

May 19, 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 left the meeting at 9:15 p.m.
Councilman Roth
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Also Present: Town Attorney McCarthy
Michael Shahen, Town Administrator
Mark Heggen, Comptroller
Myla Kramer, Director of Parks, Recreation and Community Affairs
Steven Myers, Director of Building and Development
Michael O'Brien, Facilities Supervisor Clifton Park Sewer Department

MOTION BY Councilman Hughes, seconded by Councilman Paolucci, to approve the minutes of the May 5, 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 Paolucci announced resumes are being accepted to fill the vacancy on the Zoning Board of Appeals.

Councilman Paolucci explained soccer fields at the Route 146 Park were proposed due to the Common being overcrowded. He reported the Supervisor has been approached by other athletic programs regarding possible space. It appears the Town of Halfmoon may be developing some fields and that could have an impact on our enrollment. He said the issue with soccer may be the same for baseball and softball as well, and he suggested that a comprehensive look be taken at the active recreation in town, not just for the short-term in fixing soccer but looking long-term in trying to understand what the issues and needs are of other athletic programs. Councilman Paolucci reported he brought this up at the Committee meeting and the Committee felt strongly that the town should engage in a needs assessment of its active recreation. Regarding Route 146 Park, the Committee unanimously agreed that as a community the Route 146 site should be looked at and continue the programming options for passive recreation. He said the committee has a prioritized list for passive recreational programming options and this will be fine tuned. Councilman Paolucci said the Committee wants to take all passive recreational opportunities into account, as well as the concerns that were raised at town meetings and the residents' meeting. He envisioned passive recreation as trails, picnic area, pavilions, tobogganing hills and possibly a water feature. Councilman Paolucci asked for comments from the Town Board by next week so he can inform the Committee.

Regarding the dog unleashed hours at Kinns Road Park, Councilman Paolucci stated he's not sure these are the measures that should be taken to solve the issue. He feels it is time for a town wide leash law with Kinns Road Park and the Mary Jane Row Dog Park being the exceptions.

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Councilman Paolucci stated fines should be increased and enforced. He noted this will require a public hearing.

Councilman Hughes said allowing dogs to be off leash in Kinns Road Park and the dog park and leashed in the rest of town would be a good solution to the problem. He noted dogs can be off leash on the owner's property. He report Animal Control Officer Baker feels this would be enforceable. Councilman Hughes noted the 250 acre Dwaas Kill Nature Preserve will be entirely focused on passive recreation.

Councilwoman Walowit spoke in favor of the town wide leash law proposal, noting public safety, as well as animal safety is of utmost importance. She hopes the people using Kinns Road Park will take responsibility to make it work and report any violations to Animal Control. She expressed appreciation to Animal Control Officer Baker for his input. Councilwoman Walowit said an increase in fines needs to be part of the legislation.

Supervisor Barrett stated he would like to remove Resolution No. 16 of 2008 regarding Phase II of the Stoney Creek Park District No. 1 from the table this evening.

Councilman Roth invited people to attend the Arts & Culture Commission Roundtable scheduled for May 20th at the Grooms Tavern. The Commission would like to hear comments from the public.

Councilman Roth reported Hazardous Waste Day is scheduled for September 20th from 8:00 a.m. to 4:00 p.m. Information will be on the town's web page, as well as in the town hall.

Councilman Roth gave Councilman Paolucci a map of the 138 acres of Veterans Memorial Park owned by the town with the thought that the Route 146 Park Committee might look at that area for active recreation. He said Gene Stefanacci has asked about areas for lacrosse and football. He agreed that a needs assessment should be done.

Councilman Paolucci stated he will not propose any action on any recreation areas until the needs assessment is completed.

Regarding the mulching operation, Councilman Roth reported he has received an agreement signed on November 7, 2006 between the Town of Clifton Park and County Waste. The agreement was effective on January 1, 2006 for five years with an additional five-year option. He asked that a copy be filed in the Town Clerk's office. He reiterated this is a non-transferable license to County Waste over an area of approximately 14 acres and questioned why the facility is being run by a company other than County Waste.

Mr. McCarthy responded he doesn't think the DEC permit or the Clough, Harbour report is conditioned on who is running it, however, the license probably should have been amended. He stated who's running the process isn't as important as the process being run correctly and up to DEC's standards. He has not looked at amending the agreement as he is waiting to see what the Town Board wants to do with the agreement.

Councilman Hughes said the Board is waiting for financial information from County Waste. He supports the mulching operation as a town-run facility but it is necessary to have all the information. He said he is meeting with County Waste President Scott Earl on Thursday. He reiterated the free pickup of leaves and brush should be a priority. The Board does not want to disenfranchise the vast majority of people in town and is hopeful this can be transferred to a town run facility while maintaining the free service for town residents.

Councilman Roth expressed concern for the 200 residents that live in the Hidden Crest area that are living with this "nightmare" for so long a period of time. They should also count as residents. He said he should have done a better job and reviewed the County Waste agreement more thoroughly. He said a month has passed and asked what has been done.

