

February 23, 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 Shahen, Town Administrator
Mark Heggen, Comptroller
Myla Kramer, Director of Parks, Recreation and Community Affairs
Barbara McHugh, Director of Community Development
Steven Myers, Director of Building and Development
John Scavo, Director of Planning
Jeffrey Vedder, Transfer Station Supervisor
Jude Hazard, Information Specialist

MOTION BY Councilman Hughes, seconded by Councilwoman Walowit, to approve the minutes of the February 2 and 9, 2009 meetings as presented.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

MOTION CARRIED

Councilman Paolucci arrived at 7:05 p.m.

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett asked the Town Board for approval to send the attached letter, dated February 23rd, to Planning Board Chair Bulger regarding lead agency for the Country Club Acres (Ushers Woods) PDD. The Board unanimously agreed with sending the letter.

Supervisor Barrett said his concern with the Safe Paths to School Project was in response to reports from a CDTA meeting attended by staff from Clifton Park and Halfmoon, from which minutes state the following comment from Bob Johnson of DOT: "it was also noted that the New York State Comptroller has held up Safe Routes to School Projects from Region 1 and Region 11 for review of the selection process used and in addition Shenendehowa School District wants to take out their \$100,000 match and rescope their project. Bob stated they were told this is not allowed, if they can't follow through on the original committed match, they will not be able to do their project. Bob also wanted to remind local project sponsors that their local government must sign local agreements before federal highway authority funding or highway authority allows funds to be allocated". Supervisor Barrett said his letter to the Superintendent of Schools and the School Boards response will be posted in the web for residents' information. He reminded residents that the 2009 town budget is also posted on the website.

Councilwoman Walowit reported on events at the Association of Towns meeting.

Speaking with regard to the Kids Korner on the Common, Councilwoman Walowit said Supervisor of Buildings and Grounds Handerhan has recommended that it be taken down as it is falling into disrepair. She encouraged the Town Board to replace the structures. She noted \$100,000 has been set aside for this purpose and asked Buildings and Grounds Department to submit two or three different plans for review. Councilwoman Walowit asked Buildings and Grounds to salvage whatever possible that might be used at the Dwaaskill Nature Preserve. Supervisor Barrett said he has never had any concern about safety of children playing on the equipment but with new technologies it might be time to improve the facility and bring it up to date. Councilman Paolucci asked if the playground will stay at the same site. Councilwoman Walowit said yes. Councilman Roth said Mr. Handerhan is looking to see if there may be a better location on the Common that would allow making the Kids Korner a little larger. Town Clerk O'Donnell noted bricks were sold when the playground was put in, many "in memoriam", and asked that this has to be taken into consideration when any changes are made. Councilman Roth and Councilwoman Walowit stated the bricks will be taken care of.

Councilman Roth, speaking with regard to the dam in the Stony Creek Reservoir, reported it is a C Type Dam and has to be inspected every two years. A plan is in place with the Vischer Ferry Fire Department as to what will happen in the event of a catastrophe with this dam.

Speaking with regard to the Public Hearing held January 12, 2009 on open space incentive zoning, Councilman Roth reported Mr. McCarthy is still reviewing the legislation. He asked that the Public Hearing be closed at this time and another be set for a future date. The Town Board unanimously agreed to close the public hearing held on January 12, 2009.

Councilman Roth referred to his memo of July 7, 2008, attached, suggesting a proposal for Town of Halfmoon residents' membership in the Skate Park and asked the Town Board to review and get back to him in a week or so with comments. Councilman Paolucci explained the resident fee is \$60 and non-resident \$180. He noted the real cost is \$180 and the town is subsidizing town of Clifton Park residents. He reported Ms. Kramer has always been ready to register Halfmoon residents for the Clifton Park rate if the Town of Halfmoon subsidized the rest.

Councilman Hughes agreed with using materials from the Kids Korner.

PRESENTATION OF PLAQUES FOR HISTORIC HOUSES

Mark Kazmierczak, Chairman of Historic Preservation Commission, gave a description of the homes being placed on the Town's Register of Historic Places: 980 Main Street, 966 Main Street, 963 Main Street, 946 Main Street, and 722 Clifton Park Center Road. Supervisor Barrett presented Historic House Plaques and Resolution No. 3 of 2009 to the owners of the respective homes. He thanked the homeowners for preserving the history of the town.

