

March 5, 2007

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

Also Present: Town Attorney McCarthy
Mark Heggen, Comptroller
Myla Kramer, Director of Parks, Recreation and Community Affairs
Michael Shahan, Town Administrator

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Paolucci discussed the 1995 arena bonds which funded the original construction of the ice arena. He reported there is a little over \$1 million outstanding. Funds were received in 2002 for the ground lease for the additional sheet of ice and it was agreed at that time to set those funds aside for the payment of the bonds. In 2002 there would have been a premium to recall the bonds so the Board decided to wait. This fund has grown to \$482,000. Councilman Paolucci reported this is a twenty-year bond issue that will go to 2015 with \$300,000 remaining in interest over the life of the bonds, plus principal in the amount of \$1 million. Councilman Paolucci explained another \$550,000 is needed to augment the ground lease money, plus the interest, to pay off 100 percent of the bond issue. He would like to present a resolution in the next few weeks to start the process, noting the earlier it can be done the more interest can be saved. He reported if this is eliminated the only bond left would be the 1993 issue for capping of the landfill, of which \$615,000 is outstanding. This issue comes due in 2013. He reported there is \$125,000 interest over the life of issue. He would also like to consider covering this debt issue as well and would like to hear from the Board. Supervisor Barrett stated the ice arena bonds are callable and there is no premium as of July 2006. He reported there is a little over \$10 million in the unallocated surplus.

Councilman Roth said he has received many letters and calls regarding discussion of a leash law, and feels he needs to do more research, get a consensus of opinion and, therefore, has put off any formal discussion. He spoke with regard to various resolutions presented at the Association of Towns meeting, including training of Planning and Zoning Boards members, request for adequate state funding for public education, speed limits on town roads, and publication of legal notices in community newspapers.

Councilman Speckhard read a prepared statement addressed to the Supervisor and members of the Town Board announcing his resignation from the Town Board effective March 31, 2007 as follows: "I wish tonight to formally announce my desire and intention to resign from the Town Board effective March 31. The reason for this action is my desire to spend my last nine months of formal town service solely within the position of Deputy Supervisor and focused on simply a few current policy issues of growing importance to the town such, for example, as the opening and ongoing programmatic development of Historic Grooms Tavern, development of the popular and ongoing riverfront programs and activities and hopefully the initiation of a community effort toward the creation of a general arts and culture center, directions that I feel are truly important to the future life and growth of the community as a whole. Ultimately, however, I believe that my involvement in these efforts could and, I think would, significantly reduce my involvement in other town issues to a completely unacceptable public level, creating the need for my resignation and the appointment of an official replacement. I have, of course, been greatly honored by my time on the Board and only hope that my efforts have been beneficial to the community as a whole."

Supervisor Barrett noted Councilman Speckhard's involvement in certain issues and said he has encouraged him to stay involved. He stated Councilman Speckhard has earned the respect and admiration of the Town Board and the community at large. The Supervisor thanked Councilman Speckhard for all the guidance and support he has provided.

Town Clerk O'Donnell displayed a newspaper dated February 2, 1976, "The Clifton Area News", reporting Councilman Speckhard was being considered for a Board position.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 61 of 2007, a resolution approving a new Summer Recreation Salary & Hourly Rate Matrix for the 2007 season per schedule A.

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

WHEREAS, Myla Kramer, Park, Recreation & Community Affairs Director, has requested this increase stating it would be an appropriate and competitive rate, and

WHEREAS, the extra funds needed for the pay increase can be accommodated within the Summer Recreation Budget; now, therefore, be it

RESOLVED, that the Town Board hereby approves a new Summer Recreation Salary & Hourly Rate Matrix for the 2007 season per schedule A.

Ms. Kramer reported salaries are being looked at in order to remain competitive due to the increase in the state minimum wage. She noted these changes are for counselors and lifeguards.

Councilman Paolucci said in order to stay competitive salaries should be looked at for all employees impacted by the minimum wage increase.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 62 of 2007, a resolution approving the Action Park Salary Matrix for the 2007 season per schedule A.