Councilman Hughes said he was informed of the mulching problem on April 18th and within a period of 24 to 48 hours he and Councilwoman Walowit met with Mr. DeLeonardis and discussed the concerns. He continued, they then toured the Transfer Station mulching operation

with Mr. Vedder. He reviewed various meetings he attended to discuss the situation. He stated over the space of four weeks proactive steps have been taken. Councilman Hughes reported within a week of first meeting with residents of Hidden Crest, a remediation plan was sent to DEC.

Councilwoman Walowit said attendees at the meeting at the Transfer Station were Michael O'Brien, McDonald Engineering, DEC, Michael Shahan, Steve Myers, Tom McCarthy, representatives from County Waste and Troy Sand and Gravel. She reported hours have been spent on this issue and a plan of action developed.

Councilman Roth stated he is waiting to see action taken and the piles reduced. He asked where the information is regarding what County Waste has spent on stormwater management trench drains. He said the people don't want the mulching facility closed but want their quality of life back. Councilman Roth asked Town Attorney McCarthy to get financial information as to how the \$200,000 has been spent by County Waste at the mulching facility. Mr. McCarthy said the agreement doesn't state when the \$200,000 is to be expended and reported. Councilman Roth stated having someone run the mulching operation may be the right way to go, however, having the control is what is important.

Supervisor Barrett stated DEC has had no issues until April. He reported private contractors are no longer allowed in the facility. He reiterated that DEC is happy with the progress being made.

Jeff Trzeciak, McDonald Engineering, explained at the end of April his company was asked to assess the mulching site, review the violation letter from DEC, and work with the town to come up with a plan to remediate the violations to get the compost facility back into compliance with the original permit and the engineering report created by Clough, Harbour in 2005. He reported the windrows have to be monitored for temperature and moisture on weekly basis and this information was being kept in a log that was provided to him recently. He reported for the first 5 months of 2008 compost out was about 200 cubic yards greater than compost in. DEC permit allows 60,000 cubic yards per year to be taken in. Mr. Trzeciak reported totals at the end of 2007 were material in 24,924 cubic yards and compost out 11,976 cubic yards, leaving approximately 12,000 cubic yards. He continued as of week of May 10, 2008 to date 7965 cubic yards in and 8227 material out. Mr. Trzeciak reported he felt the meeting was productive and DEC agreed with the plan of action. He said a windsock will be put up on site and if winds are prevailing from the south, windrows will not be turned. He said at the May 5th meeting DEC said to hold off on any action until the formal response letter was received.

Mr. McCarthy noted that as of January 1, 2008, Mr. Trzeciak of McDonald Engineering has taken over responsibilities for the town of Environmental Specialist and advises the Environmental Conservation Committee and sometimes the Planning Board.

Councilman Roth asked if the records show vehicles coming in and out and where they are coming from. Mr. Trzeciak said no, he only has the volume of material coming in and out and he's not sure if those records exist. He said requested information from County Waste is coming in piecemeal and he understands more information is coming.

Supervisor Barrett asked Mr. Trzeciak how often he should be at the mulching site to provide direct oversight short-term and long-term. Mr. Trzeciak responded probably on a weekly basis. Supervisor Barrett then recommended Mr. Trzeciak to monitor the operation on a weekly basis. In response to Councilman Roth's question, Mr. Trzeciak said the windrows are maintained by Carl Clemente of Troy, Sand & Gravel. He said he has seen the monitoring and maintenance records for the windrows for 2008, and has been told prior records are forthcoming.

Supervisor Barrett said the remediation plan should be completed in six weeks. Mr. Trzeciak said numerous items were addressed and quite a few of the items were done almost immediately or had been done prior to the DEC meeting. The violation that may take the longest is getting the site to conform to the original Clough, Harbour report. If there is a deviation from the Clough Harbour report then the town, i.e. McDonald Engineering, will have to submit a revised site plan for DEC's approval. Mr. Trzeciak said the objective is to get things back to the original intended use in the report. He reported it might take some grading work to move the large piles of earth and six weeks is a more realistic number. Councilman Roth urged more equipment be used in

order to complete the work sooner and asked Mr. McCarthy to contact Troy Sand & Gravel. Mr. McCarthy asked Mr. Trzeciak if it is the size or the maintenance of the windrows. Mr. Trzeciak stated if the piles are too large they are not as easy to maintain. Mr. McCarthy said it is better for McDonald Engineering, as the consultants, to give the timeframe rather than Mr. McCarthy contacting Troy Sand & Gravel. Mr. Trzeciak said the company should keep the records on the form that CHA provided in the report rather than on scratch paper. He said monitoring the wind and not turning the windrows when the wind is from the south will be very helpful for the residents.

Councilman Paolucci agreed with McDonald Engineering making weekly visits to the site, not only when the remediation plan is underway but afterwards as well. He asked Mr. Trzeciak to submit a weekly report to the Town Board.

Councilman Roth stated all he is looking for is action being taken and getting this back to where there can still be a benefit to residents while the people in the area have their quality of life back.

Councilman Hughes said at the first meeting in a resident's home he stated support of transitioning the operation back to a town-run facility. He explained this can't be rushed into, numbers are needed and due diligence done.

