

May 14, 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 Hughes
Councilman Roth
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Also Present: Town Attorney McCarthy
Michael Handerman, Supervisor of Buildings and Grounds
Mark Heggen, Comptroller
Myla Kramer, Director of Parks, Recreation and Community Affairs
Kathleen Maynard, Director of Planning
Barbara McHugh, Director of Community Development
Michael O'Brien, Environmental Specialist
Michael Shahan, Town Administrator
Jeffrey Vedder, Superintendent of Transfer Station

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Hughes announced, with the town budget surplus of \$10 million dollars, the Town Board is considering returning \$2.25 million in budget surplus funds through a rebate program of \$150 to each household, including permanent renters. He reported approximately 15,000 households would be impacted by this rebate. Councilman Hughes said in conversation with the NYS Association of Towns that this is unprecedented. He said a letter is going to the State Comptroller asking for his review and opinion and, if necessary, Home Rule legislation will be considered. He hopes for a response back from the State Comptroller by June 1st.

Supervisor Barrett said the State Audit Reports have stated the town has too much surplus money and the letter to the State Comptroller is to make sure the town is following correct protocol. The Supervisor stated this rebate will not put any services or initiatives at risk.

Councilman Paolucci reported town debt will be totally eliminated this year, Highway taxes have been reduced, funds have been set aside for a rainy day and the Board is out of options to reduce the surplus, which is the residents' money. He stated all residents of Clifton Park contribute to the surplus as it is sales tax money.

Councilwoman Walowit said she hopes this rebate money will be spent in town.

Supervisor Barrett said this will benefit the business community and residents, with no negative effect.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 140 of 2007, a resolution authorizing the hiring of a part-time summer laborer for the Convenience Transfer Station.

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

WHEREAS, a need exists for a part-time summer worker at the Transfer Station, and

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WHEREAS, Jeffrey Vedder, Convenience Transfer Station Supervisor, has recommended that David Larsen Jr., 7 Whispering Hills, Clifton Park, be hired to fill the position; now, therefore, be it

RESOLVED, that authorization is hereby given to hire David Larsen, Jr., 7 Whispering Hills, Clifton Park, as a part-time summer worker for the Transfer Station, at \$8.50 per hour, to be paid from A-8160-E3000, (Transfer Station-Part-time Laborer), effective May 22, 2007 through September 1, 2007.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 141 of 2007, a resolution authorizing up to four Citizen Corp/CERT volunteers to attend the National Citizen Corp Conference June 10-13, 2007.

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

WHEREAS, the National Emergency Association (NEMA) and the International Association of Emergency Managers (IAEM) are co-hosting a conference June 10-13, 2007 in Alexandria, Virginia relating to preparing America's communities for all types of emergencies and increasing resilience through collaborative planning, information and training for citizens, and multi-sector participation, and

WHEREAS, Barbara McHugh, Director of Community Development, has requested authorization for up to four Citizen Corp/CERT volunteers to attend this conference, and

WHEREAS, attendance at this conference will confer a benefit to the residents of the Town of Clifton Park; now, therefore, be it

RESOLVED, that up to four Citizen Corp/CERT volunteers are hereby authorized to attend the National Citizen Corp Conference, June 10-13, 2007 in Alexandria, Virginia, at a total cost for all four attendees not to exceed \$3,500, to be paid from 2007 Citizen Corps Grant Award, (A-8762-001 Clifton Park Citizen Corp Council-Conferences).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 142 of 2007, a resolution adopting Local Law No. 3 of 2007, a local law amending Chapter 208-99, B1, Parking requirements, as it relates to Hotels/Motels and deleting reference to Chapter 208-90 of the Town Code.

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

WHEREAS, Kate Maynard, Director of Planning, has recommended that the Town Code be amended regarding Chapter 208-99, B1, Parking requirements, as it relates to Hotels/Motels and deleting reference to Chapter 208-90, and

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WHEREAS, on May 7, 2007, at 7:10 pm, a public hearing was conducted to obtain comment from the public regarding this matter; now, therefore, be it

RESOLVED, that Local Law No. 3 of 2007, a local law amending Chapter 208-99, B1, Parking requirements as it relates to Hotels/Motels and deleting reference to Chapter 208-90 of the Town Code is hereby adopted, and be it further

RESOLVED, that the Town Clerk file said local law with the New York State Department of State as required by law; and be it further

RESOLVED, that this local law shall take effect immediately upon its adoption.

Director of Planning Maynard explained the parking requirements for the hotel/motel portion of the Code was inadvertently taken out in a former Code update and with this legislation will be reinstated. She noted the language reinstated is the same as previously in the Code.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 143 of 2007, a resolution adopting Local Law No. 4 of 2007, a Local Law amending Local Law No. 10 of 1999, the International Center Planned Development District.

