

1/20/2009

January 20, 2009

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
Michael Shahan, Town Administrator
Mark Heggen, Comptroller
Myla Kramer, Director of Parks, Recreation and Community Affairs
Steven Myers, Director of Building and Development
John Scavo, Director of Planning
Jude Hazard, Information Specialist

MOTION BY Councilman Hughes, seconded by Councilman Roth, to approve the minutes of the January 5th Organizational and January 5th regular meetings as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Roth reported the Community News will be available at the Jonesville Country Store.

Speaking with regard to the town's Ethics Law, Councilman Roth stated anyone can submit recommendations or changes in writing to the Supervisor and these would be reviewed.

PRESENTATIONS

Supervisor Barrett presented Certificates to officers of the six volunteer fire companies – West Crescent, Jonesville, Clifton Park/Halfmoon, Ballston Lake, Rexford and Vischer Ferry and two ambulance squads - Clifton Park and Ballston Lake Emergency Squads in appreciation of their work year round and especially for their excellent response during the December ice storm. Supervisor Barrett announced each year the Chairman of the County Board of Supervisors has the opportunity to dedicate the Proceedings Book of the year served as Chairman. He is dedicating the book from his year, 2007, to all the emergency services volunteers. The attached narrative will appear in the book.

PUBLIC PRIVILEGE ON RESOLUTIONS

Speaking with regard to the Windhover incentive zoning request on the agenda this evening, Director of Planning Scavo explained the current zoning allows 23-25 lots. The applicant is requesting a density incentive that will allow him to transfer the development rights for the Springel property to the Windhover Farm project to allow a total of 45 units. Mr. Scavo reviewed the Planning Board process if the resolution is approved.

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Resolution No. 11 of 2009, a resolution rescheduling the February 16, 2009 Town Board Meeting to February 23, 2009.

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

WHEREAS, members of the Town Board will be attending the Association of Towns Meeting in New York as scheduled for February 15-18, 2009, and

WHEREAS, the third Town Board Meeting for the month of February is scheduled for February 16, 2009; now, therefore, be it

RESOLVED, that the Town Board Meeting scheduled for February 16, 2009 is hereby rescheduled to February 23, 2009 in order to permit Town Board members and various Town Officials to attend the annual New York State Association of Towns Meeting.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 12 of 2009, a resolution authorizing Philip Barrett, Lynda Walowit, Michael Shahan, Thomas Paolucci, Scott Hughes, Sanford Roth, Michael Dudick, Robert Rybak and Thomas McCarthy to attend the Association of Towns Meeting.

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

WHEREAS, the New York State Association of Towns will be holding its annual meeting from February 15 - 18, 2009 in New York City, consisting of seminars and other educational meetings, and attendance at those seminars and meetings would provide a public benefit to the Town; now, therefore, be it

RESOLVED, that the Comptroller is authorized to reimburse Philip Barrett, Lynda Walowit, Michael Shahan, Thomas Paolucci, Scott Hughes, Sanford Roth, Michael Dudick, Robert Rybak and Thomas McCarthy for reasonable transportation and lodging after attending the New York State Association of Towns meeting in New York City from February 15 - 18, 2009, to be vouchered appropriately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 13 of 2009, a resolution of support of the Association of Towns positions to be voted on at the Association of Town's Meeting.

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

WHEREAS, the Association of Town's Annual Meeting will be held February 15-18, 2009, and

WHEREAS, resolutions concerning various topics have been prepared by the Association of Towns Resolutions Committee and sent to the Towns to review prior to the annual meeting; now, therefore, be it

RESOLVED, that the Town Board, after having reviewed the resolutions, has authorized Delegate Lynda Walowit to vote to adopt the proposed resolutions on behalf of the Town of Clifton Park.

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ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 14 of 2009, a resolution authorizing Steven Myers, Director of Building and Development, to purchase a 2009 Ford Ranger 4x4 for use by the Building Department.

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

WHEREAS, Steven Myers, Director of Building and Development, has identified a need for a new vehicle for use by the Building Department, and

WHEREAS, Steven Myers has requested authorization to purchase a Model Year 2009 Ford Ranger 4x4 under State Contract as described on the purchasing memorandum; now, therefore, be it

RESOLVED, that Steven Myers, Director of Building and Development, is hereby authorized to purchase a Model Year 2009 Ford Ranger 4x4 under State Contract 40560 from Fairport Ford LLC, East Rochester, NY, as described in the attachments, for use by the Building Department, at a cost not to exceed \$16,500 to be paid from A-3620-200 (Building – Equipment), as budgeted.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 15 of 2009, a resolution authorizing Sam Chase and Mark Kazmierczak, from the Building Department, to attend the New York State Building Officials Conference, April 14 - 17, 2009, in Liverpool, New York.

