

July 2, 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
Kathleen Maynard, Director of Planning
Barbara McHugh, Director of Community Development
Michael Shahen, Town Administrator

MOTION BY Councilman Roth, seconded by Councilman Paolucci to approve the minutes of the June 11 and 18, 2007 meetings as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett announced the events planned for the 4th of July celebration.

Councilman Roth said an application for a telecommunication structure for Van Patten Country Club Golf has been received. He asked if the Town Board has to submit this to the Planning Board or can the Town Board decide not to submit it. Supervisor Barrett the Town Board has the option. Town Attorney McCarthy said a factual record needs to be built and an expert consultant has been retained. He stated under the federal act someone has to make a decision based on a factual record. Councilman Roth stated it appears the site location is within the 500 feet covered by town law. Mr. McCarthy said the federal act does not differentiate between whether it's in a PDD or a different part of town; a factual record still has to be built. The consultant reviewed this application when it was proposed for the Jonesville Fire Station. Mr. McCarthy stated the federal act supersedes town law.

Supervisor Barrett explained the public hearing scheduled for this evening regarding telecommunication towers is setting a fee structure on any application.

Councilman Roth said he is not in favor of the application for Van Patten golf course for several reasons. Supervisor Barrett the application has some challenges since it is within the 500 feet designation.

In response to questions from the floor, Mr. McCarthy stated the only reason the Town Board is looking at the application for the telecommunication structure for the Van Patten Golf Course is because it would require an amendment to a PDD which falls under Town Board jurisdiction.

Supervisor Barrett reviewed the process of referring the application to the Planning Board for their non-binding recommendation, noting the final decision rests with the Town Board. He reported the engineer reviewing the applications is Dick Comi.

Regarding cell towers requiring a variance, it was explained the applicant goes before the Zoning Board of Appeals and if approved at that level proceeds to the Planning Board. Supervisor Barrett stated all meetings are public and a public hearing would be held during the Planning Board process. Approval or disapproval will then come from the Planning Board.

Supervisor Barrett explained town legislation does not allow a cell tower to be placed within 500 feet of a residential property. He stated an application cannot be denied citing health effects. He further stated the cell company has to prove a need.

Mr. McCarthy said the town doesn't have the ability to tell the companies where to go in the first instance. The company has the right, under the federal act, to make an application based on their perception of coverage and capacity needs. The town will then respond to the application. Supervisor Barrett reported the code does ask companies to co-locate on a structure.

Mr. McCarthy explained the federal act declares there are no proven health affects and, therefore, municipalities cannot use that as a basis for denial.

Supervisor Barrett encouraged attendees to check the website or call his office for information.

Supervisor Barrett presented the following resolution to Betty Rood and family.

Resolution No. 201 of 2007, a resolution honoring the memory of James W. Rood.

Introduced by Supervisor Barrett, who moved its adoption, seconded by the entire Town Board.

WHEREAS, James W. Rood, an employee of the Town of Clifton Park for over eighteen years, passed away on June 11, 2007, and

WHEREAS, Mr. Rood worked as a Security Guard for the Town of Clifton Park, as well as a school crossing guard for eighteen years at Okte Elementary School, and

WHEREAS, at Okte Elementary School Mr. Rood was committed to the safety of the students, and

WHEREAS, safety was his priority, his kindness, caring and quick wit followed right along, often bringing smiles to children as well as the adults; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park and the community as a whole expresses both sorrow at the loss of James W. Rood and sympathy to the family and pauses in its deliberation to honor his memory.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

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Resolution No. 202 of 2007, a resolution authorizing the hiring of staff for the 2007 Summer Camp Program.

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

WHEREAS, it is necessary that additional staff be hired by the Department of Parks and Recreation to operate the 2007 Summer Camp Program, and

WHEREAS, Myla Kramer, Director of the Office 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 individuals listed in Schedule "A" attached hereto, shall be hired to staff the 2007 Summer Recreation Programs.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 203 of 2007, a resolution authorizing the hiring of a Park Manager for the Clifton Park Action Park.