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

WHEREAS, the applicant has applied for an amendment to the existing Planned Development District and for a resolution effecting a change to the Town Code which would modify the existing Zoning Code to allow for office space as well as retail space usage within the PDD, and

WHEREAS, a public hearing has been held in order to receive public comment on the application for an amendment to the International Center Planned Development District; and

WHEREAS, on March 30, 2007 the Planning Board sent a memorandum to the Town Board supporting the amendment allowing for office space use, and recommending the approval of the amendment to the existing PDD, and

WHEREAS, the Board recognizes that this amendment does not authorize physical changes to the existing structure, and supports the concept of office space use within this District; now, therefore, be it

RESOLVED, that the Town Board hereby adopts Local Law No. 4 of 2007, a local law amending Local Law No. 10 of 1999, to be known as International Center Planned Development District, 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 Hughes, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

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Resolution No. 144 of 2007, a resolution hiring summer help for the Longkill I Park District.

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

WHEREAS, a need has been identified for summer help at the Longkill I Park District to do light maintenance, and

WHEREAS, Heather Mackesey, 12 South Hollow Drive, Ballston Lake, has been recommended to be hired for this position; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Longkill I Park District, hereby authorizes the hiring of Heather Mackesey, 12 South Hollow Drive, Ballston Lake, to do light maintenance for the Longkill I Park District at \$7.50 per hour, not to exceed \$2,400 for the season, effective immediately, to be paid from SP57123-24 (Longkill I Park District-Maintenance).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 145 of 2007, a resolution authorizing the hiring of a summer worker for the Buildings and Grounds Department.

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

WHEREAS, a need exists for summer workers in the Buildings and Grounds Department, and

WHEREAS, Michael Handerhan, Buildings and Grounds Supervisor, has recommended that Robert Krawiecki, 931 Grooms Road, Rexford, be hired to fill this position; now, therefore, be it

RESOLVED, that authorization is given to hire Robert Krawiecki, 931 Grooms Road, Rexford, as part of the summer Buildings and Grounds staff for the Town of Clifton Park, effective immediately, at \$7.50 per hour, to be paid from A7110-E4000 (Buildings & Grounds-summer employee).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 146 of 2007, a resolution hiring summer help for the Clifton Knolls Park District.

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

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WHEREAS, a need has been identified for summer help at the Clifton Knolls Park District to do light maintenance, and

WHEREAS, Brian Soeller and Gary Soeller, 16 Majorca Lane, Clifton Park, have been recommended to be hired for these positions; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Clifton Knolls Park District, hereby authorize the hiring of Brian Soeller and Gary Soeller, 16 Majorca Lane, Clifton Park, to do light maintenance for the Clifton Knolls Park District at \$7.50 per hour, not to exceed \$2,000 for the season, for both hires, effective immediately, to be paid from SP37131-24 (Clifton Knolls Park District-Maintenance).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 147 of 2007, a resolution awarding the bid for a Trailer Mounted Sewer Cleaner.

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

WHEREAS, the bid process for the above referenced project was coordinated by Consulting Engineer, Jack McDonald, and

WHEREAS, on April 24, 2007, bids were received for the above referenced equipment, and

WHEREAS, the sole bidder for the Trailer Mounted Sewer Cleaner was Wm. H. Clark Municipal Equipment, Rensselaer, NY, in the amount of \$58,490, and

WHEREAS, McDonald Engineering has investigated the competitiveness of the bid received by reviewing recent bids received for this equipment by another municipality in the region, and

WHEREAS, the purchase of said equipment will enable the Clifton Park Sewer District No. 1 to respond to emergencies and troubles more effectively and more cost effective, and

WHEREAS, as per letter from McDonald Engineering, dated May 3, 2007, McDonald Engineering has reviewed the bid of Wm. H. Clark Municipal Equipment with the bid for a similar item and has recommended to the Town Board that the bid of Wm. H. Clark Municipal Equipment be accepted as the lowest most responsible bidder for the equipment for which they bid; now, therefore, be it

RESOLVED, that the Town Board accepts and awards the above referenced bid in the amount of \$58,490 to Wm. H. Clark Municipal Equipment, Rensselaer, NY, amount to be budgeted from G7-8111-200 (Clifton Park Sewer District No. 1-Sewer Contractual-Equipment)

Environmental Specialist O'Brien explained the purpose of this sewer cleaner is for emergencies and daily maintenance and will allow fast response by town sewer employees rather than waiting for an outside company to arrive. He said Clifton Park Sewer District is purchasing the sewer cleaner but other districts will be charged for use. Mr. O'Brien reported it cost approximately \$1000 per emergency with the current contractor. It was noted the Saratoga County Sewer District has been very helpful.

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ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 148 of 2007, a resolution scheduling a public hearing to consider a Local Law of 2007, a local law amending Chapter 152, Parks and Preserves, as adopted by Local Law No. 5-1979, as amended.