Councilman Roth reviewed the cost analysis done by the Water Authority staff and Board and urged residents to attend Water Authority meetings and ask questions. He said he attends most meetings and thinks Mr. Ryan will be a good addition to the Authority and will do what is best for the residents of the town. He stated he has told the Water Authority to do what is best for the residents of town. Councilman Roth said if residents have a water problem they should go to the Water Authority. He reviewed costs associated with buying water from the Town of Glenville compared to the Saratoga County Water Authority. He noted water coming from Queensbury is very soft as it contains no iron or manganese. He reported Water Authority Administrator Donald Austin recommended looking at the County Water System and purchasing approximately 500,000 gallons a day.

Councilman Paolucci said the engineering firm used by the Water Authority and the Saratoga County Water Authority is one in the same and he asked Councilman Roth, as liaison, to ask the Water Authority Board to look at an independent review outside of their engineer. He also recommended an independent review above and beyond what Mr. Austin suggested, perhaps from an accounting perspective. Councilman Roth said he will bring these suggestions to Water Authority Chairman Gerstenberger in the morning.

Councilman Hughes compared current Water Authority rates to proposed Saratoga County Water Authority rates, noting the proposed county rates are higher than what residents are currently paying.

Councilwoman Walowit said she understands the County plan only extended to Exit 9 and did not include people who lived south of Exit 9. Councilman Roth responded the County water plan extends to just north of Exit 10 on Eastline Drive and approximately 600 feet of pipe would have to be laid by the Clifton Park Water Authority to bring water into Clifton Park. The connection cost is estimated to be \$600,000.

Councilman Hughes said given the amount of water the County is looking for the Water Authority to purchase, the amount would be captured by residents at Exits 10 and 9 and anyone south of Exit 9 would not get the water but will still end up paying the bill.

Councilman Hughes displayed a Signature Box which contains the pen used by the Governor to sign the Clifton Park Tax Rebate into law.

PRESENTATION TO THE BOARD

Dean Taylor, Vineyard Circle reported on the Leadership Saratoga Program, a program to show people how to get involved in the community. He asked each member of the Town Board to recommend someone for the Program.

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PUBLIC HEARING, 7:10 PM
TO CONSIDER A LOCAL LAW AMENDING
SECTION 97-3 – CONVENIENCE TRANSFER STATION FEES

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on May 12 2008.

Councilwoman Walowit reported this proposed legislation has been brought about by town resident, Theodore Ziobrowski.

The public hearing was opened for comments from the audience at 8:37 p.m.

Mr. Ziobrowski said he is a disabled veteran and thought this would be something that would be appreciated by other disabled American veterans.

Supervisor Barrett expressed appreciation to Mr. Ziobrowski for this service, noting this is a small token of gratitude.

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 8:40 p.m.

REPORTS TO THE BOARD

Comptroller Heggen reviewed the April Financial Report and reported auditors will be here the second week of June.

Town Administrator Shahan said though it is necessary to follow the NYSERDA audit, it is also necessary to do simple things such as turning off lights. He said some items have been taken out of the NYSERDA recommendation as they had already been done. He reported the Meneely Bell has been brought to CMB Co. in Town of Ballston, who have recommended that since the bell is going to be elevated not to weld or braise it. It was noted the bell is in excellent condition. CMB suggested making replica A-frames at a cost of \$2600 which includes replacing the rods that the bell would ride on.

Regarding the NYSERDA audit, Councilman Paolucci said the Green Committee will look at setting up policy to guide the town on future purchases.

PUBLIC PRIVILEGE ON RESOLUTIONS

Question from the floor asked if there will be data on the effect on the carbon footprint from the savings recommended by NYSERDA. Councilman Paolucci responded every recommendation from NYSERDA came with a cost, a NYSERDA incentive and annual savings as well as the reduction in the carbon output if action was taken. Mr. Shahan reported most of the carbon footprint reduced will come from facilities.

Question from the floor asked if there was any possibility that construction of the Action Park caused the pipe collapse. Councilman Paolucci responded it is being explored to find out if there is any culpability by any of the parties involved. He said at this time the town doesn't think that is the case.

Resolution No. 158 of 2008, a resolution hiring summer help for the Stoney Creek I Park District.

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

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

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WHEREAS, Taylor Sosnowski, 81 Robinwood Drive, Clifton Park, and Patrick Neilley, 6 Bridle Path, Clifton Park, have been recommended to be hired for these positions; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Stoney Creek I Park District, hereby authorizes the summer hiring of Taylor Sosnowski and Patrick Neilley to do light maintenance at the Stoney Creek I Park District at \$7.50 per hour, effective immediately, not to exceed \$10,000, for both hires, to be paid from SP9-7115-E4000 (Stoney Creek I Park District-Maintenance).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 159 of 2008, a resolution authorizing the promotion of Michael McGuire from MEO Light to the position of MEO in the Buildings and Grounds Department

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

WHEREAS, Buildings and Grounds Supervisor Michael Handerhan recommends that Michael McGuire be promoted from MEO Light to MEO in the Buildings and Grounds Department, and

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

RESOLVED, that effective May 25, 2008, Michael McGuire is hereby appointed to the position of MEO, Grade 5, Step 1, additional \$1,300 needed through balance of 2008 to be paid with a transfer of \$1,300 from A7110-E4100 (Buildings & Grounds MEO) to A7110-E0583 (Buildings & Grounds Employee).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 160 of 2008, a resolution hiring summer help for the Clifton Knolls Park District.

