

March 19, 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
Kathleen Maynard, Director of Planning
Barbara McHugh, Director of Community Development
Sheryl Reed, Chief of the Bureau of Fire Prevention
Michael Shahan, Town Administrator
Walter Smead, Assessor

MOTION by Councilman Roth, seconded by Councilwoman Walowit, to approve the minutes of the March 5, 2007 meeting as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett, noting this is Councilman Speckhard's last Town Board meeting, expressed his gratitude to him for his years of guidance and mentoring.

Councilman Roth advised department heads to advise him of any projects to be included in a possible supplemental budget.

Councilman Roth reported resolutions have been received from four towns regarding petitioning the legislature to provide for property tax reform. He asked if the Town Board wants to consider a resolution in this regard.

Councilman Roth expressed appreciation to Councilman Speckhard for his years of dedication.

Councilwoman Walowit stated it has been an honor to work with Councilman Speckhard as a friend and mentor.

REPORTS TO THE BOARD

Town Comptroller Heggen reviewed the monthly financial report explaining expenditures appear higher due to the majority of revenues applying to 2006. He reported an RFP is being sent out for auditing purposes.

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Town Administrator Shahan reported insurance quotes have been received and it appears approximately \$50,000 may be saved from the previous year. Speaking to the Grooms Tavern renovations, Mr. Shahan reported the restroom has been completed by Bast Hatfield, Inc. He praised the work of the Buildings and Grounds staff who have done all the work in the building, but electrical. Building inspectors are inspecting the building as work is going on to make sure there are no code issues.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 88 of 2007, a resolution adopting Local Law No. 2 of 2007 regarding Emergency Access Systems.

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

WHEREAS, the Town of Clifton Park has recognized the importance of providing the Town's Emergency Service personnel rapid entry into locked buildings in the case of an emergency, and

WHEREAS, the proposed legislation provides for the placement, in a secure locked containers, of keys to important areas within a structure and information that may be vital and necessary to the health, safety and welfare of the occupants and responding emergency crews, and

WHEREAS, on March 12, 2007 at 7:10 p.m., in the Wood Memorial Room, a public hearing was held in order to receive public comment on the proposed local law; now, therefore, be it

RESOLVED, that the Town Board hereby adopts Local Law No. 2 of 2007, Emergency Access Systems, as per the attached Exhibit A; and be it further

RESOLVED, that the Town Clerk file said notice with the New York State Department of State as required by law.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 89 of 2007, a resolution authorizing Kelly Miller to take a course titled "R-2, Valuation Principals and Procedures".

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

WHEREAS, Walter Smead, Assessor, has recommended that authorization be given to Assessment Clerk Kelly Miller to take a course titled "R-2, Valuation Principals and Procedures", on March 22, 23, 29, 30 at a cost not to exceed \$325, and

WHEREAS, the amount has been budgeted for 2007 in budget line item A-1355-001 (Assessment-Training), and her attendance at the Seminar would confer a benefit upon the Town residents; now, therefore, be it

RESOLVED, that Kelly Miller is hereby authorized to attend the "R-2, Valuation Principals and Procedures" to be held at the Manfred Real Estate Learning Center, Albany, New

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York, March 22, 23, 29, 30 of 2007, at a cost not to exceed \$325, to be paid from A-1355-001 (Assessment-Training).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 90 of 2007, a resolution authorizing the Town Administrator to purchase a 2007 Chevrolet Tahoe Special Service Vehicle for use by the Security Department.

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

WHEREAS, Michael Shahan, Town Administrator, has identified a need for a new vehicle for the use of the Security Department, and

WHEREAS, the Town Administrator has requested authorization to purchase a Model Year 2007 Chevrolet Special Service Vehicle under State Contract, as described in Schedule A; now, therefore, be it

RESOLVED, that Michael Shahan, Town Administrator, is hereby authorized to purchase a Model Year 2007 Chevrolet Tahoe Special Service Vehicle under State Contract No. PC 62876, from Hoselton Chevrolet, Inc. 909 Fairport Road, East Rochester, New York, as described in Schedule A, at a cost not to exceed \$30,000, to be paid from A-3120-200 (Security-Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 91 of 2007, a resolution scheduling a public hearing regarding a request for an open space incentive zoning proposal for two units, total of nine lot subdivision, on Tanner Road.