PUBLIC HEARING, 7:10 PM REGARDING UNSAFE STRUCTURE AT 392 SCHAUBER ROAD

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on February 9, 2009.

Director of Building and Zoning Myers reported Dr. Buckley, Mr. Shahan and himself have been to the house. He said the owner has died and the house has been in disrepair for some time. Roof pieces are missing and there are concerns about infestation due to garbage on the property. He said heirs to the property have not responded. Town Clerk O'Donnell stated certified notices were sent to family members and three banks and return receipts were received back from three family members and two banks and notice was filed with the County Clerk on February 11, 2009. Councilwoman Walowit asked if the cost of demolition be placed on the tax bill. Mr. Myers responded that is his understanding.

The public hearing was opened for comments from the audience at 7:42 p.m.

Ms. Jacqueline Palkovic, 23 Droms Road Ext. Glenville, stated prior to her divorce five years ago 392 Schauber Road was her residence. She said her ex-husband passed away and a resident continued living there. She said the house is in final stages of foreclosure and she doesn't believe

she or her three children are connected with the property at all. Ms. Palkovic introduced Ned Finnigan, stating he is a licensed contractor who has looked at the building and has written up a report. She noted her children are very upset over the situation and there is nothing but debt associated with this property and she doesn't feel they should be responsible.

Ned Finnigan said he is a licensed contractor in City of New York and structural examiner for NYC Housing Authority. He stated he looked at the structure on February 16th and reviewed his findings: allegations of unsafe structure were greatly embellished and with his experience, said property is far from unsafe and to the contrary would, with a little "TLC" be a fine home for a family. He continued the amount of repair to siding and roof are minimal, equivalent to any wear and tear to any of home. He said while inspecting the interior he found no signs of water damage that would pose a threat to the structure, no portion of the house to pose any unsafe situation. Also, he said he was cognizant of the claim of vermin activity and found no such infestation. Mr. Finnegan reported the bags of trash have been cleaned up.

Supervisor Barrett asked Mr. Myers what signs led him to believe there was infestation. Mr. Myers, noting his inspection was last summer, responded there were quite a few insects and what he and Dr. Buckley believed were mouse and rat droppings. They thought there were some holes from the exterior that gave access to the interior of the house for animals. Mr. Myers said the garbage was still present at his last visit. Mr. Myers said noting the condition of the house on his visit last summer; he assumed the house had gotten worse over time. He said Dr. Buckley felt due to the condition of the house in the summer this should be pursued.

Mr. Myers reported he has spoken to representatives of both banks involved and Bank of America told him they were going to "walk away" from it and KeyBank, through a letter from local counsel (McNamee, Lochner, Titus & Williams), stated they would like more time to look at the situation and asked for another sixty days to assess the situation and complete the necessary repairs.

Supervisor Barrett stated with the knowledge that KeyBank is involved he is recusing himself from any discussion or action on the matter.

Deputy Supervisor Walowit chaired the Public Hearing.

Ms. Palkovic said she doesn't want any ties or monetary gain from this house and is only here to say it is in foreclosure and the house is in good standing condition.

Mr. McCarthy asked Ms. Palkovic if she owns whatever equity is remaining in the property. Ms. Palkovic said she is divorced and the property changed hands to her ex-husband. Mr. McCarthy asked Ms. Palkovic if she owns whatever is left as of now. She responded not to her knowledge. Councilman Hughes asked if Ms. Palkovic's children would have an interest in the property if they didn't foreclose and it could go towards a sale. Ms. Palkovic responded there is too much going on with the debtors to even think about the children. Mr. Myers explained Assistant Town Attorney Peller did a search and all people tied to the property received the notice of demolition.

Mr. Finnigan stated Ms. Palkovic does not want to be associated with the cost of demolition of the house and has no interest in the property. He said if a family wishes to purchase it, there is no need to tear it down.

