

June 11, 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
Mark Heggen, Comptroller
Myla Kramer, Director of Parks, Recreation and Community Affairs
Steven Myers, Director of Building and Development
Michael O'Brien, Environmental Specialist
Michael Shahan, Town Administrator

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Roth reported openings on the Planning Board were reported in the Community News, as well as the Daily Gazette on May 12, 2007.

Supervisor Barrett congratulated Congregation Beth Shalom on the restoration of their Holocaust Torah.

Supervisor Barrett asked for a Moment of Silence in memory of James Rood, long time Town Security Officer and Crossing Guard who passed away June 9, 2007.

PRESENTATIONS

Supervisor Barrett presented Resolution No. 3 of 2007 to Andrew Provencher, Scout Troop 246, in recognition of his attaining the rank of Eagle Scout. Andrew reviewed his project which consisted of building a brick walkway and two planting beds near the greenhouse at the Gowana Middle School. He reported the project took approximately 125 hours with a cost of \$425.

Mobile Food Service Request: Linda and Brian McDonald, Royal Oak Drive, asked to set up a mobile food service concession unit on the parking lot near the Barney Road pool. The parking lot is owned by Robert Phillips and the McDonalds have an agreement with Mr. Philips to set up near the garage. The McDonalds wish to sell hotdogs, hamburgers, ice cream, soda, etc. Ms. McDonald reported they have been through the NYS Department of Health inspection process and have met required specifications and passed inspection. Town Attorney McCarthy said the McDonalds have provided the Board with adequate documentation with regard to what is planned and what is in the trailer. He stated this is strictly a discretionary matter and the Board does not have to agree to it. He explained this is a pilot program for 2007 only. Mrs. McDonald said all trash will be taken off the property. Councilman Paolucci asked if people gathering at the concession could cause a security issue. Mr. Shahan said the area chosen for set up appears to be the ideal spot in the parking lot. Mr. McDonald said he will set cones out to mark the path to the stand. Councilman Roth asked the Town Attorney if this sets a precedent. Mr. McCarthy said no as the Town Board has the discretion to issue permits for each proposal if it sees fit. In response to Councilman Roth's question, Mr. Shahan and Ms. Kramer stated the life guards do not supervise anything outside of the pool area. Councilwoman Walowit asked if this stand is successful in this area, is the Town Board obligated to let someone else in the same area. Supervisor Barrett responded no. Mr. McCarthy no, this is on private property. In response to a question from the floor, the Town Attorney said there is no prohibition or permission in the Town Code authorizing the Town Clerk or Building Department to issue a permit for a hot food

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vendor but the Town Board has the discretion to issue a permit for hot food consistent with the proposal being made in compliance with NYS Department of Health. He stated if the location is changed by the landowner, the vendor must come back to the Town Board. Town Attorney McCarthy asked the McDonalds for a copy of the lease with Mr. Phillips. Councilman Paolucci asked that the Board not move forward with the request until Mr. McCarthy has a copy of the lease. Councilman Roth said the resolution can be made contingent upon the Town Attorney receiving the lease and he has no problem with moving forward.

PUBLIC COMMENT ON
MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4 PERMITS) COMPLIANCE
PROGRAM

The Town Clerk read the notice of public comment as published in the Daily Gazette on June 9, 2007.

Director of Building and Development Myers reviewed the highlights of the town's Stormwater Management Program for the past year and coming year, attached, as required by DEC. He said any public comment will be included in the report to DEC.

Councilman Roth noted the importance of stormwater management and the instances of soil erosion from projects approved many years ago. He asked if projects that have already been approved will be looked at to see what the stormwater management might be in that area and if there is a problem is there anything that can be done at this point.

Mr. Myers replied enforcement will be possible once the laws are in place.

The public comment period was opened at 7:30 p.m.

Nancy Bellamy, Eastside Drive, Ballston Lake, Secretary of the Ballston Lake Improvement Association, reported the Association has been meeting weekly with the Town Board of Town of Ballston about MS4 compliance and Ballston Lake and the Town of Ballston is in the process of hiring CT Male to set up their program. The Association asked the Town of Ballston, once this is in their code, to create a watershed overlay zone for the areas of Ballston Lake, Ashdown Road, Schaubert Road, Hubbs Road, Main Street, Mill Road, as everything runs into the lake and she hopes the Town of Clifton Park can do the same. Ms. Bellamy reported a dock ordinance is being created and a photograph of every dock and shoreline will be taken. She reported the water is so high the shoreline is washing away.

Everyone was given an opportunity to speak and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 7:40 p.m.

PUBLIC PRIVILEGE ON RESOLUTIONS

Question from the floor asked if there was more than one candidate for the Planning Board position. Supervisor Barrett responded yes.

Resolution No. 178 of 2007, a resolution allocating funds for the completion of the Town Fire Prevention Bus, such funds to be allocated from undesignated surplus.