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

WHEREAS, Myla Kramer, Parks, Recreation & Community Affairs Director, has requested this increase stating it would be an appropriate and competitive rate, and

WHEREAS, the extra funds needed for the pay increase can be accommodated within the Summer Recreation Budget; now, therefore, be it

RESOLVED, that the Town Board hereby approves the Action Park Salary Matrix 2007 season per schedule A.

Ms. Kramer stated in order to stay competitive it is necessary to review salaries due to the state minimum wage increase.

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ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 63 of 2007, a resolution approving returning Action Park Senior Attendant and Attendants per schedule A.

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

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that the positions be filled per the attached Schedule A effective immediately; now, therefore, be it

RESOLVED, that authorization is hereby given to hire returning Action Park Senior Attendant and Attendants for the 2007 season per attached Schedule A.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 64 of 2007, a resolution authorizing Change Order No. 2 with Hudson River Construction Company, Inc.

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

WHEREAS, a contract to Hudson River Construction Company, Inc. for the Action Park Project was authorized per Resolution No. 96 of 2006 in an amount of \$388,400, and

WHEREAS, a Change Order was prepared and recommended by Clough Harbour & Associates LLP for security allowance items, security lighting, and additional paving, and

WHEREAS, the Town Board authorized an additional \$2,500 under such contract by Resolution No. 260 of 2006, and

WHEREAS, final costs for such items are \$3102.21, and

WHEREAS, the Change Order results in an actual increase of \$3,102.21 for the Action Park Project from the current contract amount of \$393,307.29 to arrive at a new contract amount of \$396,409.50; now, therefore, be it

RESOLVED, that Supervisor Barrett is hereby authorized to sign Change Order No. 2 dated January 8, 2007, to Hudson River Construction Company, Inc. contract for the Action Park Project, increasing the contract by \$3,102.21, to be paid as follows: \$2500 previously designated by Resolution No. 260 of 2006 and \$602.21 from Contingency with a transfer to A-7200-200 (Skate Park-Equipment).

Councilman Paolucci stated basically this amounts to an increase of \$602 from what has already been appropriated. He explained in the original contract there was an allowance of \$5000 for security items related to the gate and entrance and there is money remaining from this \$5000.

Security lighting was not part of the original design and a resolution setting aside \$2500 was adopted in 2006. He reported due to a sink hole on mall property, and repaired by the mall, additional grading work was required on the Action Park property. Clough, Harbour & Associates estimated this work to be worth about \$4000. The contractor has submitted a requested of \$5266. CHA suggests not paying the \$5266, that \$4000 is appropriate. CHA also recommended not paying \$1500 to the contractors due to the park not being completed on time and the necessity of having had an attendant on site at different times for security reasons.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 65 of 2007, a resolution awarding the contract for Fireworks for the Town's 4th of July Celebration.

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

WHEREAS, bids were solicited for the annual Fourth of July Fireworks display, and

WHEREAS, the only conforming bid was received from Alonzo Fireworks and Myla Kramer, Director of Parks, Recreation and Community Affairs, recommends the same; now, therefore, be it

RESOLVED, that the bid for the Fourth of July Fireworks display be awarded to Alonzo Fireworks at a cost not to exceed \$12, 500 to be budgeted from A-7550-52 (Parks-4th of July); and be it further

RESOLVED, that the Supervisor is hereby authorized to sign an agreement reflecting the approved terms, after review by the Town Attorney.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 66 of 2007, a resolution awarding the bid for the Locust Lane Pool Liner System.

Introduced by Councilwoman Walowit, who move its adoption, seconded by Councilman Speckhard.

WHEREAS, on February 28, 2007, bids were received for the above referenced contract, and

WHEREAS, the low bidder for the Locust Lane Pool Liner System is Aquatic Renovation Systems, Inc. in the amount of \$60,410, and

WHEREAS, as per letter from McDonald Engineering, dated March 2, 2007, McDonald Engineering has reviewed the bids and has recommended to the Town Supervisor that Aquatic Renovation Systems, Inc. be accepted as the lowest most responsible bidder; now, therefore, be it

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RESOLVED, that the Town Board hereby accepts and awards the above referenced bid in the amount of \$60,410 to Aquatic Renovation Systems, Inc., to be paid from A7152-200 (Locust Lane Pool Equipment).

