

June 18, 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 Roth
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Absent: Councilman Hughes

Also Present: Town Attorney McCarthy
Mark Heggen, Comptroller
Myla Kramer, Director of Parks, Recreation and Community Affairs
Kathleen Maynard, Director of Planning
Michael O'Brien, Environmental Specialist
Michael Shahen, Town Administrator

MOTION BY Councilman Roth, seconded by Councilman Paolucci, to approve the minutes of the June 4, 2007 meeting as presented.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Roth announced the Clifton Park Community Chorus will be performing on the Common stage on June 24th and the upcoming production by the Not So Common Players of "The Pajama Game" will be presented on the Common stage July 13-15 and 19-22.

Supervisor Barrett reviewed the Sunday Night on the Common events.

Supervisor Barrett read Resolution No. 104 of 2007 commending Eagle Scout Christian Shay Silvia on attaining the rank of Eagle Scout. Shay explained the process in obtaining the rank of Eagle Scout and his project which consisted of fundraising and building cages necessary for the rehabilitation of a wide variety of wild animals at North Country Wild Care in Ballston Spa. He thanked all involved in helping him achieve his Eagle Scout rank.

PUBLIC HEARING, 7:10 PM

**TO CONSIDER A LOCAL LAW AMENDING JUNKYARD DEFINITIONS IN CHAPTERS
138-3 AND 208-7 OF THE TOWN CODE**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on June 14, 2007.

Town Attorney McCarthy explained this amendment will allow the town and Building Department with regulatory authority to classify and regulate junkyards primarily as it relates to "down" vehicles in residential areas. In addition to the amendment, Mr. McCarthy asked the Town

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Board to consider removing the following language ...*whether for the purpose of resale of used parts there from or for the purpose of reclaiming for use some or all of the materials therein, whether metal, glass, fabric or otherwise, or for the purpose of disposing of the same or for any other purpose....*Mr. McCarthy stated this will provide the Building Department with clear authority they need in order to regulate unwanted vehicles in a residential zone.

The public hearing was opened for comments from the audience at 7:20 p.m.

Norman Goldman, London Square Drive, asked for an explanation of what it would take to be in violation of the proposed legislation.

Mr. McCarthy replied more than one vehicle without a valid NYS registration, inspection or is inoperable or in a major state of disassembly/disrepair or in the process of being stripped or dismantled would constitute a violation.

Mr. Goldman asked how long do vehicles have to be in the above state.

Mr. McCarthy responded there is no timeframe in the proposed legislation. He recommended keeping the public hearing open in order to add a timeframe at the next Town Board meeting.

In response to a question from the floor Mr. McCarthy responded this does not cover cars inside a garage. The question also arose if the legislation covers cars in a carport.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one else wished to be heard. Supervisor Barrett stated the Town Board will look at issues brought up this evening.

REPORTS TO THE BOARD

Town Comptroller Heggen reported the May 31, 2007 financials are in line with previous years. He said the Assistant Comptroller's position is open due to the resignation of Denise Burrall. The position has been advertised and resumes are being received.

Town Administrator Shahan said work is being done on the 2008 budget and Department Heads will be receiving their forms on August 1st to be returned to his office September 3rd. He reported he is looking at adding the version of the town budget that is sent to the county to the town webpage. Mr. Shahan reported McDonald Engineering is looking at the hand railings around town hall as one recently fell down due to rusting out at the bottom. He said the sidewalks are also eroding due to salt. Mr. Shahan reported he has received a estimate of \$50,000-\$60,000 from McDonald Engineering for sidewalks and railing repair, however, this has not been budgeted and there is not enough money in town hall funds. Bids have been received for the cleaning of town buildings. Mr. Shahan said going with the low bid will result in a savings of over \$11,000.

PUBLIC PRIVILEGE ON RESOLUTIONS

Question from the floor regarding language in the Home Rule resolution of "up to \$150" when the Town Board has stated a flat \$150. Mr. McCarthy explained that language is to provide the Comptroller with flexibility. He said this will be a local law after it is passed by the State Legislature.

In response to a question from the floor regarding positions in the Planning Department, Director of Planning Maynard reported: her position as Director, Assistant Planning Director – Jan Dean, Open Space Coordinator – Jennifer Viggiani and an open administrative position to be discussed tonight. Question from floor asked if that position is the one that was created as executive assistant. Ms. Maynard replied correct.

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Resolution No. 189 of 2007, a resolution pursuant to Article IX of the New York State Constitution sending a home rule message to the New York State Legislature regarding proposed legislation to authorize a taxpayer assistance program on behalf of the residents of the Town of Clifton Park.

