD Amendment to the Planning Board for review and comment.

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

WHEREAS, application has been made to the Town Board for an amendment to the Executive Woods Planned Unit District (PUD), and

WHEREAS, the Town Code requires a review of all PUD applications by the Planning Board; now, therefore, be it

RESOLVED, that the Executive Woods PUD Amendment application is hereby referred to the Town Planning Board for review and comment and that the Planning Board report back to the Town Board within 60 days.

Director of Planning Kemper reported members of the Tallow Wood Homeowners' Association asked that a six-foot high anchor fence be erected at the rear of the Executive Woods property line. DCG Development agreed to this in return to having the restaurant ban lifted from the existing PUD. Mr. Kemper is in receipt of a letter from the Tallow Wood Homeowners' Association supporting lifting the restaurant ban. Mr. Kemper said it is anticipated a traffic light will be installed at the corner of Maxwell Road and Park Avenue by August. Councilman Paolucci asked if the Planning Board can take into account the necessity of installing the traffic light as early as possible when reviewing the PUD application. Mr. Kemper responded yes.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 129 of 2001, a resolution appointing Eric L. Ophardt to the Board of Assessment Review.

Introduced by Councilman Roth, who moved its adoption, seconded by Councilman Paolucci.

WHEREAS, a vacancy exists on the Town of Clifton Park Board of Assessment Review, and

WHEREAS, Walter Smead, Town Assessor, has recommended that Eric L. Ophardt, 8 Daniel Lill Court, Clifton Park, be appointed to fill this vacancy, now, therefore, be it

RESOLVED, that Eric L. Ophardt, 8 Daniel Lill Court, Clifton Park, is hereby appointed to the Town of Clifton Park Board of Assessment Review to fill the unexpired term of Raymond Zierak which expires on September 30, 2003.

The Board expressed appreciation to Mr. Zierak his work on the Board of Assessment Review.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 130 of 2001, a resolution authorizing C. T. Male Associates, PC to provide a Pre-application Engineer's Report for the Eastside Drive Area.

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilman Roth.

WHEREAS, the Clifton Park Town Board wishes to have an engineering study done to determine the feasibility of providing water and sewer service to the Eastside Drive Area of the Town, and

WHEREAS, C. T. Male Associates, PC has provided the Town with a fee estimate of \$5600 for the project; now, therefore, be it

RESOLVED, that C. T. Male Associates, PC be authorized to provide the Town with a Pre-application Engineer's Report regarding water and sewer services in the Eastside Drive Area at a cost not to exceed \$5600 to be budgeted from A1440-135 (Engineering Services).

Supervisor Barrett reported the 80 percent return rate requirement regarding the grant application has been reach.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 131 of 2001, a resolution authorizing the hiring of Shawn Crumb as a temporary full-time clerk to the Department of Building and Development.

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

WHEREAS, the need exists to employ a temporary full-time clerk to assist the Department of Building and Development, and

WHEREAS, Donald Clemens, Director of Building and Development has recommended Shawn Crumb, 1110 O Street, Troy, New York, for the position, and the Town Board has considered the same; now, therefore, be it

RESOLVED, that Shawn Crumb, 1110 O Street, Troy, New York, is hereby appointed temporary full-time clerk to assist the Department of Building and Development effective May 29, 2001 through August 17, 2001 at Grade 1, Step 1, to be budgeted from A-03620-E4000,
(Building and Development-Seasonal Staff) at \$9.17 per hour, not to exceed \$4,000.

Mr. Shahan reported this is an internship through Hudson Valley Community College.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 132 of 2001, a resolution to advertise for bids for the Town of Clifton Park Somerset Estates Road Paving Project.

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilman Roth.

WHEREAS, John M. McDonald Engineering P.C. has completed the drawings and specifications for the repair and paving of all the roads that are located in Somerset Estates in the Town of Clifton Park; now, therefore, be it

RESOLVED, that John M. McDonald Engineering P.C. is hereby authorized to prepare bid documents in accordance with municipal bidding procedures for work associated with the Somerset Estates Road Paving Project, and be it further

RESOLVED, that the Town Clerk of the Town of Clifton Park shall cause Notice to be published in the official newspaper of the Town of Clifton Park at least (10) days before the date of reception of bid proposals.