Mr. Shahan stated this will not affect the pool opening.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 67 of 2007, a resolution allocating funds for repairs to the ice system at the Town owned arena.

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

WHEREAS, the Town owned arena is in need of repairs to the ice system to repair a leak, and

WHEREAS, the Town Board wishes to allocate funds for this purpose; now, therefore, be it

RESOLVED, that \$5,328.60 be allocated from the Rainy Day Fund for repairs to the Town owned arena, payable to Mullally Bros. Industrial Refrigeration.

Councilman Roth reported this is due to repair a Freon leak.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 68 of 2007, a resolution authorizing the Supervisor to sign Change Order No. 1 for the Highway Garage Sanitary Sewer System, Contract No. 2, Electrical.

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

WHEREAS, Resolution No. 364 of 2006 authorized a contract for the Highway Garage Sanitary Sewer System Electrical work in an amount of \$5,000, and

WHEREAS, a Change Order was prepared by McDonald Engineering which provides the breakdown of individual item costs, and

WHEREAS, the Change Order results in a decrease of \$556.59 for the Highway Garage Sanitary Sewer System, Contract No. 2-Electrical from the current amount of \$5,000 to arrive at a new contract amount of \$4,443.41; now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to sign Change Order No. 1, Contract No. 2, Electrical, dated January 18, 2007, to Brownell Electric Corp.; and be it further

03/05/2007

RESOLVED, that the amount of \$556.59 be released from encumbrances from A-5132-200 (Highway Garage-Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Norman Goldman, London Square Drive, said he has always respected Councilman Speckhard's decisions. He wishes Councilman Speckhard was not resigning but wishes him well. Speaking with regard to 21st Century Park legislation, he would like to see the applicant market the project as senior housing. Mr. Goldman asked if the Earl project on Ray Road still has approval for the original 11 houses. Councilman Roth said he believes this is still subject to the Planning Board.

Todd Kerner, Spruce Street, said the Ice Arena needs additional funds. He stated a lighting fixture unit came down on the ice, set of steps on bleachers seem to be in disrepair and the scoreboard time clock is not working. He wished Councilman Speckhard well. Mr. Kerner said there are many people in town who are well qualified for the council seat position and asked the Town Board to consider all candidates.

Youseff Ballout, Torrero Drive, on behalf of himself and his family, thanked Councilman Speckhard for all his contributions and wished him well. He asked the Town Board to consider qualifications when appointing the new member to the Town Board.

Bob Gauvreau, Oakwood Blvd., thanked Councilman Speckhard for all his contributions. In response to Mr. Gauvreau's question regarding the dog leash issue, Councilman Roth said the current leash law states dogs must be under control except on the Clifton Common where dogs are required to be on leash. He said a number of people have come forward and complained about situations in some of the parks and based upon that consideration is being given to possibly changing the law to say dogs have to be on leash in town parks. He continued, however, there are people with different opinions and Councilman Roth said he wants to make sure he has looked at both sides before anything is put into law. Mr. Gauvreau stated there is no leash law in Clifton Park so he doesn't see how it can be modified. It was noted the requirement of a leash on the Clifton Common is covered under Section 152-12 - Parks & Preserves, Clifton Common – Dogs.

Robert Ritter, Mountain View Terrace, thanked Councilman Speckhard for his exceptional service and dedication to the town.

Mr. Goldman asked the total price of the skate park. Councilman Roth responded \$396,409.50.

Jim Baisley, Barkwood Lane, said Councilman Speckhard is a walking history book on Clifton Park.

Mr. Goldman said he did not get the Open Space survey in the mail and is wondering if the apartments were left out.

MOTION by Councilwoman Walowit, 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 8:10 p.m.

Patricia O'Donnell
Town Clerk