Councilman Paolucci said the town hasn't had any response from anyone in nine months and this is the issue the town is grappling with and if this property is going to continue to deteriorate it would become an issue for the health, safety and welfare for other residents of the town.

Mr. McCarthy said one of the banks has asked for more time to evaluate their interest to determine if it merits rehabilitating the house.

Mr. Myers stated he will not enter the house without someone who has some kind of ownership to the property. He reported he told the bank today the house is definitely salvageable based on what he knew from nine months ago, that the town does not want to demolish it but is very limited in what it could and couldn't do with a structure that the town feels is creating a problem for the town. He said this action is get to something to happen – either salvage the house or demolish.

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Councilman Hughes asked how long the house has been in this condition and expressed concern for the neighbors.

Deputy Supervisor Walowit asked if Mr. Myers has seen any signs of illegal entering and if so, can the Town board it up. Mr. Myers responded he has not seen any activity around the house.

Ms. Palkovic said she has no financial interest in this property.

Mr. Finnegan said perhaps to expedite the situation, Ms. Palkovic will contact the bank and see what her responsibilities are and then get the information to the town.

Councilman Roth said he doesn't have a problem with giving more time but a resolution needs to be reached and doesn't know why the bank needs sixty days. Mr. Myers said he is willing to do another inspection with someone from the bank or family. Mr. McCarthy said a decision can be made next week as to how much time should be given. Deputy Supervisor Walowit said she doesn't want to extend this for long and as it gets warmer there could be a danger of leaks.

Richard Frank, 388 Schaubert Road, said there were people staying at the house after Mr. Palkovic's and the other resident's passing, however, no one has been there for a few months. He reported a neighbor saw someone running from the property and called the Sheriff's Department. Mr. Frank said he is concerned about possible infestation, about who might be there and what they're doing. He said there was no lawn maintenance done for the entire summer of 2008 which could be a fire hazard and would like to see something done, sooner than later.

Councilman Hughes asked Mr. Myers if there was any mold in the home when he was there last summer. Mr. Myers said he doesn't recall seeing any mold. He and Dr. Buckley went specifically to visit the resident and he did not do a thorough inspection of the interior of the house at the time.

Deputy Supervisor Walowit said she would like Mr. Myers and Town Attorney McCarthy expedite the situation.

Councilman Paolucci said the bank should be given the sixty days and the town can still take action on it.

Mr. Myers reported, in the past, authority was given to him to move forward as need be, however, he would not go forward without the Town Board being notified and making sure all the options have run out. Councilman Paolucci said he would like Mr. Myers to get into the house again for a further review. Mr. Myers said he was in the house quite a while ago and things could be different at this time. He would like to look at the interior again with Dr. Buckley.

Deputy Supervisor Walowit asked Mr. Shahan to have Security keep an eye on the property.

Everyone was given an opportunity to speak and no one else wished to be heard. Deputy Supervisor Walowit declared the public hearing closed at 8:11 p.m.

Supervisor Barrett returned to chair the meeting.

PUBLIC HEARING, 7:20 PM
TO CONSIDER A LOCAL LAW AMENDING CHAPTER 208 OF THE ZONING CODE
SIMPLIFYING AND STREAMLINING PROCEDURES FOR LOT LINE ADJUSTMENTS
BETWEEN
CONTIGUOUS PARCELS

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on February 16, 2009.

Town Attorney McCarthy explained this would allow for a simple lot line adjustment between two contiguous properties after an administrative review of an application. This would eliminate the need for an applicant to go through a full site plan review at the Planning Board level This procedure would save the applicant time and money, as well as save the Planning Board and its counsel extra review time. He read the proposed definition and noted no new lots are created and

the proposed lots after the adjustment will comply in all respects to the existing town code and zoning laws. Mr. Scavo reviewed circumstances that bring lot line adjustments to the Planning Board. Mr. McCarthy reviewed the proposed procedure. Mr. Scavo stated if there are any unusual circumstances with a proposal the town has the flexibility to deny the lot line request and treat it as a subdivision; e.g. if one lot was substandard the adjustment would make it buildable. Mr. Scavo explained the lot line adjustment is for parcels that currently conform with certain zoning and will still conform with that specific zone as a result of the action. Mr. McCarthy said the Planning Board is limited in the circumstances under which a lot line adjustment would be denied.