Supervisor Barrett explained money due the town from the developer has been received. He said he has received complaints from residents in the subdivision about drainage issues, which the town engineer has looked into. It is hoped the drainage issue can be improved as the same time as the roads.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 133 of 2001, a resolution adopting Local Law No. 7 of 2001, amending Local Law No. 3 of 2001, Imposing a Ninety-Day Moratorium on Town Sewer District Outside User Hook-ups.

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

WHEREAS, a local law being proposed Local Law No. 7 of 2001, amending Local Law 3 of 2001, a copy of which is attached herein, and to be known as the Local Law Imposing a Ninety-Day Moratorium on Town Sewer District Outside User Hook-ups, is to be considered for adoption by the Town Board, and

WHEREAS, a public hearing with respect to the adoption of said Local Law was held on May 21, 2001 and no public comment was received; now, therefore, be it

RESOLVED, that Local Law No. 7 of 2001, amending Local Law 3 of 2001, a Local Law "Imposing a Ninety-Day Moratorium of Town Sewer District Outside User Hook-

ups", in the Town of Clifton Park is hereby adopted; and, be it further

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

ROLL CALL VOTE

Ayes: Councilman Paolucci , Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Speckhard,

DECLARED ADOPTED

PUBLIC PRIVILEGE

Youssef Ballout, Torrero Drive, asked the town to make sure the town security patrols are provided with security devices they may need to perform their job as safe as reasonable, specifically bullet-proof jackets and mace. Mr. Shahan said this can be discussed. He said the security staff training is geared to what equipment is used.

Ed Dussault, Grooms Road, complained about the on going mulching operation on Grooms Road. He referred to information from DEC reviewing air quality regulations and a letter stating they have found no existing permit for the operation. He expressed concern about the danger of fire in the mulching area. Supervisor Barrett asked Mr. Shahan to have Town Health Officer Gayle Buckley contact Mr. Dussault. Mr. Trainor said enforcement would be at the State level. Mr. Kemper said he has spoken numerous times to DEC, they have visited the site, and there are no violations nor is a permit required. Mr. Shahan said Mr. Clemens issued a red tag to Mr. Galentino on May 16th, noting he was in violation of Town Code Section 97-14, depositing solid waste materials and is to appear in court on May 30th. Concern from the floor about spray that is being used on the mulch and its effects. Mr. Shahan recommended Town Environmental Specialist O'Brien calling DEC to see if permit is required and, if so, the state should shut the operation down. Supervisor Barrett said the town jurisdiction has been addressed.

Jim Warden, Grooms Road, stated the mulching operation activity has escalated over the past year and is a commercial operation.

Beverly Czub, Miller Road, would like some input into reviewing the new telephone system. Ms. Czub reported the odor along Grooms Road is awful and residents shouldn't have to live with it. She said the operation does not belong there.

Jan Lemon, Esopus Drive, questioned how a commercial business can operate in a residential area without a permit. Town Attorney Trainor responded if it was preexisting to the Zoning Code it may be grandfathered. She said complaints were made last fall and

asked why it has taken until May to issue a red tag. Supervisor Barrett said the situation has been monitored for some time and he has been in contact with residents. He said it was hoped with the proposed development the problem would disappear. Mr. Trainor said it is his understanding that when the situation was investigated earlier no violation was found but apparently that has changed and the red tag issued. Ms. Lemon questioned the Somerset subdivision road bid. Supervisor Barrett said Mr. Gerard didn't accept the roads because they were substandard but outstanding money from the bond has come to the town and the town accepted the roads. He said some of the roads will be completely dug up and redone and others will receive a topcoat. He stated this is not taxpayer money but developer's money and the only reason the town accepted the roads was because the town was in receipt of the money. Ms. Lemon said the roads will continue to break down and taxpayer money will have to be used. Ms. Lemon presented copies of documents stating the documents show certified mail from the Big Arena as being received. Supervisor Barrett stated he doesn't remember seeing a letter from the Big Arena and further stated no public money is being used so there was no municipal bidding involved.

Norman Goldman, London Square Drive, asked what the income qualification is with regard to the Eastside Drive water survey. Supervisor Barrett said below \$40,000.

Town Attorney Trainor reviewed possible discrepancies in copies of certified receipt documents presented by Ms. Lemon.

MOTION by Councilman Roth, seconded by Councilman Paolucci, to adjourn the meeting to the next regular meeting or any other meeting necessary for the conduct of Town business.

Motion carried at 8:55 p.m.

Patricia O'Donnell
Town Clerk