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

WHEREAS, a need exists for a Park Manager for the Clifton Park Action Park, and

WHEREAS, Myla Kramer, Director of the Office of Parks, Recreation and Community Affairs, has recommended that Matthew McMahon, 15 Jacob Drive, Halfmoon, be hired to fill the position; now, therefore, be it

RESOLVED, that authorization is hereby given to hire Matthew McMahon, 15 Jacob Drive, Halfmoon, as a Park Manager for the Clifton Park Action Park, effective immediately through November 4, 2007, at a rate of \$11.00 per hour, to be paid from A-7200-E4000 (Clifton Park-Part time Employee).

Councilman Paolucci explained this is an increase of eighty-five cents per hour with the Senior Attendant position becoming the Park Manager position.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 204 of 2007, a resolution approving an outside user hook-up to the Olde Nott Farm Sewer District No. 1, for 24 Nott Road.

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

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WHEREAS, a request has been received by the Town Board, acting 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 Olde Nott Farm 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 Olde Nott Farm Sewer District No. 1, and

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 Olde Nott Farm Sewer District No. 1, hereby approves an outside user connection to the District's facilities by James Giammattei, for Tax Map No. S.B.L. 269.-3-35, pursuant to the attached agreement and authorizes the Supervisor to sign the agreement on behalf of the Olde Nott Farm 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 James Giammattei 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.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 205 of 2007, a resolution approving an outside user connection to the Corporate Commerce Water District No. 1 for twenty-four (24) units in the Amedore Homes, Inc., Brookhaven Subdivision, on Route 146.

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

WHEREAS, the Corporate Commerce Water District No. 1 has been approved by the New York State Comptroller's Department of Audit and Control, and

WHEREAS, a request has been received by the Town Board, acting as Commissioners of the Corporate Commerce Water District No. 1, to approve an outside user connection for twenty-four (24) units per the attached agreements, and

WHEREAS, the Planning Board has approved the project with provision for water, consistent with the attached affidavit, and

WHEREAS, plans are underway to extend the Corporate Commerce Water District No. 1, to include the twenty-four (24) units; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Corporate Commerce Water District No. 1, hereby approves an outside user connection to the District's facilities for

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twenty-four (24) units in the Amedore Homes, Inc., Brookhaven Subdivision to be constructed, per Planning Board approval, and be it further

RESOLVED, that the connection of the twenty-four units to the Corporate Commerce Water District No. 1 will be until the extension of the Water District is complete.

Mr. McCarthy explained the connection fee of \$48,000 will be paid to the town's general fund to offset the excess capacity investment. He said extension of the Corporate Commerce Water District No. 1 is planned. He stated the Clifton Park Water Authority is aware of this outside user. Councilman Paolucci reported bond counsel is in agreement. He asked that number 8 of the agreement reflect Town of Clifton Park.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 206 of 2007, a resolution authorizing the Sole Assessor to attend a seminar July 16-20, 2007 in Ithaca, New York.

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

WHEREAS, Walter Smead, Sole Assessor, has requested authorization to attend a seminar on Applications of Mass Appraisal Fundamentals at Cornell University, Ithaca, New York, and

WHEREAS, Walter Smead's attendance at this seminar will confer a benefit to the Town of Clifton Park; now, therefore, be it

RESOLVED, that authorization is given to Walter Smead to attend a seminar at Cornell University, Ithaca, New York, from July 16-20, 2007, at a cost not to exceed \$500, to be paid from A1355-01 (Assessor/Training & Conferences).

Assessor Smead reported this course will fulfill the state's mandatory continuing education requirements.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 207 of 2007, a resolution accepting a conveyance of the following parcel of land.

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

WHEREAS, on May 8, 2007, as a condition of approval for the Subdivision of the Lands of Ellen Z. Thaler, the Town of Clifton Park Planning Board required that the applicant convey a 5 foot wide strip of land totaling 1,339 SF to the Town of Clifton Park for future roadway improvements, and

WHEREAS, the applicant has provided a Warranty Deed for said land to be dedicated to the Town of Clifton Park, provided to the Town Planning Department, as security for the contractor to complete all remaining punch list items; now, therefore, be it

RESOLVED, that the Town Board accepts the conveyance of the following parcel of land described as follows:

<u>Street</u>	<u>Name of Owner</u>
5 foot wide strip of land totaling 1,339 SF	Ellen Z. Thaler

and be it further

RESOLVED, that the Town Board accepts the conveyance of said parcel of land lying along Miller Road as shown on map entitled "Subdivision Plan – Portion of Lands of Ellen Z. Thaler", dated March 1, 2007, as revised through May 5, 2007, said revision having been prepared by David A. Flanders Associates, as described per attachment, and be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt of an approval by the Town Attorney, of all necessary documents, provision of a title report which is acceptable to the Town Attorney, and upon payment of all taxes and assessments; and be it further

RESOLVED, that there be appended to the within resolution a copy of the recorded conveyance after it has been returned from the Saratoga County Clerk.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 208 of 2007, a resolution amending the purchase payment schedule for the Agreement with Emmor and Ann Caldwell, authorize a transfer of funds from Undesignated Fund Balance, and authorize the Town Supervisor to sign the amended agreement.