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

WHEREAS, the Town Board of the Town of Clifton Park, on behalf of the residents of the Town of Clifton Park, herein and hereby requests that the State Legislature enact legislation authorizing a taxpayer assistance program for households within the Town of Clifton Park, and

WHEREAS, that the New York State Legislature take legal notice of the following, and

WHEREAS, the Town of Clifton Park has developed an unreserved general fund surplus in excess of \$10,000,000.00, and

WHEREAS, the Town Board wishes to reduce its unreserved general fund surplus and to provide meaningful tax relief to its residents, and

WHEREAS, the Town Board has allocated \$2,250,000.00 for a taxpayer assistance program that would provide taxpayer relief payments of up to \$150.00 for each household within the Town of Clifton Park by Resolution No. 157 of 2007 for this initiative, and

WHEREAS, the Town is not authorized to implement this initiative by local law or other format, and requires special legislation to do so, and

WHEREAS, special legislation has been introduced in the New York State Senate (S6153), and the New York State Assembly (A9139) that would authorize the Town to implement this initiative, and

WHEREAS, the Town's full value assessment has nearly doubled in the past 6 years, and causing a substantial increase in the Town's share of sales tax receipts through Saratoga County sales tax formula, contributing substantially to the Town's unreserved general fund surplus, and

WHEREAS, a necessity for this legislation also exists because the taxpayers of the Town of Clifton Park pay an overall tax burden which is impacted by increases in assessments, state mandates, rising school taxes, the cost of purchasing fuel, goods and services, and the cost of delivering municipal services, and

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Clifton Park herein formally requests that the New York State Legislature enact legislation proposed as Bill No. S6153 in the State Senate, and A9139 in the State Assembly during this legislative session, authorizing the Town of Clifton Park to implement a taxpayer assistance program that will provide homeowners and renters within the Town of Clifton Park with a taxpayer relief payment of up to \$150.00 each during Town fiscal year 2007; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to Assemblyman Bob Reilly and New York State Senator Joseph Bruno forthwith and that the Town Supervisor is authorized to prepare and execute on behalf of the Town any legal instruments necessary for this matter to be presented before the New York State Legislature.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilwoman Walowit
Supervisor Barrett
Noes: None
Abstain: Councilman Roth
Absent: Councilman Hughes

DECLARED ADOPTED

06/18/2007

Resolution No. 190 of 2007, a resolution authorizing Change Order No. 1 for the Highway Garage Sanitary Sewer General Construction Contract No.1.

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

WHEREAS, Resolution No. 363 of 2006 authorized a contract for the Highway Garage Sanitary Sewer General Construction Contract No.1 in an amount of \$111,293.00, 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 \$2,500.00 from the current amount of \$111,293.00 to arrive at a new contract amount of \$108,793.00; now, therefore, be it

RESOLVED, that Supervisor Barrett is hereby authorized to sign Change Order No. 1 dated May 15, 2007, to Trinity Construction for Contract No. 1, Highway Garage Sanitary Sewer Construction Contract No. 1; and be it further

RESOLVED, that the decrease amount of \$2,500.00 be released from encumbrances from A-5132-200 (Highway Garage-Equipment).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 191 of 2007, a resolution authorizing the installation of a street light at the entrance to the Wildberry Court Subdivision at the intersection of Wildberry Court and Grooms Road.

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

WHEREAS, the Wildberry Court Subdivision was previously approved by the Town of Clifton Park Planning Board and the installation of a street light is depicted on the approved subdivision plan, and the street light is warranted at this time; now, therefore, be it

RESOLVED, that authorization is hereby granted for the installation of a street light at the intersection of Wildberry Court and Grooms Road, said subdivision being located on the south side of Grooms Road just west of Lincoln Avenue in the Town of Clifton Park, and be it further

RESOLVED, that said street light shall be charged to the Town of Clifton Park Lighting District No. 1, and a copy of this authorization shall be forwarded to Niagara Mohawk Power Corporation.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 192 of 2007, a resolution establishing the position of Planner in the Planning Department.

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

WHEREAS, the work of the Planning Department continues to expand with the complexity of proposed projects and with the detailed review necessary to ensure compliance with the direction provided by the Town Board and the Planning Board, and

WHEREAS, an additional full time staff person is needed to handle the various aspects of the Planning Department, and

WHEREAS, the title of Planner has been adopted as a result of the position questionnaire forwarded to the Saratoga County Personnel Office by the Planning Director; now, therefore, be it

RESOLVED, that the position of Planner is hereby created in the Town of Clifton Park Planning Department.