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

WHEREAS, a project narrative, requested incentive and proposed amenity, subdivision calculations, site location map, constrained and unconstrained plan, and proposed layout for the Tanner Road property was submitted to the Town Board in accordance with Section 208-43.16 of the Town Code, and

WHEREAS, the applicant is requesting a density increase for a proposed subdivision in accordance with Section 208-43.16 of the Town Code, and

WHEREAS, the Town Board previously referred the project to the Planning Board for advisory review of the amenity zoning proposal and the land use, and

WHEREAS, such review has been conducted through a scheduled public workshop, and the Planning Board's advisory report and the application has been transferred back to the Town Board for its Final Decision on the application; now, therefore, be it

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RESOLVED, that a public hearing is hereby scheduled for Monday April 9, 2007 at 7:10 p.m. for the Tanner Road property for further consideration of a density increase request for the property in exchange for open space benefits for the Town of Clifton Park; and be it further

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

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 92 of 2007, a resolution authorizing the Director of Planning and the Open Space Coordinator to attend the National American Planning Association Conference.

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

WHEREAS, Kate Maynard, Director of Planning, has requested authorization, along with Jennifer Viggiani, Open Space Coordinator, to attend the National American Planning Association Conference in Philadelphia, Pennsylvania, April 14 -18, 2007 at a cost not to exceed \$3000, and

WHEREAS, their attendance at the Conference would confer a benefit upon the Town residents and to the Planning Board; now, therefore, be it

RESOLVED, that Kate Maynard, Director of Planning, and Jennifer Viggiani, Open Space Coordinator, are hereby authorized to attend the National American Planning Association Conference to be held in Philadelphia, Pennsylvania from April 14-18, 2007, at a cost not to exceed \$3000, to be paid from A-8021-001 (Planning-Training and Conferences).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 93 of 2007, a resolution awarding the bid for the Grooms Tavern Building, Contract-No.7- Site Work in the Town of Clifton Park.

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

WHEREAS, on March 14, 2007 bids were received for the above referenced contract, and

WHEREAS, the low bid for Grooms Tavern Building, Contract No. 7 – Site Work was submitted by HMA Contracting Corp., Mechanicville, NY, in the total amount of \$20,500, and

WHEREAS, as per a letter from McDonald Engineering, dated March 15, 2007, McDonald Engineering has reviewed the bids and has recommended to the Town Supervisor that the total bid in the amount of \$20,500, submitted by HMA Contracting Corp., 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 to HMA Contracting Corp. in the amount of \$20,500, to be paid with a transfer of funds as designated by Resolution No. 418 of 2006, with a transfer to A-1627-200 (Grooms Tavern).

Councilman Speckhard thanked Mr. Shahan for his work with the Grooms Tavern restoration. Mr. Shahan responded the Buildings and Grounds staff deserves the thanks.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 94 of 2007, a resolution authorizing the hiring of Summer Camp Specialists for the 2007 Season.

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

WHEREAS, it is necessary that additional staff be hired by the Department of Parks, Recreation and Community Affairs to operate the Town of Clifton Park summer recreation programs, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that the individuals listed in Schedule A, attached hereto, be hired for such purpose; now, therefore, be it

RESOLVED, that the individual specialists listed in Schedule A, attached hereto, shall be hired to staff the Town of Clifton Park's summer recreation programs, effective immediately to August 18, 2007.

Ms. Kramer noted there is a high number of staff returning.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 95 of 2007, a resolution authorizing the hiring of Camp Site Directors, Pool Managers and a Pool Director for the 2007 Season.

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

WHEREAS, it is necessary that additional staff be hired by the Department of Parks, Recreation and Community Affairs to operate the Town of Clifton Park summer recreation programs, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that the individuals listed in Schedule A, attached hereto, be hired for such purpose; now, therefore, be it

RESOLVED, that the individual specialists listed in Schedule A, attached hereto, shall be hired to staff the Town of Clifton Park's summer recreation programs; and be it further

RESOLVED, that all hires are effective immediately and ending per date on Schedule A.

Ms. Kramer reported there is excellent staff for the 2007 season.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 96 of 2007, a resolution authorizing the Town of Clifton Park to sponsor two Basic First Aid /CPR classes as part of the Citizen Corps Grant Program.

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

WHEREAS, the Citizen Corps grant funding provides emergency training to residents as provided by the Clifton Park-Halfmoon-Ambulance Corps, and

WHEREAS, the Basic First Aid/CPR class is scheduled to be conducted on Saturday, April 21, 2007, by the Clifton Park-Halfmoon Ambulance Corps, at a total cost not to exceed \$650 per session, and

WHEREAS, this class is mandatory for CERT volunteers and is also open to the public; now, therefore, be it

RESOLVED, that authorization is hereby given to the Town of Clifton Park to sponsor a Basic First Aid/CPR class provided by the Clifton Park-Halfmoon Ambulance Corps at a cost not to exceed \$650 per session, to be paid from A-8762-015 (Citizen Corps-Other Contractual).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 97 of 2007, a resolution regarding moving the regularly scheduled April 16, 2007 Town Board meeting from the Town Hall to Historic Grooms Tavern.