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

WHEREAS, conferences are designed to give their members the needed hours to complete the New York State twenty-four hours requirement for in service education for all Code Enforcement Officers per year in order to maintain their certification, and

WHEREAS, New York State has eliminated several of their instructor positions reducing the availability of courses locally and substantially reducing the availability of Building Officials courses offered without charge and fewer courses being given at no charge, and

WHEREAS, reduced availability of such courses locally has increased the necessity of traveling to obtain required credits, and

WHEREAS, attendance at these seminars would provide a benefit to the residents of the Town and is necessary to maintain Building officials credentials; now, therefore, be it

RESOLVED, that the Building Department is authorized to send Sam Chase and Mark Kazmierczak to the New York State Building Officials Conference for four days, from April 14 - 17, 2009 in Syracuse, New York, at a total cost not to exceed \$1400 for both attendees, as budgeted from A-3620-001 (Training and Conferences).

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ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 16 of 2009, a resolution authorizing Derek Miller, Robert Adams and Wade Schoenborn from the Building Department to attend the 14th Annual Educational Conference for the Northern Adirondack Code Enforcement Officials Association to be held in Lake Placid, New York, March 2 - 5, 2009.

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

WHEREAS, conferences are designed to give their members the needed hours to complete the New York State twenty-four hours requirement for in service education for all Code Enforcement Officers per year in order to maintain their certification, and

WHEREAS, New York State has eliminated several of their instructor positions reducing the availability of courses locally and substantially reducing the availability of Building Officials courses offered without charge and fewer courses being given at no charge, and

WHEREAS, reduced availability of such courses locally has increased the necessity of traveling to obtain required credits, and

WHEREAS, attendance at these seminars would provide a benefit to the residents of the Town and is necessary to maintain Building officials credentials; now, therefore, be it

RESOLVED, that the Building Department is authorized to send Derek Miller, Robert Adams and Wade Schoenborn to the 14th Annual Conference for Northern Adirondack Code Enforcement Officials for four days, from March 2 - 5, 2009 at Lake Placid, at a total cost for three attendees not to exceed \$2250, as budgeted from A-3620-001 (Training and Conferences).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 17 of 2009, a resolution authorizing the Supervisor to sign a Memorandum of Agreement between the Town of Clifton Park and the Center for Initiatives in Pre-College Education of Rensselaer Polytechnic Institute for joint sponsorship of a program to provide an educational opportunity in the field of Robotics and LEGO construction.

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

WHEREAS, the Town recognizes that the field of Robotics provides an excellent educational environment which helps to introduce young minds to fields encompassing science and engineering, and

WHEREAS, the Center is a pre-eminent educational institute with particular expertise and experience in these fields with nationally recognized robotics teams and competitors, and

WHEREAS, the Town and the Center wish to cooperate in a program which provides an opportunity for students, 6th through 8th grades from the Clifton Park area who are eligible to enroll in the Shenendehowa Central School District, to learn in a unique environment which enables them to interact with and learn from College level mentors and facilitators in the field of advanced Lego construction and Robotics; now, therefore, be it

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RESOLVED, that the Supervisor is authorized to sign a Memorandum of Agreement between the Town of Clifton Park and the Center for Initiatives in Pre-College Education of Rensselaer Polytechnic Institute for joint sponsorship of a program to provide an educational opportunity in the field of Robotics and LEGO construction.

Councilman Hughes explained this program will facilitate students to hold jobs that tech valley firms will be offering. This program has 25 slots and will be offered in April and May, however, if there is a demand there will be a summer program. He said there will be no cost to the town for this program. Councilman Roth asked if this commits the town to doing more things in the future with regard to education and should this be handled by the school district. He said he doesn't want to be infringing on the school system. Supervisor Barrett noted many of the Parks and Recreation programs are both educational and instructive and doesn't feel this is any different than other programs offered. Councilman Hughes explained this is a three-legged partnership with the town handling registration, marketing materials and oversight; RPI providing mentors for the program and Shenendehowa providing facilities, computers and other resources on the Shenendehowa campus.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 18 of 2009, a resolution adopting the budget for the LEGO Robotics activities program to be offered to students in 6th through 8th grades.

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

WHEREAS, the Town Board has approved an agreement with the Center for Initiatives in Pre-College Education for a program in LEGO Construction and Robotics to be offered on Saturday mornings in March and April 2009, and

WHEREAS, the Agreement provides for a total budget for the LEGO Construction/Robotics program of \$5,250 to be completely offset by registration fees and such corporate or business sponsorships as may be attained; now, therefore, be it

RESOLVED, that the Director of Parks and Recreation is authorized to establish a program as identified in this resolution and to collect registration fees and sponsorships sufficient to completely offset the budgeted cost of the program of \$5,250.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 19 of 2009, a resolution authorizing the hiring of the Laberge Group to assist the Town in developing an updated Recreation Master Plan and authorizing the transfer of funds from the Parkland Account.