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

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

WHEREAS, Gary Soeller, 16 Majorca Lane, Clifton Park, has been recommended to be rehired to fill this position again this year along with Ian Dorset, 2 Sevilla Drive, Clifton Park; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Clifton Knolls Park District, hereby authorizes the rehiring of Gary Soeller and the hiring of Ian Dorset to do light

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maintenance for the Clifton Knolls Park District, at \$7.50 per hour, not to exceed \$2,000 for the season, for both hires, effective immediately, to be paid from SP37131-24 (Clifton Knolls Park District-Maintenance).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 161 of 2008, a resolution authorizing the hiring of a summer worker for the Buildings and Grounds Department.

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

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

WHEREAS, Michael Handerhan, Buildings and Grounds Supervisor, has recommended that Mark Kinder, 16 Sevilla Drive, Clifton Parks be hired to fill the position; now, therefore, be it

RESOLVED, that the Buildings and Grounds Department is hereby authorized to hire Mark Kinder as part of the Buildings and Grounds staff for the summer of 2008, effective immediately, at \$8.00 per hour, to be paid from A7110-E4000 (Buildings and Grounds-Summer Hire).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 162 of 2008, a resolution amending the Town of Clifton Park personnel manual regarding hours of operation for the Town of Clifton Park Sewer Department.

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

WHEREAS, the Town of Clifton Park has adopted a personnel manual for employees of the Town of Clifton Park, and

WHEREAS, Michael O'Brien, Facilities Supervisor for the Town of Clifton Park Sewer Department, has requested that official hours of operation be established for the Town of Clifton Park Sewer Department from, 7:30 A.M. to 3:30 P.M., in order to be available when contractors and vendors are open for business, and

WHEREAS, the Clifton Park Town Board wishes to adopt revisions to Section I, Hours, Town Government Hours-A, per the attached; now, therefore, be it

RESOLVED, that the revisions to the personnel manual, as per Schedule "A", are hereby adopted by the Clifton Park Town Board.

It was noted the sewer department is on call 24 hours a day.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 163 of 2008, a resolution determining that action to organize the Clifton Country Road Sewer District and acquire and construct improvements to the sewer system will not have a significant effect on the environment.

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

WHEREAS, following the change in ownership of Clifton Park Center (formerly known as Clifton Country Mall) it was determined that the sanitary sewer system, originally installed as a private line to serve the mall parcel, actually serves many other properties along the west side of Clifton Country Road, and

WHEREAS, the new owner of the Clifton Park Center has requested that the Town assume responsibility for the ownership, maintenance and operation of the sewer system that currently serves the mall parcel and the other parcels, and

WHEREAS, the Town Board proposes to establish a sewer district to be known as Clifton Country Road Sewer District with boundaries established by the Map, Plan and Report for the Project prepared by John M. McDonald Engineering, as per the attached map, and also proposes to acquire, construct and install improvements to the sewer system consisting of (a) the acquisition and installation of pump station replacement and new force main, all as more particularly described in the report of John M. McDonald Engineering, P.C. which is on file in the office of the Town Clerk (the "Project"), and

WHEREAS, pursuant to Article 8 of the Environmental Conservation law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act"), and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations"), the Town Board must determine whether the Project may have a "significant effect on the environment" (as said quoted term is defined in the SEQR Act and the Regulations) and therefore require the preparation of an Environmental Impact Statement, and

WHEREAS, to aid the Town Board in determining whether the Project may have a significant effect upon the environment, John M. McDonald Engineering, P.C. has prepared and submitted a Short Environmental Assessment Form (EAF) which was reviewed by the Town Board and copies of which are on file at the office of the Town Clerk, and

WHEREAS, pursuant to the Regulations, the Town Board has reviewed and considered the EAF in order to make a determination as to the potential environmental significance of the Project, and

WHEREAS, McDonald Engineering advises that the Project constitutes a Type II action as defined by SEQR regulations;

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE TOWN BOARD OF THE TOWN OF CLIFTON PARK AS FOLLOWS:

- (1) Based upon an examination of the Memorandum Report, and based further upon the Town Board's knowledge of the area surrounding the proposed sewer district and such further investigation of the Project and its environmental effects as the

Town Board has deemed appropriate, the Town Board makes the following findings with respect to the Project:

(A) The Project consists of the creation of a sewer district to be known as Clifton Country Road Sewer District with geographic boundaries established by the Map, Plan and Report prepared by John M. McDonald, Engineering and dated March 2008, as per the attached Map, all as more particularly described in the report of John M. McDonald Engineering, P.C. which is on file in the office of the Town Clerk; and

(B) No potentially significant impacts on the environment are noted in the Memorandum Report, and none are known to the Town Board.