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

WHEREAS, events are scheduled for the week beginning April 14, 2007 to celebrate the Grand Opening of Historic Grooms Tavern, and

WHEREAS, the first Clifton Park Town Board meeting was held in Grooms Tavern on April 1, 1828, and

WHEREAS, as part of the celebration of the Grand Opening, the Town Board wishes to hold the April 16, 2007 Town Board meeting in the newly renovated Historic Grooms Tavern; now, therefore, be it

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RESOLVED, that the regularly scheduled April 16, 2007 Town Board meeting originally scheduled to be held in the Wood Memorial Meeting Room in the Town Hall will be held in Historic Grooms Tavern at 7:00 p.m.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 98 of 2007, a resolution authorizing the pay off of outstanding bonds for the Landfill Closure and the Public Safety Building.

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

WHEREAS, the Town of Clifton Park issued General Obligation Bonds in 1993 for Capital Expenditures for capping and closing Landfill Facilities and for the refinance of the debt on the Public Safety Building, and

WHEREAS, the Town has made timely interest and principal payments on said Bonds since issuance, and

WHEREAS, the General Obligation Serial 1993 Bonds are now callable without penalty, and

WHEREAS, the total outstanding principal balance on the 1993 Serial Bonds is \$615,000, and

WHEREAS, the Town of Clifton Park currently has an interest payment of \$15,682.50 remaining in the 2007 adopted budget, and

WHEREAS, the Town has the means to substantially reduce the amount of outstanding indebtedness by paying off the General Obligation Serial Bonds, Series 1993 in their entirety, and

WHEREAS, the elimination of the outstanding debt on the General Obligation Serial Bonds, Series 1993, will save taxpayers substantial interest payments and will have a material and beneficent effect on the Town's overall financial status; now, therefore, be it

RESOLVED, that the Comptroller is authorized to eliminate all outstanding debt on the Serial 1993 General Obligations Bonds, by paying off \$615,000 plus accrued interest, from Unreserved and Undesignated Fund Balance.

Supervisor Barrett said being in the financial position to erase these debts off the town's books is very important.

Councilman Paolucci said this will make the town debt free in association with the general fund and the savings will be significant over the remaining life of the bonds. He noted the sooner the bonds are paid off the more money will be saved. He thanked Messrs. Heggen and McCarthy for their work in this regard.

Comptroller Heggen reported principal and interest payments are budgeted in the 2007 budget.

Councilman Roth commended Councilman Paolucci for bringing this issue forward. He said the arena bonds should definitely be paid off, however, the interest on the landfill closure and public safety bonds is 4.8 to 5.1 percent and currently the interest on CDs is 5.25 percent. He doesn't know if it makes sense to pay these bonds at off at this time.

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ROLL CALL VOTE

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

Noes: Councilman Roth

DECLARED ADOPTED

Resolution No. 99 of 2007, a resolution authorizing the pay off portion of \$1,875,000 Public Improvement (Serial) Bonds, Series 1995 A for the Clifton Park Ice Arena.

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

WHEREAS, Clifton Park issued Public Improvement Serial Bonds in 1995 to fund Capital Projects for the Clifton Park Ice Arena and for Rivercrest Sewer District jointly, and

WHEREAS, the Town Board has made timely interest and principal payments on said Bonds since issuance, and

WHEREAS, the total outstanding principal balance on Series 1995 A attributable to the Clifton Park Ice Arena is \$1,023,147, and

WHEREAS, the Town has the means to eliminate that portion of the bonded indebtedness attributable to the Clifton Park Ice Arena, and

WHEREAS, the Public Improvement Series 1995 A of the Town's Bonded Indebtedness are now callable without penalty, and

WHEREAS, the Town of Clifton Park currently has \$89,173 in principal payments in the 2007 adopted budget, and

WHEREAS, the Town of Clifton Park currently has \$482,000 set aside from the deposit on the Arena ground lease, and

WHEREAS, the Town of Clifton Park will require an additional \$451,974 in principal payments from the Town's Undesignated and Unreserved Fund Balance, and

WHEREAS, elimination of outstanding bonded indebtedness attributable to the Clifton Park Ice Arena will save taxpayers substantial interest payments and will have a material and beneficial effect on the Town's overall financial status; now, therefore, be it

RESOLVED, that the Comptroller is authorized to pay down the Series 1995 A Bonds and Certificates of Participation by making principal payments thereon to an amount up to and including \$1,023,147, plus accrued interest.

