

May 5, 2008

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
Richard Kukuk, Superintendent of Highways
Michael O'Brien, Superintendent of Clifton Park Sewer District No. 1
Michael Shahen, Town Administrator

MOTION BY Councilman Hughes, seconded by Councilman Paolucci, to approve the minutes of the April 21, 2008 meeting as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Hughes announced the public is invited to a workshop scheduled for June 4th from 7:00 to 9:00 pm in the Shenendehowa Sr. Center regarding the Exit 9 Land Use and Transportation Plan. He explained this is a joint venture between the Towns of Clifton Park and Halfmoon. The towns are looking for creative ways to speed the flow of traffic and adding biking trails.

Councilman Hughes reminded residents Clifton Park Security will check on homes while residents are away. Forms are available on the web as well as in the town hall.

Councilman Roth reported he received a phone call from Tom DeLeonardis of Hidden Crest subdivision, regarding the odor emanating from and the amount of yard waste stored at the Transfer Station. He said this situation has been going on for some time and the town has been cited with 9 violations by DEC. Mr. DeLeonardis told him he brought this to the Town Board's attention last summer and today a meeting was held with the town engineer and DEC to correct the situation. Councilman Roth said the group running the compost facility violated the permit; they apologized to the town and residents and this is to be corrected immediately. Councilman Roth stated the corrections must be done in three weeks. He said the top soil, which is not permitted to be there, is part of the problem and will be removed within the next several days. If County Waste gets a permit for top soil, he believes they will be allowed to bring top soil in. Councilman Roth said he has letters back to 2006 when this was brought to the Town Board's attention. He said residents of Hidden Crest sent a letter to DEC in March asking them to look at the situation. He doesn't feel the correction should have taken this long and wants to make sure nothing like this happens again.

Supervisor Barrett said he met with Mr. DeLeonardis at the end of 2007 about the odor which was believed to be emanating from the mulching operation. He reported DEC did a report in October 2007 stating there were no issues. In February 2007 Mr. O'Brien, DEC staff and Supervisor Barrett met and at that point there were no issues. The report received April 10th raised the issues noted by Councilman Roth. Supervisor Barrett said McDonald Engineering has come up with a mediation plan based on the last report. He reported a meeting was held today, May 5th at the Transfer Station with the town engineer, Councilman Roth and Councilwoman Walowit, Town Administrator Shahan, Mr. O'Brien, Town Attorney McCarthy and DEC to go over final plan. Supervisor Barrett said the group running the mulching operation is willing to correct what needs to be corrected. Councilman Roth stated he did not have all the information Supervisor Barrett has reported.

Speaking with regard to a letter from Mr. Meany regarding the Route 146 Park, Councilman Roth said he doesn't understand why it will take several months before public meetings will be held. He said he is under the impression that CT Male had done some work regarding the park.

Councilman Roth said a question came up in June 2007 regarding a municipal agreement with the Town of Halfmoon allowing Halfmoon residents to use the skate park and wondered where it stands.

Referring to a letter from Mr. Ron Schongar dated April 23rd regarding the cleanup of leaves on town property; Councilman Roth asked Mr. Shahan if he has responded. Mr. Shahan responded yes and he has placed this information in Councilman Roth's mailbox.

Councilman Roth asked if anything has been done about trucks parking on Pierce Road. Mr. Shahan responded trucks were parked on the road due to soft shoulders; however, they are not in violation of any town laws. He believes the trucks are off the road by 7:00 a.m. Town Attorney McCarthy noted Pierce Road is a county road.

PUBLIC HEARING, 7:10 PM
TO CONSIDER A LOCAL LAW ESTABLISHING THE
CLIFTON COUNTRY ROAD SEWER DISTRICT NO. 1

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on April 25, 2008.

Michael O'Brien, Facilities Supervisor of the Clifton Park Sewer District No. 1, reported two years ago the town assumed responsibility of the sewer on Clifton Country Road that serves several commercial entities – the Mall, Starbucks Plaza, Bank, and the former Library. The town has been operating the system without a district formation so there has been no mechanism to collect money to pay for the operation. He noted there is a pump station and a reasonable amount of sewer lines but the flows are significant. He explained as part of the formation, the existing sewer line and pump station will be removed which, at the present time dumps into a private entity, the Hollandale subdivision. He reviewed proposed plans which anticipate bringing the line up to county standards to possibly turn over to the county eventually. Mr. O'Brien said the county is allowing the connection at Wall Street. He reported the DCG project on Wall Street will feed directly into the Clifton Country Road Sewer District. He stated there are no private residences involved in the proposed Sewer District; however, the money involved is significant in the tax base. He reported the cost of the project is approximately \$500,000 which will be divided among the properties. The formation of the District will allow the system to be brought up to standard and give the ability to dump into a public sewer line which is the main goal. Mr. O'Brien has met with all property owners and it was determined this will be a unit charge. He said over the years this system has been brought up to a stable standard with some costs involved so money will be coming back to the town. Mr. O'Brien stated this does not involve Southside Drive stores or Dunkin' Donuts and Pier One.