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

WHEREAS, on May 21, 2007, by Resolution No. 162 of 2007, the Town Board approved the purchase of fifty-four and 56/100's acres of land for parkland from Emmor and Ann Caldwell and authorized a payment of \$750,000 during Fiscal Year 2007 to Emmor and Ann Caldwell, and

WHEREAS, the Caldwells have requested a change in payment terms that requires a payment of \$840,000 during Fiscal Year 2007, and have signed a Contract with amended payment terms pending Town Board approval, and

WHEREAS, this resolution does not change the Contract price but only its payment schedule, and

WHEREAS, it is necessary to transfer additional money from the Undesignated Fund Balance for the 2007 payment; now, therefore, be it

RESOLVED, that the Town Board hereby approves the amended payment schedule, per the attached, authorizes the Town Supervisor to sign the amended agreement and authorizes the transfer of \$90,000 from Undesignated Fund Balance, A-8150-200 to Capital Projects Fund, H28-1940-200.

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ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 209 of 2007, a resolution authorizing the hiring of a summer worker for the Buildings and Grounds Department.

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

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

WHEREAS, Michael Handerhan, Buildings and Grounds Supervisor, has recommended that Drew McCarthy, 12 Baltusrol Drive, Clifton Park, be hired to fill the position; now, therefore, be it

RESOLVED, that authorization is hereby given to hire Drew McCarthy, 12 Baltusrol Drive, Clifton Park, as part of the summer Buildings and Grounds staff for the Town of Clifton Park, effective immediately, at \$8.00 per hour, to be paid from A7110-E4000 (Buildings & Grounds-summer help).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 210 of 2007, a resolution scheduling a public hearing to consider Local Law No. ____ of 2007, a local law amending Chapter 208-95, B- 2 (e) Telecommunication Towers, Permit Regulations, of the Town Code, as amended.

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

WHEREAS, Town Attorney McCarthy has recommended that Chapter 208-95, B, 2-(e) Telecommunication Towers, Permit Regulations, of the Town Code 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, July 16, 2007 at 7:40 pm, in the Wood Memorial Room, Town Hall, Clifton Park, New York, to consider Local Law No. _____ of 2007, a local law amending Chapter 208-95, B-2 (e), Telecommunication Towers, Permit Regulations, of 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 in addition to the fee that currently exists, applicants will deposit \$7500 into an escrow account from which consultant and experts' fees will be paid so that the town doesn't have to bear the burden.

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ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 211 of 2007, a resolution authorizing the Town Supervisor to sign an application for a Grant through the NYS Office of Parks, Recreation and Historical Preservation under the Environmental Protection Act of 1993, for the Parks and Recreation Department.

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

WHEREAS, in an effort to develop usable athletic fields, trails, pavilions, plus public amenities, together with necessary infrastructure for the benefit of the community, the Town is seeking funding support, and

WHEREAS, the grant would include construction costs up to a maximum of \$500,000, and requires authorization by the municipality for the Town Supervisor, to sign legal documents on behalf of the Town; now, therefore, be it

RESOLVED, that authorization is hereby granted to the Town Supervisor to sign any legal documents on behalf of the Town for a NYS Parks, Recreation and Historical Preservation Grant for 2007-2008.

Councilmen Roth and Paolucci expressed appreciation to Ms. Viggiani and Ms. McHugh for preparing the application.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 212 of 2007, a resolution approving an outside user connection to the Corporate Commerce Water District No. 1 for Frank and Jody Genovese at 531 Miller Road in the Town of Clifton Park.