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

WHEREAS, Councilmen Paolucci, Roth and Hughes, Director of Parks, Recreation and Community Affairs Kramer, Director of Planning Maynard, Open Space Coordinator Viggiani and Town Attorney McCarthy have recommended that Chapter 152, Parks and Preserves be amended per the attached, and

WHEREAS, the Town Board wishes to solicit the comments of the Town's citizens regarding the proposed changes; now, therefore, be it

RESOLVED, that a public hearing be held on Monday, June 4, 2007 at 7:10 pm, in the Wood Memorial Room, Town Hall, Clifton Park, NY, to consider a Local Law of 2007, a Local Law amending Local Law No. 5 of 1979 as amended, as per the attached, and be it further

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

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 149 of 2007, a resolution scheduling a public hearing to consider a Local Law of 2007, a local law adding Chapter 153, Parks, to the Town Code.

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

WHEREAS, Councilmen Paolucci, Roth and Hughes, Director of Parks, Recreation and Community Affairs Kramer, Director of Planning Maynard, Open Space Coordinator Viggiani and Town Attorney McCarthy have recommended that Chapter 153 Parks be added to the Town Code, per the attached, and

WHEREAS, the Town Board wishes to solicit the comments of the Town's citizens regarding the proposed changes; now, therefore, be it

RESOLVED, that a public hearing be held on Monday, June 4, 2007 at 7:20 pm, in the Wood Memorial Room, Town Hall, Clifton Park, NY, to consider a Local Law of 2007, a local law adding Chapter 153, Parks, to the Town Code, per the attached, and be it further

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

Town Attorney McCarthy explained this legislation will covers parks, park areas, park districts, the skate park, pools and trails.

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ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 150 of 2007, a resolution scheduling a public hearing to consider a Local Law of 2007, a local law amending Chapter 59, Alcoholic Beverages, as adopted by Local Law No. 16 of 1981, as amended.

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

WHEREAS, Town Attorney Tom McCarthy has recommended that Chapter 59, Alcoholic Beverages be amended per the attached, and

WHEREAS, the Town Board wishes to solicit the comments of the Town's citizens regarding the proposed changes; now, therefore, be it

RESOLVED, that a public hearing be held on Monday, June 4, 2007 at 7:30 p.m. in the Wood Memorial Room, Town Hall, Clifton Park, NY, to consider Local Law of 2007, a local law amending Chapter 59, Alcoholic Beverages, of the Town Code, per the attached, and be it further

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

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 151 of 2007, a resolution appointing Matthew Mazzone to the Industrial Development Agency.

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

WHEREAS, due to the resignation of Daniel Keegan, an opening exists on the Industrial Development Agency, and

WHEREAS, Matthew Mazzone, 6 McGregor Court, Clifton Park, has been recommended to fill the position; now, therefore, be it

RESOLVED, that Matthew Mazzone, 6 McGregor Ct., Clifton Park, is hereby appointed as a member of the Industrial Development Agency until December 31, 2007.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

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PUBLIC PRIVILEGE

Norman Goldman, London Square Drive, stated town residents should have been asked if they approve of town expenditures.

Bob Gauvreau, Oakwood Blvd., advised Councilman Hughes to move slowly on the rebate, meet with trusted advisers and legal council to determine eligibility criteria.

Youseff Ballout, Torrero Drive, stated residents do pay taxes. He asked what the allowable surplus in ratio to budget is. Mr. Ballout said Highway taxes have been reduced over the past couple of years and more money should have been returned to the residents.

Supervisor Barrett responded these are special districts taxes, not property taxes. He emphasized this rebate is tax payer money.

Town Administrator Shahan responded in the past he advised the State Comptroller's office that the town couldn't control the surplus, noting there is no property tax.

Councilman Paolucci said there are no fees for town parks and the committees for park districts, which are taxing districts, are formed by residents to review what is desired in their parks.

Mr. Shahan estimates during his tenure the town has returned almost \$20 million to the county to reduce taxes.

Mr. Ballout reiterated money should be been paid back all along.

Beverly Czub, Miller Road, expressed appreciation to the Town Board for the proposed rebate.

Councilman Paolucci left at 8:00 p.m.

Mr. Goldman expressed concern with the quality of programming of the Town Board meetings shown the following evening. He asked that the agenda to be available earlier on Mondays. He asked if noise complaints discussed over the past year have been resolved. Town Attorney McCarthy said this has been monitored closely and a ticket has been issued due to noise after 10 p.m.

Ms. Czub asked if recreational burning; e.g. fire pits is allowed.

Councilman Hughes said self contained bowl-shaped fire pits do meet the specs. Councilwoman Walowit responded a fire pit surrounded only with stones is not allowed. Supervisor Barrett recommended asking Chief of the Bureau of Fire Prevention for information in this regard.

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

Motion carried at 8:13 p.m.

Patricia O'Donnell
Town Clerk