(2) Based upon the foregoing investigation of the potential environmental impacts of the Project and considering both the magnitude and importance of each environmental impact therein indicated, the Town Board makes the following finds and determinations with respect to the Project.

(A) The project constitutes a "Type II" Action (as said quoted term is defined in the Regulations);

(3) This resolution shall take effect immediately.

Supervisor Barrett noted all parties are in agreement.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 164 of 2008, a resolution establishing the Clifton Country Road Sewer District.

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

WHEREAS, following the change in ownership of Clifton Park Center (formerly known as Clifton Country Mall) it was determined that the sanitary sewer system, originally installed as a private line to serve the mall parcel, actually serves many other properties along the west side of Clifton Country Road, and

WHEREAS, the new owner of the Clifton Park Center has requested that the Town assume responsibility for the ownership, maintenance and operation of the sewer system that currently serves the mall parcel and the other parcels, and

WHEREAS, a map, plan and report (the "Maps and Plans") have been prepared in a manner and detail as determined by the Town Board regarding the establishment of a proposed Sewer district comprising the property to be served by the proposed Clifton Country Road Sewer District, and

WHEREAS, DCG Development Corporation has the authority to abandon the sewer system to the Town of Clifton Park under the Transportation Corporation Law, and the Town is bound to accept the system pursuant to said statutory scheme; and

WHEREAS, the Maps and Plans have been filed in the Town Clerk's office and are available for public inspection during regular business hours, and

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WHEREAS, the boundaries of the proposed district are set forth on Exhibit A, attached hereto, and

WHEREAS, the estimated maximum amount proposed to be expended for the improvements is \$550,000, in addition engineering and sewer charges incurred by the Town to date, to be borne by property owners within the new District, and

WHEREAS, the cost of the proposed district to the typical property in the district is estimated to be approximately \$296 per year, with no additional hook-up fees anticipated and detailed explanation of how the estimated cost of the district to the typical property was computed and is on file with the Town Clerk for public inspection during regular business hours, and

WHEREAS, usage, operation and maintenance fees will be charged in accordance with the Clifton Park Sewer charges and rents standard fee schedule, and

WHEREAS, a public hearing duly noticed and published on the matter was held by the Town Board on May 5, 2008 and the matter was fully discussed and all interested persons were heard; now, therefore, be it

RESOLVED, that the Clifton Park Town Board hereby determines that:

1. The notice of hearing was published and posted as required by law, and are otherwise sufficient.
2. All the property and property owners within the District are benefited thereby.
3. All the property and property owners benefited are included within the limits of the District.
4. The District is in the public interest.

AND, IT IS FURTHER

RESOLVED, that the District, as set forth in the map, plan and report be approved, and it is further

RESOLVED, that this District shall be known as the Clifton Country Road Sewer District, in the Town of Clifton Park and shall be bounded and described as set forth on Exhibit A attached hereto, and it is further

RESOLVED, that each property owner within the District shall be responsible for paying their fair share of the debt service resulting from the capital improvements proposed to be completed as outlined; and be it further

RESOLVED, in addition, each property shall pay the Town's operation and maintenance costs, which include such items as pump station maintenance and power costs.

Mr. O'Brien reported he has been working with several parties to secure easements.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

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Resolution No. 165 of 2008, a resolution that action to develop 6± acres at the Western Clifton Park's Riverfront public access project will not have a significant impact on the environment.

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

WHEREAS, the Town of Clifton Park acquired 6± acres along Riverview Road and the Mohawk River in 2006 in the western half of the Town to be developed through a 2006 grant award from the NYS Canal Corporation to provide public access to the Mohawk River, and

WHEREAS, Local Law No. 5 of 2007, Chapter 152, designated the acquired public land as a nature preserve, and,

WHEREAS, the Town of Clifton Park has coordinated a wetlands delineation, an archeological study of the entire 6-acre property, and the engineering analysis and design of a site plan and activities, and

WHEREAS, the project is further being coordinated for permitting and approvals from the U.S. Army Corps of Engineers, NYS Department of Environmental Conservation and the NYS Canal Corporation, and

WHEREAS, proposed plans indicate that land disturbance will involve less than one acre of land, and

WHEREAS, the Town's consultant has prepared the Full Environmental Assessment Form for Town Board review and use in making a SEQR determination; now, therefore, be it

RESOLVED, that the Clifton Park Town Board determines that the project is an unlisted action and hereby determines that the project will not have a significant impact on the environment and, therefore, authorizes the preparation of a negative declaration.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 166 of 2008, a resolution authorizing the Highway Superintendent to attend the 2008 Highway School in Ithaca N.Y.

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

WHEREAS, Richard Kukuk, Highway Superintendent, has requested that he be authorized to attend a Highway School in Ithaca, N.Y., June 2-4, 2008, at a cost not to exceed \$675, and

WHEREAS, Mr. Kukuk's attendance at the conference would provide a benefit to the Town; now, therefore, be it

RESOLVED, that Richard Kukuk is hereby authorized to attend the Highway School in Ithaca, N.Y., June 2-4, 2008, at a cost not to exceed \$675, to be paid from A05010-00001 (Training-Conferences).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Roth,

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Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Councilman Hughes left the meeting at 9:15 p.m.