Director of Planning Maynard reviewed various activities in the Planning Department and noting the office is very busy. This position is to restructure the current open administrative position. In response to Councilman Roth's question, Ms. Maynard reported she recommended this position be a Grade 6, with salary range of \$35,000 to \$37,000. She said the minimum qualifications come from the county.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 193 of 2007, a resolution approving an outside user hook-up to the Corporate Commerce Sewer District No. 1.

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

WHEREAS, the Corporate Commerce Sewer District No. 1 was approved by the Town Board of the Town of Clifton Park on September 8, 2003 by Resolution No. 235 of 2003 and was subsequently approved by the New York State Comptroller's Department of Audit and Control, and

WHEREAS, a request has been received by the Town Board as Commissioners of the Sewer District to approve an outside user connection per the attached agreement, and

WHEREAS, the said property is located outside the legal boundaries of the Sewer District, and

WHEREAS, the Corporate Commerce Sewer District No. 1 has reviewed and approved the application and they have no objection to the new user, and

WHEREAS, the Superintendent has collected or will collect all appropriate fees as required by the Rules and Regulations of the Corporate Commerce Sewer District No. 1, and

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WHEREAS, the Town Engineer has reviewed the location and has confirmed that there will be no detrimental impact on the sewer system; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Corporate Commerce Sewer District No. 1, hereby approves an outside user connection to the District's facilities by Frank and Jody Genovese, for Tax Map No. 270-2-57 pursuant to the attached agreement and authorizes the Supervisor to sign the agreement on behalf of the Corporate Commerce Sewer District No. 1, and be it further

RESOLVED, that the approval of the outside user connection is contingent upon approval by the Saratoga County Sewer District No. 1; and be it further

RESOLVED, that this approval for an outside-user connection by Frank and Jody Genovese, is specifically conditioned upon adherence to the Town of Clifton Park's Policy for New Sewer Users, which Policy shall be incorporated by reference into the Outside User Agreement applicable to his property.

Environmental Specialist said this parcel is unique as it is surrounded by the Corporate Commerce District.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 194 of 2007, a resolution adopting Local Law No. 5 of 2007, a local law amending, Chapter 152, Nature Preserves, as adopted by Local Law No. 5 of 1979, as amended.

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

WHEREAS, Town Attorney Tom McCarthy has recommended that Chapter 152, Nature Preserves be amended per the attached, and

WHEREAS, on June 4, 2007, at 7:10 pm a public hearing was conducted to obtain comment from the public regarding the proposed changes; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby adopts Local Law No. 5 of 2007, a local law amending Chapter 152 Nature Preserves, as adopted by Local Law No. 5 of 1979 as amended, as per the attached, 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.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

06/18/2007

Resolution No. 195 of 2007, a resolution adopting Local Law No. 6 of 2007, a local law adding Chapter 153, Parks, to the Town Code.

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

WHEREAS, Town Attorney Tom McCarthy has recommended that Chapter 153, Parks be added to the Town Code, per the attached, and

WHEREAS, on June 4, 2007, at 7:20 pm, a public hearing was conducted to obtain comment from the public regarding the proposed changes; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park adopts Local Law 6 of 2007, a local law adding Chapter 153, Parks, to the Town Code, as per the attached, 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.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 196 of 2007, a resolution adopting Local Law No. 7 of 2007, a local law amending Chapter 59, Alcoholic Beverages, as adopted by Local Law No. 16 of 1981, as amended.

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

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

WHEREAS, on June 4, 2007 at 7:30 pm a public hearing was conducted to obtain comment from the public regarding the proposed changes; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby adopts Local Law No. 7, a local law amending Chapter 59, Alcoholic Beverages, as adopted by Local Law No. 16 of 1981, as amended, per the attached, 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.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

06/18/2007

Resolution No. 197 of 2007, a resolution authorizing the hiring of a current Assistant Pool Manager/Head Lifeguard as a Water Safety Instructor.

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

WHEREAS, it is necessary to hire a Water Safety Instructor for the Town of Clifton Park 2007 Learn to Swim Program, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs has recommended that Scott Seligman, currently an Assistant Pool Manager and Head Lifeguard at the Barney Road Pool be hired for such purpose; now, therefore, be it

RESOLVED, that Scott Seligman, 76 Robinwood Drive, Clifton Park be hired as a staff member for the Town of Clifton Park's 2007 Learn to Swim Program, as a Water Safety Instructor, Step 7, at \$10.50 per hour, effective retroactive to June 2, 2007 through August 10, 2007, to be paid from A-7310-E4575 (Summer Recreation Programs-Swim Lesson Program).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 198 of 2007, a resolution authorizing the hiring of a contractor to perform sound engineering during the Performing Arts Series and Family Series at the Clifton Common.