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

WHEREAS, funds have already been raised for the functioning of the Town Fire Safety Bus, and

WHEREAS, additional funds are needed in the amount of \$ 8,400.00 to prepare the Bus to be on display during the July 4th celebration at the Clifton Common, and

WHEREAS, funds will be forthcoming in the future through sponsorships and fund raisers, which funds will be returned to the Town of Clifton Park; now, therefore, be it

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RESOLVED, that \$8,400 be allocated from undesignated surplus with a transfer to A-4010-24 (Community Services-Public Safety) for the completion of the Town Fire Prevention Bus.

Councilman Roth said there is \$1580 in donations and asked if the amount should be reduced to \$7000. Director of Building and Development Myers said \$8400 is requested as some items to be donated have not been received as yet and any money that is left or extra will go back to the town. He reported other than the initial purchase of the bus, there has been no cost to the town. Councilwoman Walowit said the donation list is very impressive, as is the volunteer work force.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 179 of 2007, a resolution scheduling a public hearing to consider local law of 2007, a local law amending Chapter 208, Zoning, of the Town Code, as amended.

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

WHEREAS, the Town continues to upgrade it's systems for compliance with NYSDEC'S General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems Permits, (MS4 Permits), and

WHEREAS, Steven Myers, Director of Building and Development, has recommended that the following sections of Chapter 208 of the Town Code be amended to upgrade the Town's systems for compliance:

- 208-6, Additional Standards for Administration and Enforcement
- 208-69.1, Location and Boundaries
- Section 208-114, Conceptual Plan
- Section 208-115, Application for preliminary site plan approval
- Section 208-118, Application for final site plan approval

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, July 16, 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 Chapter 208, Zoning, of the Town Code, per the attached, and be it further

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

Mr. Myers explained these changes reflect requirements of MS4 Permit issuing laws of the state.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

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Resolution No. 180 of 2007, a resolution scheduling a public hearing to consider a local law of 2007, a local law amending Chapter 86, Construction and Design Standards of the Town Code, as amended.

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

WHEREAS, the Town continues to upgrade it's systems for compliance with NYSDEC'S General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems Permits, (MS4 Permits), and

WHEREAS, Steven Myers, Director of Building and Development, has recommended that the following sections of Chapter 86 of the Town Code be amended to upgrade the Town's systems for compliance:

- Section 86-7, Storm Drainage
- Section 86-114, Storm Drainage System

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, July 16, 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 amending Chapter 86, Construction and Design Standards 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. 181 of 2007, a resolution scheduling a public hearing to consider a local law of 2007, a local law amending Chapter 169, Sewers, Article III, Use of Public Sewers Required, of the Town Code, as amended.

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

WHEREAS, the Town continues to upgrade it's systems for compliance with NYSDEC'S General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems Permits, (MS4 Permits), and

WHEREAS, Steven Myers, Director of Building and Development has recommended that Chapter 169, Sewers, Article III, Use of Public Sewers Required, of the Town Code be amended to upgrade the Town's systems for compliance, 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, July 16, 2007 at 7:30 pm, in the Wood Memorial Room, Town Hall, Clifton Park, NY to consider local law of 2007, a local law amending Chapter 169, Sewers, Article III, Use of Public Sewers Required, of the Town Code, per the attached, and be it further

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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. 182 of 2007, a resolution authorizing the Thirteenth Annual Household Hazardous Waste and Electronics Collection Day on Saturday, September 29, 2007.

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

WHEREAS, the Town Board of the Town of Clifton Park wishes to conduct the Thirteenth Annual Household Hazardous Waste and Electronics Collection Day to be held on September 29, 2007 from 8:00 am to 4:00 pm at the Ray Road site, and

WHEREAS, an application will be made to the New York State Department of Environmental Conservation for reimbursement of up to 50% of eligible costs, and

WHEREAS, the citizens of Clifton Park have supported such programs in the past; now, therefore, be it

RESOLVED, that authorization is hereby granted to allocate up to \$50,000 from account A-8989-00150 (Special Collections) in order to conduct the Special Collection Day; and be further

RESOLVED, that authorization is given to the Town Environmental Specialist to apply for funding for reimbursement of up to 50% of eligible costs.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 183 of 2007, a resolution authorizing the hiring of an Athletic Specialist for the Summer Recreation 2007 Season.

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

WHEREAS, a need exists for an Athletic Specialist for the Middle School Half-Day Camp as part of the Town of Clifton Park's Summer Recreation Program, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that Paul Caron, 22 Birch Hill Court, Ballston Lake be hired for such purpose; now, therefore, be it

RESOLVED, that Paul Caron, Ballston Lake, be hired as an Athletic Specialist for the Middle School Half-Day Camp, effective immediately through August 10, 2007, to be paid a total of \$1,400 from A-7310-9000 (Summer Rec. Programs-Summer Recreation Site Counselors).