Town Attorney McCarthy said this is subject to permissive referendum.

Supervisor Barrett read from the Map, Plan and Report. He reiterated the cost will be borne by those within the system.

The public hearing was opened for comments from the audience at 7:25 p.m.

Ray Collado, Teakwood Drive, asked if Hannaford, Arongen and the YMCA were part of the District. Mr. O'Brien responded only the Y's Daycare which is the former Library. He explained the Hannaford area lines go behind the buildings to a pump station that goes to Route 146.

Question from the floor asking how long the town has been overseeing the operation of the system. Mr. O'Brien said about four years of operation (clerk's note: actual time is 2 years) and the costs involved to form the district were significant because of upgrades in the system and time identifying users, library transition, as well as time spent trying to find the best solution. He doesn't believe the costs will be that significant to the property owners.

The Town Clerk read a letter from Robert C. Miller, Jr., Windsor Development Group, Inc. owners of property in the proposed sewer district, in support of the proposed District and the town debt being allocated based on "Sewer Units" as currently defined by the Saratoga County Sewer District.

Supervisor Barrett expressed appreciation to Mr. O'Brien for his work, noting this is a good outcome.

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 declared the public hearing closed at 7:35 p.m.

PUBLIC PRIVILEGE ON RESOLUTIONS

Councilman Paolucci requested the resolution on the agenda regarding funding energy conservation improvements throughout town facilities be pulled this evening. He said he plans on bringing it back at the next meeting.

Resolution No. 149 of 2008, a resolution scheduling a public hearing to consider adoption of Local Law No. __ of 2008, a local law amending Article I, Convenience Transfer Station or Dumping Grounds, Section 97-3-F, permit fees, entitlements and regulations, as amended.

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

WHEREAS, Chapter 97, Section 97-3-F set an annual fee of \$25 for any resident, regardless of age, who is receiving social security disability payments, and

WHEREAS, the Town Board now wishes to set an annual fee of \$25 for Disabled American Veterans, per the attached; now, therefore, be it

RESOLVED, that a public hearing to consider adoption of Local Law No. __of 2008, a local law amending Article I, Convenience Transfer Station or Dumping Grounds, Section 97-3-F, permit fees, entitlements, and regulations, as amended, is hereby scheduled for May 19, 2008, at 7:10 pm, in the Wood Memorial Room, One Town Hall Plaza, Clifton Park; and, be it further

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

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 150 of 2008, a resolution authorizing the Jonesville Cemetery Association to display the Meneely Bell on behalf of the Town of Clifton Park.

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

WHEREAS, the Charlton Historical Society has donated an 1883 Meneely Bell to the Town of Clifton Park, and

WHEREAS, the Bell was cast by the Meneely Bell Company in 1883, in Troy, New York, and first gifted to the Jonesville Grace Church on May 13, 1883, where it was housed until 1968 when the church was sold and the bell moved to Charlton, and

WHEREAS, the Town Board has had numerous inquiries and comments from the public and from several groups offering suggestions and ideas for the most appropriate location for the Bell, and

WHEREAS, the Jonesville Cemetery Association is a charitable organization organized under Section 501 C 3 of the Internal Revenue Code, dedicated to the preservation of the historic and cultural character of Jonesville, and

WHEREAS, Town Historian John Scherer has recommended that the Bell be returned to the Jonesville area generally, and be displayed at the Jonesville Cemetery, and

WHEREAS, the Jonesville Cemetery is open to the public and represents the most appropriate location for public display of this 1883 Meneely Bell within the Hamlet of Jonesville, and

WHEREAS, the Bell was cast in May of 1883, making this month the 125th Anniversary of the Bell's casting; now, therefore, be it

RESOLVED, that the Town Board marks the 125th Anniversary of the Meneely Bell by authorizing the Jonesville Cemetery Association to display the Meneely Bell on its behalf.

Ed Hughes, Jonesville Cemetery Association, said it would be helpful if the town were to consider doing some of the repairs on the bell before it is given to the Cemetery. He said anything the town would like to give toward other aspects of the bell would certainly be appreciated. It was noted the swing mechanism needs repair at a cost of approximately \$5000. Supervisor Barrett recommended getting Town Historian Scherer involved to oversee the bell repairs. Mr. Shahen will be the project manager on the bell.