Resolution No. 167 of 2008, a resolution declaring a public emergency pursuant to General Municipal Law Section 103(4), retroactive to April 15, 2008, and authorizing the transfer of \$74,800 from Undesignated Fund Balance to cover the cost of the repairs at the Clifton Park Action Park.

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

WHEREAS, because of a collapsed storm sewer pipe under the Clifton Park Action Park, John M. McDonald, Engineering determined that immediate repairs were required, and

WHEREAS, General Municipal Law Section 103(4) permits the Town of Clifton Park to enter into contract for the work needed to be done without competitive bidding where the Town Board declares the situation to be a public emergency, and

WHEREAS, a quote was received from William J. Keller & Sons Construction Corporation in the amount of \$23,300 for the flowable fill portion of the work which was reduced to the invoice amount of \$21,800 and \$53,000 for storm sewer replacement (total \$74,800), and

WHEREAS, McDonald Engineering advised the Town that the quotes received were fair and reasonable for the job, and

WHEREAS, John M. McDonald, Engineering has inspected the completed work which appears to have been completed in a satisfactory manner with very good workmanship, and have verified all quantities listed in the invoice; now, therefore, be it

RESOLVED, that the Town Board hereby declares the potential damage threatened by the collapsed sewer pipe under the Clifton Park Action Park to be a public emergency requiring immediate action which cannot await competitive bidding; and be it further

RESOLVED, that payment is authorized to William J. Keller & Son Construction Corporation in an amount of \$74,800 for repairs to a collapsed sewer pipe under the Clifton Park Action Park, to be paid with a transfer of \$74,800, from Unappropriated Fund Balance to A7200-200 (Clifton Park Action Park-Equipment).

Councilman Paolucci reviewed the location and cause of the collapse. He explained a section of sidewalk in front of the skate park had collapsed. Pipes carrying stormwater runoff drain into a pond behind the skate park. The area of the sink hole was in a cement basin that is a connector between pipes which was noted before skate park construction. The previous owner of the mall repaired the condition. With the current collapse, when the sidewalk was moved away it was determined that part of the pipe connected to the cement basin had gone bad and the water going through the pipe had sucked out the fill at the northeast corner of the skate park. Upon investigation it was found that a 20 x 20 x 6 foot area, mostly underneath the northeastern portion of the skate park, did not have any fill in it and emergency steps were taken to correct it. Councilman Paolucci stated the shoring up was difficult due to confined spaces and only certain people are qualified to work in a confined space situation. The repair required working in cooperation with the Mall who also replaced pipe. The Town is paying to fill the hole and to replace the pipe underneath the skate park. He reported the contractor was mobilized within two weeks, their bill was received on May 6th and report from McDonald Engineering was received on May 13th that the work done was acceptable. Town Attorney McCarthy said the Board was waiting for the report from McDonald Engineering that the work was acceptable before proceeding with the resolution. Mr. Shahan reported at the time the skate park was built, there

appeared some undermining of the parking lot and the previous Mall owner did repair that area properly and this was not part of the problem.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 168 of 2008, a resolution allocating funds from Unreserved Fund Balance to complete Energy Conservation Measures throughout Town Buildings as recommended by the New York State Energy Research and Development Authority (NYSERDA).

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

WHEREAS, an energy conservation audit of Town Buildings was prepared by sub-contractor L & S Energy Services, Inc., Clifton Park, in December of 2007, and Engineer Paul Remington met with Town representatives on February 22, 2008, to review his findings, and

WHEREAS, Energy Conservation Measures were recommended for Town Buildings, per the attached Schedule "A", at a total projected cost of approximately \$68,000, and potential NYSERDA Incentives projected to be \$4,384; now, therefore be it

RESOLVED, that authorization is given to allocate funds in order to complete the following recommended Energy Conservation Measures:

<u>Building</u>	<u>Expense</u>	<u>NYSERDA Incentive</u>	<u>Additional Funds Needed</u>
Town Hall	\$ 25,196	\$1,227	\$ 22,000 to be transferred to A-1620-24 2,500 to be transferred to A-1620-200
Public Safety Bldg.	\$ 3,379	\$ 350	0
Highway Garage	\$ 25,888	\$1,497	\$18,000 to be transferred to A-5132-24 6,700 to be transferred to A-5132-200
Transfer Station	\$ 6,007	\$ 515	\$ 6,000 to be transferred to A-8160-24
Senior Center	\$ 8,913	\$ 795	\$ 8,000 to be transferred to A-1624-24

and be it further;

RESOLVED, that the Town Board is authorized to apply for any and all available incentives from NYSERDA.

Councilman Paolucci said the town has received information from NYSERDA with specific remediation that can be done in each building. He asked Mr. Shahen to give a progress report towards the end of the summer. Mr. Shahen said some items have already been done. Councilman Paolucci said NYSERDA will look at the remaining buildings in time for the 2009 budget preparation. Councilman Roth wants to make sure the right amount of funds is allocated. Comptroller Heggen said he included only expenditures not incentives and enough money has been allocated. Councilman Paolucci said Councilman Hughes is in support of this resolution.