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

WHEREAS, the Corporate Commerce Water District No. 1 has been approved by the New York State Comptroller's Department of Audit and Control, and

WHEREAS, a request has been received by the Town Board, acting as Commissioners of the Water District, to approve an outside user connection for property at 531 Miller Road per the attached agreements, and

WHEREAS, the Planning Board has approved the project with provision for water, consistent with the attached affidavit, and

WHEREAS, plans are underway to extend the Corporate Commerce Water District No. 1, to include the property at 531 Miller Road; now, therefore, be it

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RESOLVED, that the Town Board, acting as Commissioners of the Corporate Commerce Water District No. 1, hereby approves an outside user connection to the District's facilities for a parcel of land at 531 Miller Road, to be constructed per Planning Board approval; and be it further

RESOLVED, that the connection of the property located at 531 Miller Road to the Corporate Commerce Water District No. 1 will be until the extension of the Water District is complete.

Councilman Paolucci asked that number 8 of the agreement reflect the Town of Clifton Park.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 213 of 2007, a resolution authorizing the hiring of Hani Elbially, as a Planner, within the Planning Department.

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

WHEREAS, a need exists for a Planner in the Planning Department, and

WHEREAS, Kate Maynard, Director of Planning, has recommended that Hani Elbially, 6 Wilson Court, Guilderland, New York, be hired to fill the position; now, therefore, be it

RESOLVED, that authorization is hereby given to hire Hani Elbially, 6 Wilson Court, Guilderland, New York, as a Planner, at Grade 6, Step 1, (\$35,686), effective immediately; and be it further

RESOLVED, that the salary for the balance of 2007 (\$17, 843) be paid with a transfer of \$6,434 from A-8021-E431 (Planning-Staff Salary) and \$11,409 be paid with a transfer from A-1420-E103 (Legal-Staff Salary) to A-8021-431 (Planning Department- Staff Salary).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 214 of 2007, a resolution in connection with a block party to be held in the Stonegate Subdivision.

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

WHEREAS, the residents of the Stonegate Subdivision plan to conduct its annual summer block party within the subdivision on July 14, 2007, (rain date July 21, 2007) from 10 A.M. to 6 P. M., and have requested permission to close Birch Hill Court for their party activities; now, therefore, be it

RESOLVED, that the residents, with the approval and advice of the Town Highway Superintendent, have permission to close Birch Hill Court, on July 14, 2007 (rain date July 21,

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2007) from 10 A.M. to 6 P.M. for their party activities, but must not block off the street and make sure emergency vehicles can gain access to the street if needed, and be it further

RESOLVED, that the residents shall be responsible for all clean-up activities on Town property or on the street right-of-way resulting from the social activity; and be it further

RESOLVED, that a copy of this resolution be sent to the applicable Fire Department, Ambulance Corps., Sheriff's Department and State Police.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Frank Genovese, Miller Road, asked with the approval of the outside user hookup for his property, what else is necessary in order to start construction of his home. Ms. Maynard explained Dr. Genovese has received necessary town approvals and only a signoff from the Saratoga County Sewer District is needed.

Norman Goldman, London Square Drive, expressed concern with items being added to the final agenda. He read comments regarding the Planner position, tax rebate of \$150 and newly adopted legislation for Parks and Nature Preserves.

Nancy Bellamy, Eastside Drive, asked if the Open Space Committee would be interested in looking at a parcel of land north of the Rexford Post Office and west of the Edison Club. She expressed concern with the proposed construction of a funeral home on the corner of Hubbs and McElroy Roads and losing the trees. She asked what the costs are to celebrate the 4th of July after overtime, cleanup, etc. Supervisor Barrett responded last year the town received \$20,000 in advertising but this varies year to year. Ms. Bellamy said fireworks are very expensive and wondered if a lot of money is being spent to entertain people that are not Clifton Park residents. Ms. Bellamy said it is going to be inconvenient for people not going to the fireworks to try to get through town.

Rob Ritter, Mountain View Terrace, speaking on behalf of the Zoning Board of Appeals, expressed appreciation for the proposed legislation regarding telecommunication towers consultants' fees.

Beverly Czub, Miller Road, asked if the telecommunication tower on 21st Century Park will affect the proposed senior housing. Ms. Maynard said the tower is above the 500 feet of the proposed homes.

Mr. Goldman continued his reading his comments noted above. In response to his question, Mr. McCarthy said the "up to" \$150 is common drafting language.

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 8:55 p.m.

Patricia O'Donnell
Town Clerk