ROLL CALL VOTE

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

DECLARED ADOPTED

Resolution No. 151 of 2008, a resolution authorizing payment of back wages to Daniel Fowler, an employee of the Highway Department, who has been working out of title from January 1, 2007 to present.

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

WHEREAS, Highway Superintendent, Rick Kukuk advises that MEO, Daniel Fowler has been working out of title as an Automotive Mechanic, from January 1, 2007 until April 26, 2008, and

WHEREAS, Superintendent of Highways, Rick Kukuk has therefore requested that the pay of Daniel Fowler be adjusted retroactive to January 1, 2007, in accordance with Collective Bargaining Agreement, Article XXVI, Salary and Wages, Section 9; now, therefore, be it

RESOLVED, that the payment of back pay be authorized for Daniel Fowler, retroactive to January 1, 2007 in an amount of \$3,502.24, to be paid with a transfer from DA 5110-E01500 (Highway-Construction MEO) to DA 5110-E0260 (Highway Construction-Daniel Fowler).

Superintendent of Highways Kukuk explained this is being done in line with the Collective Bargaining Agreement. He stated Mr. Fowler is a diligent and hard worker employee and promoted to MEO more than two years ago. He agreed to be reassigned in the automotive maintenance function as a helper to the mechanics. Due to the amount of work to be done, Mr. Fowler learned to do more complex work and over time he worked above jobs listed in his job title. Mr. Kukuk stated since January 2007, Mr. Fowler has been performing as an automotive mechanic. He noted the following resolution will promote Mr. Fowler into the automobile mechanics title.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 152 of 2008, a resolution authorizing the promotion of an employee in the Highway Department.

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

WHEREAS, Highway Supervisor, Rick Kukuk advises that Daniel Fowler, 25 Garnsey Road, Rexford, currently an MEO in the Highway Department has been working out of title since January 1, 2007, and

WHEREAS, Richard Kukuk, Highway Superintendent, therefore, recommends that Daniel Fowler be promoted from an MEO to Automotive Mechanic in the Highway Department, and

WHEREAS, the above referenced employee has met the requirements for this position; now, therefore, be it

RESOLVED, that Daniel Fowler is hereby appointed to the position of Automotive Mechanic, Grade 6, Step 2, in the Highway Department, effective April 28, 2008, difference of \$2,512 to be paid with a transfer of \$502.40 from DA-5142-1500 (Highway Snow Removal-MEO) to DA-5142-E0260 (Highway Snow Removal-Daniel Fowler) and \$2009.60 from DA-5110-E1500 Highway Construction-MEO to DA-5110-E0260 (Highway Construction-Daniel Fowler).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Speaking with regard to the residents' concerns on Eastside Drive, Superintendent of Highways Kukuk said the town engineer has surveyed the system and determined this is a ground water problem and a highway drainage problem. He reported there is a proposed solution, however, being next to Ballston Lake there are water quality issues and care must be taken with regard to anything put into the lake. The project will be very expensive. He said he has presented the John M. McDonald Engineering proposed design and estimated cost between \$200,000 - \$300,000 to

the Town Board. He noted this will have to go out to bid. Mr. Kukuk advised the Board he will give them detailed information on the cost, scope of the project, benefits and environmental ramifications. He stated he does not have the money in the highway budget to do a project of this scope.

PUBLIC PRIVILEGE

Ed Hughes, Beechwood Drive, speaking on behalf of the Cemetery Association, thanked the Town Board for the significant contribution of the bell.

Tom DeLeonardis, Hidden Crest, speaking on behalf of people who live in the vicinity of the Transfer Station whose lives have been negatively impacted by the current yard waste site, asked the town to fully correct the conditions of the mulching operation to provide the pure clean air they seek. The problems stem not only from the improper handling of the material but also from the amount of material being handled. He asked the town to return the operation to the size it was when run by the town and open only to waste generated within the geographic boundaries of the town. Mr. DeLeonardis said this would require County Waste, as well as landscapers, be banned from dumping clippings they pick up from other towns. He reported right now County Waste is bringing in 25,000 tons of clippings from towns in Saratoga, Albany, Rensselaer, and Schenectady. He asked that the mulching operation be run in accordance with practices outlined in the Clough Harbour and Associates report and DEC regulations. He continued, if there is a requirement for a Saratoga County-wide facility, that it be operated at a site better suited for an operation of that size. He asked that the Clifton Park yard waste site be a good neighbor to area residents who pay significant taxes to live in Clifton Park and not adversely impact air quality, pollute surface water, raise health concerns regarding airborne particulates or compromise home values.