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

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WHEREAS, the Town Board desires to identify a strategic direction for the provisions of recreation facilities and service development in the Town of Clifton Park, and

WHEREAS, such a process requires an inclusive planning initiative of the Town of Clifton Park working in partnership with Town residents and key stakeholders, and

WHEREAS, the planning process should assess the conditions of its community parks, identify current and future needs, and establish a planning framework to meet those needs, and

WHEREAS, the Town Board understands the need to commit necessary resources to allow for the development of a comprehensive and detailed Town Recreation Plan, and

WHEREAS, a Request for Qualifications (RFQ) was released to professional planning firms by Town Staff and four responses were received and rated, and

WHEREAS, the Town negotiated a scope of services and fee schedule with the firm selected to be the most qualified to assist the Town with the creation of a Recreation Master Plan, and

WHEREAS, the Town receives parkland fees for new lots which are to be used for expanding the Town's recreational activities, and

WHEREAS, there is approximately \$185,000 in this account; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a contract with Laberge Group, Albany, New York, consistent with the attached scope of work for assistance with the development of a Recreation Master Plan that will serve as a guiding document in an effort to inventory the Town's recreation resources and establish a blueprint for achieving its recreational goals, subject to review and approved by the Town Attorney, in an amount not to exceed \$61,919, to be paid with a transfer from the Parkland Account to A1440-15 (General Fund Engineering-other contractual); and be it further

RESOLVED, that the transfer from Parkland Account will increase the budget by \$61,919 and the expenditures in A-1440-15 will be increased by the same amount.

Councilman Paolucci reported four applicants were looked at in detail and rated in three different dimensions. He stated it was important that a development of the plan be a public process and this was a significant part of the Laberge application. He said this will give a good blueprint on how to move forward in the future. Councilwoman Walowit stated there is no budget impact as with each new housing unit constructed there is \$500 fee paid to a parkland mitigation account. Councilman Roth said it is important reports aren't duplicated, noting there has already been a Mohawk River Recreational Study done. Mr. Scavo reported this is a 12-month study and during the first 60 to 90 days, meetings will be held with town staff, stakeholders and community organizations to determine what research has already been done, as well as speaking with the people who were involved with the creation of those documents. He said public workshops will be held to validate recommendations in prior reports. Supervisor Barrett said the Steering Committee will be organized at a later date. Councilman Roth noted a PUD proposal for Parkwood Village was received in 2007 from the Laberge Group and asked if this could be a conflict of interest. Mr. Scavo explained Albany Management, a property management company owned by the Laberge Group, requested the PUD. He stated this is a completely separate business. Town Attorney McCarthy asked if there are any areas near their property that would be an active part of the study. Mr. Scavo responded it is a town-wide study plan but doesn't believe there are any specific parcels in the Parkwood Village area.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

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Resolution No. 20 of 2009, a resolution amending the Town of Clifton Park personnel manual to establish standard workdays for various Town Positions.

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

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

WHEREAS, the Clifton Park Town Board wishes to amend the manual to establish standard workdays for various Town Positions, per the attached Schedule "A"; 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.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 21 of 2009, a resolution approving an amenity zoning request for a potential Residential Subdivision Project and Equestrian Farm on Grooms Road to be known as Windhover Farms.

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

WHEREAS, an application has been made under the Town's Open Space Incentive Zoning option for a proposed subdivision in accordance with Section 208-43.16 of the Town Code, and

WHEREAS, the applicant has requested additional density of twenty lots within the subdivision along with certain Equestrian Facilities and related barns and horse paths, and

WHEREAS, the applicant proposes to provide a community benefit of amenity in the form of a "Permanent Conservation Easement" on 104.22 acres on lands of Carl and Marianne Springel; which includes 45± acres of unconstrained land along with a paid amenity in the form of \$250,000 to be deposited in the Town's Open Space Capital Reserve Account, and

WHEREAS, a project narrative, requested incentive and proposed amenity, subdivision calculations, site location map, and proposed layout was submitted to the Town Board in accordance with Section 208-43.16 of the Town Code, and

WHEREAS, the Planning Board conducted an advisory review of the proposal and held a Public Workshop for public input and provided comments in a September 5, 2008 memorandum to the Town Board, and

WHEREAS the Town Board conducted a Public Hearing on October 6, 2008 to obtain public comments on the proposal, and

WHEREAS, an Environmental Assessment has been completed and the Town Board issued a conditional Negative Declaration on December 8, 2008, and

WHEREAS, notice of the Conditional Negative Declaration has been published for more than thirty days, and

WHEREAS, the Board has carefully considered the Application, Public and Planning Board comments on the Application, and analyzed the amenity or community benefits offered by the application, in exchange for the density bonus sought under the Town's Conservation Residential Zoning Law; now, therefore, be it

RESOLVED, that the Town Board hereby approves the density increase request of up to a maximum of 20 additional units for the property in exchange for open space benefits for the Town of Clifton Park; and be it further

RESOLVED, that the applicant is hereby required to pay in full the amount of \$250,000 to be placed in the designated Open Space Incentive Zoning Fund, and such fund may only be utilized by the Town of Clifton Park to acquire lands and interests to lands in Western Clifton Park, and to transfer a Conservation Easement acceptable to the Town Attorney upon any subsequent site plan approval issued by the Planning Board for the Windhover Farms Subdivision Project.