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

WHEREAS, a need exists for a contractor to perform sound engineering during the Performing Arts Series and Family Series at the Clifton Common, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs has recommended that Paul Dunham, 539 Croll Avenue, Valley Falls, NY be hired to perform the needed duties; now, therefore, be it

RESOLVED, that authorization is hereby given to hire Paul Dunham, Valley Falls, NY to perform sound engineering at the Common, for the 2007 Performing Arts Series and Family Series, at a total cost not to exceed \$1,600.00, \$1,200.00 to be paid from A-7550-053 (Town Festivals-Performing Arts on Common) and \$400.00 to be paid from A-7550-05 (Festivals-Town Programs).

Director of Parks and Recreation Kramer said this will be a savings of \$1200 from last year.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

06/18/2007

Resolution No. 199 of 2007, a resolution approving the Clifton Park Water Authority provision of water to a certain location in the Town of Ballston.

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

WHEREAS, per a letter from Water Authority Administrator, Donald Austin, the Clifton Park Water Authority (CPWA) has granted access to the public water supply for the property of Matthew Keenan, at 135 Eastline Road, in the Town of Ballston, and

WHEREAS, Matthew Keenan has requested that the Town Board of the Town of Clifton Park approve the extension of services as per Public Authority Law Section 1120-d (18); now, therefore, be it

RESOLVED, that the Town Board approves the extension of the Clifton Park Water Authority's services to 135 Eastline Road in the Town of Ballston, contingent upon such extension being consistent with the provision of Public Authorities Law Section 1120-d (18) that such water services shall not be sold retail to individual consumers outside of the CPWA district.

It was noted this request came from the Clifton Park Water Authority.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 200 of 2007, a resolution authorizing the hiring of Adventure Challenge Staff per Schedule A.

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

WHEREAS, it is necessary that Adventure Challenge Staff be hired to conduct the 2007 Project Adventure Program within the Department of Parks, Recreation and Community Affairs; now, therefore, be it

RESOLVED, that the individuals on the annexed Schedule A are appointed to said positions at the salary amounts listed, effective retroactive to June 15, 2007, through October 31, 2007, to be paid from A-7621-E2350 (Facilitators) and A7621-E2360 (Assistants).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

PUBLIC PRIVILEGE

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Margaret Catellier, Royal Oak Drive, spoke in favor of the new position in the Planning Department.

Norman Goldman, London Square Drive, continued to question why the Home Rule resolution states "up to \$150". Supervisor Barrett responded no changes are expected from the flat \$150 rebate. McCarthy reported the State Comptroller recommended the Home Rule process. Mr. Goldman expressed concern with the salary for the Planning position. Ms. Maynard explained a statement of need was sent to the county and the county replied that the need fits the planner position.

Jerry Semian, 5 Merion Drive, reported there is loud entertainment that is very annoying most weekends from noon to 10:00 p.m. in his development and asked what can be done about it. He stated this has been persistent over the last two years. Supervisor Barrett said he will call Mr. Semian and asked him to leave his name, address and phone number with Mr. Shahen

Rob Ritter, Mountain View Terrace, commended the Town Board on sending assistance to the Zoning Board of Appeals regarding communication towers in town. He suggested the Town Board take a comprehensive look at communication towers throughout the town and possibly devise a plan to assist the Zoning Board of Appeals. He proposed setting a moratorium on communication towers until the issue can be studied. Supervisor Barrett stated the 500 foot buffer legislation has done a great job in protecting neighborhoods, giving the town some extra recourse, giving the ZBA some extra power but with all the different uses now on cell phones, is taking up more space on the towers with more companies needing more space which is leading to more submissions. He stated it is necessary for the town to stay ahead of the curve and evolve as the industry evolves. The Supervisor reported the issue is being looked at, noting the town has a partnership with Girven and Felazzo and Dick Comey, an engineer in the field. He said looking at cell tower locations town wide has been discussed, as well as possibly going to the companies with designated locations.

James Ruhl, Wood Dale Drive, spoke in favor of the adoption and amendments to Chapters 152, Nature Preserves, and 153, Parks, and commended the Board for their action. He reported this has been endorsed by the town Open Space Committee. Mr. Ruhl said this legislation gives legal status to the Preserves, as well as prominence and credibility to the plans associated with the Preserves. He stressed the importance of the enforcement section. Councilman Roth asked Mr. Ruhl to document vandalism in the Preserves. Mr. Ruhl said it would be helpful to have a Scout pursuing the rank of Eagle Scout work in the Preserves.

Youseff Ballout, Torrero Drive, stated it is a good idea to put the budget on line but he would rather see the full report rather than the one submitted to the county.

Mr. Goldman stated the town should have a dog leash law.

MOTION by Councilman Paolucci, seconded by Councilwoman Walowit, 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