Norman Goldman, London Square Drive, said the mulching operation has been there for a long time and asked why it took DEC so long to discover what was going on. He read a prepared statement regarding the Water Authority appointment passed in Councilman Roth's absence, and the new Public Privilege policy.

Raymond Collado, Teakwood Drive, representing neighbors in the area of Teakwood and Pumpkin Lanes, read a prepared statement regarding the increasing problem with the quality of water in their area in the Clifton Gardens subdivision, attached. He distributed copies of emails between himself and Donald Austin, Administrator of the Clifton Park Water Authority. He noted his plumbing fixtures are being destroyed. He asked that the town look into the terrible quality of water and how it is affecting the neighborhood. Supervisor Barrett asked Mr. Shahan to contact Mr. Austin.

Marilyn Hubbard, Route 146 Rexford, spoke in favor of the energy efficient fluorescent bulbs and the distribution by the town of 250 white pine seedlings and noted fully grown trees should be preserved. She said the concept plan for the Route 146 park shows about 30 acres of mature forest would be removed in order to provide 10 to 13 soccer fields for the local soccer organization. She stated this number of soccer fields changes the site from a park to a soccer facility. Ms. Hubbard stated a park that can be used and enjoyed by all residents, not just those with those children who play soccer, would be a wonderful addition to the town. She urged the Town Board to carefully consider the soccer facility plan and said it does not seem that the town should take on the responsibility of paying upwards to \$6 to \$8 million for a project that will benefit so few of the residents. She stated this expenditure does not make sense to her and the town should be working to maintain its natural resources, not destroying them. Ms. Hubbard noted the soil in the Route 146 park is heavy with a high clay content and drainage has always been a problem. There are wetlands on the town's property that cannot be disturbed. She said she has been told the hill at the park is the second highest elevation in the town and the hill would have to be leveled for soccer fields. If the original purpose of this land acquisition was for soccer fields, it doesn't seem like a worse site could be chosen, however, if the town is planning a park, this is an ideal location.

Roger Brodeur, 106 Eastside Drive, referred to the ground water problem mentioned by Highway Superintendent Kukuk this evening. He stated this should have been corrected three years ago. He explained in the last year this has been worsened by a septic system put in on a neighboring

property that causes more water to come onto his property. He said something has to be done quickly. He goes through a sump pump every year, has had a foot and a half of water under his house and this repair can't wait.

Ken Buniak, Hidden Crest Court, said the neighbors of the mulching operation are not asking for anything unreasonable, just to have good air and live in a good place to live, work and play. His recollection of what has transpired over the past year is different than what was said tonight. He reported it was through frustration and disappointment that 30 plus members of the community signed a complaint to DEC. He stated something has to be done about the "sludge pit". Mr. Buniak stated the only answer to the problem is for the town to retake control of the site and drop the people who cannot run it properly. He emphasized this situation needs to be addressed forcefully now, not six weeks from now and he will be looking for answers within the next couple of weeks.

Robert Benson, 108 Eastside Drive, as Mr. Brodeur's next door neighbor verified money and work Mr. Brodeur has done on his land and then the town approved a project on the other side of his property which, every time it rains, leaves 6 to 8 inches of water in the backyard that will not drain. He questioned the cost of \$200,000 to \$300,000 to put pipe in.

Mr. Kukuk explained this water can't just be drained under the road to the lake. It will take 1000 feet of trench/pipe along the road and where and how it is put into the lake is the critical part. Water will have to go through a filtration system. He stated the drainage is off the hillside, not highway water, and there could be septic problems.

Mr. Shahan said Mr. Myers will be at Mr. Brodeur's house tomorrow, May 6th to look at the septic system under discussion.

Chris Grossman, Nott Road, said she was told the reason the town wants to put a soccer complex in Rexford is because there was a survey that showed a desire for athletic fields in the western end of town. She asked to see the results of the survey, noting people in western part of town are overwhelming opposed to this athletic complex. She urged the Board to investigate alternatives to Route 146 park that would be more accessible to where soccer is actually played and families live. Ms. Grossman stated it isn't fair to force this on people.

Milton Cutter, Waite Road, spoke in agreement with Ms. Grossman. He reported when he purchased his property four years ago he was told by the town he must purchase 2.3 acres or more because Waite Road is considered a "green space" road and now a complex is planned across the street from him. He stated he would be agreeable to a park but not the proposed soccer fields. He recommended looking elsewhere, as well as looking further on the Common.

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 8:26 p.m.

Patricia O'Donnell
Town Clerk