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ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

MOTION BY Supervisor Barrett, seconded by Councilman Paolucci, to remove Resolution No. 16 of 2008 from the table.

ROLL CALL VOTE ON MOTION

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

Noes: None

Absent: Councilman Hughes

MOTION CARRIED

Supervisor Barrett said residents have come back with a revised plan that has reduced the cost significantly. He said there are still some issues to be addressed relating to residents' concerns.

Resolution No. 16 of 2008, a resolution authorizing Environmental Design Partnership to prepare Phase II, of the design for Parkland Development in Countrymen Estates North.

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

WHEREAS, Resolution No.342 of 2006, at the request of the Stony Creek Park District No. 1 advisory committee, authorized Environmental Design Partnership to create a conceptual design for development of parkland located northwest of the Countrymen Estates North subdivision, and

WHEREAS, the Town Board now wishes to authorize Environmental Design Partnership to prepare Phase II of the design which includes verification of current wetlands, delineation and stakeout, DEC permitting for trails to cross wetlands and for general project coordination for parkland development in Countrymen Estates; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Stony Creek Park District No. 1, hereby authorizes Environmental Design Partnership to prepare Phase II of the design for Parkland Development, at a cost not to exceed \$6100, to be paid from SP9-7145-200 (Stony Creek Park District No. 1, Countrymen Estates North-Equipment).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Councilman Paolucci reported he was contacted by a resident who had recently installed solar energy system to his home that will drastically reduce the amount of traditional fuels needed to heat his home. He said in 2005 NYS, as an incentive to allow residents to make this type of investment, gave a sales tax exemption and gave authority to counties to also give the exemption. Saratoga County does not give the exemption. He and fellow Board members have sent a letter to Supervisor Barrett and County Supervisor Daly asking them to bring this forward at the County level.

PUBLIC PRIVILEGE

Tom DeLeonardis, Hidden Crest, reported at the May 5th meeting at the Transfer Station the statement was made by Carl Clemente of Troy Sand and Gravel that more material is leaving the yard waste site than was entering. He reported Mr. Clemente estimated at current flow rates he will run out of material in two months. He reported Ron Benson of County Waste stated that the operation has to produce top soil as its main product in order to be profitable. Mr. DeLeonardis stated the current odor problems came about through operational failures and too much material. The DEC Reports provided by County Waste to the town indicate that over half the input comes from towns outside Clifton Park. He feels the operators are looking to expand the operation. He said the only way to break this cycle is to restrict input to debris generated within Clifton Park and to bring the operation back under the control of the town. Mr. DeLeonardis said this will come at some cost to the town but if change is approached wisely the cost will not exceed current engineering and remedial costs to resolve the mismanagement verified by the DEC. He said he doesn't understand why the Town Board is so reluctant to spend money in providing clean air for residents when it has no trouble building bicycle paths or spending \$2 million on land for a park, especially since the town has a \$12 million surplus. Mr. DeLeonardis asked the Town Board to show the 400 residents who live within the odor boundaries that they are part of the 35,000 residents they care about and enforce existing Town Code restricting debris from outside of Clifton Park and force the mulch to topsoil conversion to outside of Clifton Park and bring the operation back under the control of the town. Mr. DeLeonardis said the quest has always been for clean pure air and feels the best way to ensure that is for the town to take over operation of the site which could be difficult to obtain and costs could be quite high. Therefore, he said, taking control of the operation is far easier and could be just as effective. He said taking control means regulating site input and output and supervising material handling. Remediation efforts are creating 15 foot high windrows and the Clough, Harbour report calls for 8 foot high wind rows. Mr. DeLeonardis called Kevin Wood at DEC asking if the 8 foot high is meaningful and Mr. Wood responded when windrows are taller than 8 feet the inner material tends to become anaerobic, in essence the windrows being created today are cultivating future odors. He said if the town takes control of the operation, the town employee in charge of the site operation must feel comfortable making decisions that are good for the town and its residents but may not be popular with outside companies involved in the operation. The companies will have to operate within the guidelines set by the empowered employee and the Town Board has to reinforce such. He said there are other mulching operations in the county that are privately operated but under control of the towns. He reported for the years Mr. Wood has been involved on site, three minor violations have occurred in these towns.

Supervisor Barrett said having the engineer at the mulching operation on a regular basis will help.

Susan Schmulka, Nott Road, expressed appreciation to Councilman Paolucci and the Town Board for coming together with the committee and other organizations that were concerned about the parkland on Route 146. She asked if it is correct that the town is no longer looking at soccer fields for that area. Councilman Paolucci responded that is correct. She asked if Resolution No. 249 of 2007 will be revised to state as such. Town Attorney McCarthy will review the resolution. Councilman Paolucci said the committee is recommending only passive recreation; e.g. walking trails, a water feature, picnic area, pavilions, etc. and will consult with the engineering firm and have them make suggestions as to what will fit and then present it to the community. Ms. Schmulka asked if the soccer fields are out. He said he is not recommending any active recreation until the needs assessment is done.