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ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 184 of 2007, a resolution authorizing a CERT volunteer to attend an Incident Command System Training Course, June 19-21, 2007.

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

WHEREAS, the New York State Emergency Management Office is sponsoring an Incident Command System Training Course, June 19-21, 2007, at the United States Military Academy, West Point, NY, and

WHEREAS, Barbara McHugh, Director of Community Development has requested authorization for CERT volunteer Ronald Volungus, 4 Applewood Drive, Rexford 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 CERT volunteer Ronald Volungus is hereby authorized to attend the Incident Command Training Course, June 19-21, 2007 at West Point, NY, at a total cost not to exceed \$463.00, 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. 185 of 2007, a resolution scheduling a public hearing to consider a local law of 2007, a local law amending Junkyard definitions in Chapters 138-3 and 208-7 of the Town Code.

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

WHEREAS, Steven Myers, Director of Building and Development, has recommended that Chapters 138-3 and 208-7 of the Town Code regarding the definition of Junkyards be amended; 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 18, 2007 at 7:10 p.m. in the Wood Memorial Room, Town Hall, Clifton Park, New York to consider a local law of 2007, a local law amending Junkyard definitions in Chapters 138-3 and 208-7 of the Town Code; and be it further

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

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Town Attorney McCarthy explained this is intended to close a loophole in current legislation regarding definitions and will require vehicles to be registered, inspected and operable.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 186 of 2007, a resolution appointing Jennifer Thorne to the Planning Board.

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

WHEREAS, due to the resignation of Jay Russell, an opening exists on the Planning Board, and

WHEREAS, Jennifer Thorne, 8 Meyer Rd., Clifton Park has been recommended to fill the position; now, therefore, be it

RESOLVED, that Jennifer Thorne is hereby appointed to the Planning Board to fill the unexpired term of Jay Russell, term to expire December 31, 2007.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 187 of 2007, a resolution appointing Eric Ophardt to the Clifton Park Open Space/Trails/Riverfront Advisory Committee.

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

WHEREAS, due to the resignation of Scott Hughes, an opening exists on the Clifton Park Open Space/Trails/Riverfront Advisory Committee, and

WHEREAS, Eric Ophardt, 8 Daniel Lill Court, Clifton Park has been recommended to fill the position; now, therefore, be it

RESOLVED, that Eric Ophardt is hereby appointed to the Clifton Park Open Space/Trails/Riverfront Advisory Committee to fill the unexpired term of Scott Hughes, term to expire December 31, 2007.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 188 of 2007, a resolution authorizing a Mobile Food Vendor (Moose Mountain Munchies) to set up their Trailer at the Barney Road Pool parking lot.

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

WHEREAS, Brian and Linda McDonald have applied to the Town of Clifton Park for a permit to sell food items including a limited menu of prepared foods as restricted by New York State Department of Health guidelines for Mobile Food Vendors, at a stationary location in the Barney Road Pool parking lot, and

WHEREAS, the parking lot at the Barney Road Pool is privately owned, and

WHEREAS, the McDonald's have reached a proposed lease agreement with the owner of the parking lot at the Barney Road Pool, and

WHEREAS, the Board has reviewed documents demonstrating the applicant's compliance with the sanitary requirements of Public Health Law Section 225 which regulates protocols for Mobile Food Vendors, has provided proof of insurance, photographs depicting the Mobile Food Service equipment and proposed menu, and

WHEREAS, on June 11, 2007 the McDonald's did make a presentation to the Town Board requesting authorization to set up their Trailer at the Barney Road Pool parking lot, and

WHEREAS, the Board finds the proposal to be reasonable for the Barney Road location from an aesthetic and service standpoint, and that the applicant has demonstrated Health and Safety Regulations; now, therefore, be it

RESOLVED, that the Board directs the Director of Parks and Recreation to issue a permit to the McDonald's, on a Pilot Program Basis for the 2007 Season, for a permit fee of \$100.00, subject to review and approval of the lease between the McDonald's and the landowner.

Supervisor Barrett asked that security be in the area during the first day or so.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Todd Kerner, Spruce Street, questioned the length of time it is taking to respond to his FOIL. He further questioned the Planning Board appointment.

Norman Goldman, London Square, criticized the distribution of the \$150 tax rebate. He continues to have concerns regarding audited reports for CAPTAIN, Shenendehowa Senior Center and the YMCA.

Nancy Bellamy, Eastside Drive, member of Saratoga County Water Strategy Committee, recommended that Blue Neils, representing Cornell Cooperative Extension, speak at the public hearings regarding the MS4 compliance.

Mr. Goldman stated the organizational meeting minutes authorize the Supervisor to sign various agreements and asked for certified audited financial reports, however, this is not a requirement in the agreements.

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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 8:35 p.m.

Patricia O'Donnell
Town Clerk