Councilman Roth said he doesn't have a problem with an equestrian type development if it is done right and in accordance with the area, however 46 lots is much too dense. He said if it is done as a 20-25 lot project, as noted in an email from the developer's representative, it should be moved back about 1000 yards from the main road. He stated there must be an ownership taken on by the homeowners in any project involving horses; e.g. caretakers and responsibility for taking care of everything that could be an environmental issue, either included in the deed or agreement. Councilman Roth said all homeowners must own a horse. Councilman Paolucci reviewed the Conservation Residential Zoning. Regarding land transfer, he said it is important that what is being given to the town is of equal value to the additional density. He continued, when the application was received there was no wetlands delineation and has since learned that the unconstrained lands are surrounded by wet area. The Planning Board rational supporting the incentive zoning positive recommendation stated in Mr. Bulger's memo of September 5, 2008 was that though the area might not be right for development now, somewhere in the future that land could have development potential as more and more land in the zone gets used up. Councilman Paolucci said he does not have a problem with additional density if it is close to infrastructure and preserves more open space but in this case he is not sure that the trade is of equal value.

Supervisor Barrett said, as he stated in the public hearing last week, he is not in favor of raising amenity zoning fees but this is something the Board will have to review.

ROLL CALL VOTE

Ayes: None

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

MOTION DEFEATED 5-0

Resolution No. 22 of 2009, a resolution accepting the bid of the second highest bidder for Surplus Equipment in the Highway Department.

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

WHEREAS, on November 17, 2008, Resolution No. 317 of 2008 awarded the bid for the 1991 International Cab and Chasis (for parts) to A.D. Hall, and

WHEREAS, per the Notice to Bidders, successful bidders must claim items within thirty days or they will be disposed of by the Town, and

WHEREAS, to date the item has not been claimed by A.D. Hall; now, therefore, be it

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RESOLVED, that the bid is hereby awarded to the second highest bidder, DADO Inc. in the amount of \$126.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

REPORTS TO THE BOARD

Town Comptroller Heggen reviewed the December financial report, noting revenues for sales tax for January and February are included in the 12/31/2008 year end. He noted there is approximately half million dollars in encumbrances that will either be included in 2008 or rolled over into 2009. Councilman Roth asked if the town will break even in 2008. Mr. Heggen responded there is approximately \$200,000 in expenditures over revenues but generally at this point time this is often the case due to the January and February sales tax revenues that are included in the last quarter of the previous year. He said he anticipates a positive surplus.

Town Administrator Shahan reported 45 resumes for the Environmental Specialist position have been received and interviews are being held this week. He said sensors and new lights have been installed in most of the town buildings and once work is completed the town will apply for NTSERDA dollars. Councilman Paolucci asked if the accounts are separate and will the impact be seen. Mr. Heggen responded the town hall comes under one account.

Supervisor Barrett reported there has been an apparent shift at FEMA and it appears the town will be able to recoup a significant percentage of the town's total cost for the ice storm, as well as clean up efforts.

Mr. Shahan said the town will have to go out to bid for the clean up in the spring.

PUBLIC PRIVILEGE

George Wickswat, Grooms Road, expressed appreciation for the time and effort put in regarding the Windhover Farms project. He spoke in favor of the town's involvement with the LEGO Robotics program.

Ed Krawiecki, Grooms Road, speaking with regard to the Windhover Farms project, thanked the Town Board for listening to residents.

John Bologna, Goldfield Lane, spoke in favor of the Town Board's decision regarding the Windhover Farms project. He expressed appreciation for the phone notification during the ice storm.

Supervisor Barrett explained what was voted on tonight regarding the Windhover Farms project was the additional density request; however, if the applicant came forward with a scaled down plan under the current zoning laws, it would go directly to the Planning Board.

George King, Grooms Road, agreed the density for the Windhover Farms project was too great for the area.

MOTION by Councilwoman Walowit, seconded by Councilman Hughes, to adjourn the meeting to the next regular meeting or any other meeting necessary for the conduct of Town business.

Motion carried at 8:26 p.m.

Patricia O'Donnell, Town Clerk