Ken Gellhaus, Hidden Crest Drive, expressed appreciation for the efforts underway regarding the mulching operation. He also expressed concern with the belatedness of the efforts, given that

this matter has been around for awhile. He stated he is not looking to take away other residents' rights but wants the site properly handled so everyone can enjoy better air.

Ken Buniak, Hidden Crest, stated smell remains the primary issue. He questioned when the private contractor is expected to pay the town. He said for the blessing of having grass clippings pick up across the town, the town runs the risk of fines, of civil litigation, doing damage to infrastructure at the facility, paying hourly fees to engineering firms. He asked why the town is paying engineering fees for a private contractor working on town property. He stated the private contractor should assume the cost. Mr. Buniak asked what is being gained, other than taking other people's grass clippings from throughout the capital district. He stated there needs to be some understanding as to why taxpayer money is being used to support a private contractor. He said in his opinion, the town is not getting more back than what is being put in. Mr. Buniak stated hiring an engineer to be at the site should not be a taxpayer responsibility; it should be the responsibility of the people who are making the problem, as well as any other peripheral costs. He continued, if the water is being contaminated, the Town of Clifton Park should not be building the water facility to clean it up. Mr. Buniak said if we allow the private contractors to run "amok" on what the agreement was and the agreement was to pay fees unless the site was improved then it is not being bound by. He said the matter of a gate is in the agreement and dismissed. He questioned language in the Town Code debris from only the town will be brought in. Supervisor Barrett said that was looked at and he's not sure it is that cut and dry when it comes to this operation. Mr. Buniak said this should be explored by counsel.

Supervisor Barrett said having additional oversight at the mulching operation is a prudent thing to do. He stated County Waste is not required to pick up leaves and brush from residents. He reported the town is preparing figures as to the cost of town pickup. He doesn't feel the agreement is one sided, though there are issues that need to be addressed.

Pam Marshall, Fairlawn Court, questioned the difference in volume of debris brought in and compost taken out. She further asked if motion detector lights can be installed in the highway bays. Mr. Shahan said this is being looked at for town hall but isn't sure these lights can be installed in the highway bays.

Norman Goldman, London Square Drive, doesn't agree that dogs should be unleashed at Kinns Road Park. He stated it is one of the early community parks and perhaps many people don't use it now because of their concern of unleashed dogs. Regarding the needs assessment on active recreation, Mr. Goldman said public input should have been received from the beginning. Councilman Roth reported Kinns Road Park is a county park but run by the town.

Judy Brodeur, East Side Drive, said she hears the repairs for East Side Drive storm drain will have to go out to bid. Mr. Shahan explained the Highway Department started work in 2005 and stopped for various reasons. He referred to a memo from Highway Superintendent Kukuk, attached. Mr. Shahan reported this has become a problem now that the homes have become full time homes and not summer residences and the repair will take care of 11 different homes. He noted the area of concern is a flat. Mr. Shahan stated to the best of his knowledge this is the only drainage issue in the East Side Drive area. He suggested having McDonald Engineering put a bid package together to go out to bid and get actual numbers and then make a decision. Ms. Brodeur reported this storm drain has been broken for at least four years that she is aware of. Director of Building Myers reported preliminary stage shows a layout for all the pipe and a profile. He estimates three to four weeks to put the bid specs together and noted at last one easement needs to be obtained. Councilman Paolucci asked that the bid preparation time be shortened to three weeks. Ms. Brodeur said she is looking for a commitment and timeframe.

Frank Berlin, Main St., hopes a third party can look at the Water Authority's water review evaluation. He expressed concern with tax dollars going toward the Luther Forest project when chip plants are opening outside of the United States. Mr. Berlin reported there should be no odor coming from the Transfer Station.

Beverly Czub, Rexford, agreed with dogs unleashed at Kinns Road Park and dog park but leashed elsewhere.

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Bill Koebbeman, Riverview Road, speaking with regard to the Route 146 Park, expressed appreciation to Councilman Paolucci for coming up with a good direction and asked the Board to support him. He said when looking at the comprehensive recreation plan, it is hoped the purchase of land will also be looked at.

Robert Benson, East Side Drive, reviewed the problem with water runoff. He asked if the town isn't opening itself for a liable suit by giving permission to allow dogs to run unleashed at Kinns Road Park. Supervisor Barrett responded there will be proper signage. Councilman Paolucci reported the current signage states dogs must be under control of the owner. He stated new legislation will increase penalties.

Youssef Ballout, Torrero Drive, expressed appreciation to Councilman Paolucci for changing the original proposal for Route 146 Park. He asked what the position will be if the recommendation comes back for active recreation. Will the decision be set in stone or revisited. Councilman Paolucci said he doesn't think soccer fields will fit on the property. He doesn't foresee the Route 146 Park being fit for active recreation and wouldn't recommend any active recreation until the needs assessment is done. Regarding the mulching operation Mr. Ballout feels the town has failed in holding up its responsibility.

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 10:30 p.m.

Patricia O'Donnell
Town Clerk