See comments under previous resolution (Resolution No. 98).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

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MOTION BY Councilman Roth, seconded by Councilman Paolucci, to move into Executive Session to discuss a purchase of real property. Motion carried at 7:53 p.m.

Attendance: Supervisor Barrett, Councilman Paolucci, Councilman Speckhard, Councilman Roth, Councilwoman Walowit, Town Attorney McCarthy, Town Clerk O'Donnell

The Town Board agreed to bring forward a resolution authorizing the Town Supervisor to enter into an agreement to purchase land from Thomas and Alice Powers for the completion of the Sherwood Dawson Trail.

MOTION by Councilman Paolucci, seconded by Councilman Roth, to return to the regular Town Board meeting. Motion carried at 8:15 p.m.

Resolution No. 100 of 2007, a resolution authorizing the Town Supervisor to enter into an agreement to purchase land from Thomas Powers and Alice Powers for the completion of the Sherwood Dawson Trail.

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

WHEREAS, the Sherwood Dawson Trail is proposed for Route 146A from its intersection with Dawson Lane to its intersection with Route 146 and the Kinns Road Multi-Use Trail proposed for Kinns Road from the intersection of Nottingham Way and Kinns Road to the intersection of Carlton and Kinns Roads, and

WHEREAS, the Town Board wishes to enter into an agreement, per Schedule A, with Thomas Powers and Alice Powers to purchase land for the completion of the Sherwood Dawson Trail, per the attached description, and

WHEREAS, the acquisition of this land would confer a benefit to the Town of Clifton Park and its residents, and

WHEREAS, the purchase price for Parcels One, Two and Three will be \$15,000; now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to enter into the attached Agreement with Thomas Powers and Alice Powers for the purchase of Parcels One, Two and Three, said parcels of land to be used for the completion of the Sherwood Dawson Trail, at a purchase price of \$15,000, to be paid from A-7629-135 (Trails Contractual-Engineering).

Supervisor Barrett explained this is one of three groups of property that the town has to gain ownership of in order to extend the trail up Route 146A. This will give a connection from Kinns Road Park to other trail connections. He reported two of the three property ownerships have been resolved, however, the smallest one which is a drainage easement, is still under discussion. This agreement will allow the trail to go forward.

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, commented he will miss Councilman/Deputy Supervisor Speckhard. He asked if the noise complaints received over the last few months, e.g. loud music, ATVs, have been resolved and how. Mr. Goldman asked why the baseball presentation requesting financial help was held recently and why it wasn't included in the 2007

budget. He asked if a contract is legal if what is called for in the agreement isn't upheld. He asked where the town stands if it doesn't buy water from one or the other of the offered sources.

Nancy Bellamy, Eastside Drive, congratulated Councilman Speckhard on his retirement. Noting she is a member of the Friends of Grooms Tavern, she thanked the Town Board for their help with the Grooms Tavern restoration. Speaking as a member of the Ballston Lake Improvement Association, Ms. Bellamy spoke of watershed protection of Ballston Lake. She asked that the Town Board consider giving attendees the opportunity to speak at an early public privilege. Councilman Roth said if an individual calls in advance the Board would be happy to hear him earlier in the meeting.

Kevin Dailey, Sambrook Edge, Town Supervisor – 1980-1983 and 1986-1989, thanked Councilman Speckhard for many years of loyal service to the town, noting he has probably attended over 1000 Town Board meetings. He stated the community is richer and better because of Councilman Speckhard's involvement. Mr. Dailey noted there are four Town Supervisors in attendance this evening.

Marvin LeRoy, Shadow Brook Drive, Town Supervisor – 1992-1999, expressed appreciation for the contributions made to the community by Councilman Speckhard, and for his thoughtfulness, mentoring, guidance and support. Relating to Councilman Speckhard, Mr. LeRoy stated wisdom is the bridging of knowledge, which is he possesses, and love, which he has for his community.

Supervisor Barrett reported members of the Board will interview four people interested in the soon to be vacant councilman's seat and others of interest are asked to contact the Supervisor's office. It does appear, however, that two of the individuals interested hold an office in a political party and, therefore, would not be eligible to be appointed due to the Town's Ethics Law.

Councilman Speckhard, Town Councilman 1976-1979 and 1992-2007, Supervisor – 1984-1985, as Deputy Supervisor, took the Supervisor's chair and expressed appreciation to former Supervisor Dailey for all he has done for the town and to former Supervisor LeRoy and Supervisor Barrett for the years spent working together. He said the greatest experiences have been working with the Supervisors, Town Board members, town employees, officers and residents over the years.

Deputy Supervisor Speckhard asked for a motion to adjourn the meeting.

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 8:40 p.m.

Patricia O'Donnell
Town Clerk