Councilman Paolucci agreed with the proposed legislation.

Councilwoman Walowit said there is nothing in the proposed legislation that states documentation be required from the person from whom land is being taken. Mr. Scavo said this can be amended to reflect an owner authorization signature requirement. Mr. McCarthy recommended a sentence be added regarding development potential arising from vacant land. Mr. Scavo said he feels the definition covers that but it can be clarified that site plan review would be required.

The public hearing was opened for comments from the audience at 8:13 p.m.

Frank Berlin, Main St. Jonesville, asked if neighbors in back of the properties will be notified. Mr. Scavo responded he has checked with Saratoga County Planning Department and typically with lot line adjustment procedures there is no notice as a public hearing is no longer required. He stated if a public hearing is required then it becomes a Planning Board action. Mr. Scavo explained the courts have upheld over time that there is really no basis to deny two lots that currently conform to the code that still will comply with the code at the end of the day. He said there could be notification as part of the requirement but not a formal public hearing. Mr. Scavo reported in 2002 NYS Department of State allowed this legislation to be created by municipalities.

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 8:25 p.m.

REPORTS TO THE BOARD

Comptroller Heggen reviewed the January 2009 financials, stating the majority of revenues received in January are allocated to 2008. He reported he is in the process of closing out 2008. Supervisor Barrett said he has concerns about sales tax revenues in 2009. He said any expense over \$5000 will need to be reviewed.

Town Administrator Shahan explained the Environmental Specialist position is not a newly budgeted position as in the past couple of years it was being filled by an engineering firm. He reviewed recommendations received at an Association of Towns class regarding negotiating with unions and employees in an economic downturn. Mr. Shahan reported on SEMO and FEMA meetings attended by himself, Superintendent of Highways Kukuk and Facilities Supervisor O'Brien to review information regarding the December ice storm. He said from the meeting on February 19th, the town has 60 days to come up with an action plan. He reported the federal government will give 75 percent of the costs, state 12.5 percent and the town the remaining. Mr. Shahan said in-kind services can be claimed at part of the town's cost; e.g. CERT, employee time manning phones, etc.

Supervisor Barrett said DOT has notified the town that many traffic lights have been rewired and the generators used previously are not usable, therefore, the town will have to buy new generators. He asked that Town Safety Officer Pasquarell send a memo to the Town Board regarding costs of new generators. Mr. Shahan said previously five lights were chosen but it is anticipated ten generators will now be purchased.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 32 of 2009, a resolution approving a new Summer Recreation Salary and Hourly Rate Matrix for the 2009 season, per Schedules A & B.

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

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has prepared a 2009 Summer Recreation Salary Matrix per Schedules A & B, and

WHEREAS, Myla Kramer has recommended increases in Summer Recreation Staff salaries for the 2009 year be included to stay competitive with New York State minimum wage rates per the attached breakdown, and

WHEREAS, the extra funds needed for the pay increase can be accommodated within the Summer Recreation Budget; now, therefore, be it

RESOLVED, that the Town Board hereby adopts the 2009 Summer Recreation Salary and Hourly Rate matrix for the 2009 season per Schedules A & B.

Ms. Kramer explained this increase is to following minimum wage. She noted Schedule B covers the Skate Park staff.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 33 of 2009 a resolution hiring returning park attendants for the Clifton Park Action Park per Schedule "A".

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

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that the positions be filled per the attached Schedule "A", March 2 through November 8, 2009; now, therefore, be it

RESOLVED, that authorization is hereby given to hire returning park attendants for the Clifton Park Action Park for the 2009 Season per the attached Schedule "A".

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 34 of 2009, a resolution authorizing Myla Kramer and Diana Fraser to attend the New York State Recreation and Park Society 69th Annual Conference and Business Expo.

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

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has requested authorization to attend the New York State Recreation and Parks Society 69th Annual Conference and Business Expo, along with Diana Fraser, to be held at the Hyatt Regency in Hauppauge, New York, and

WHEREAS, attendance at this conference will confer a benefit upon and be in the best interest of the Town of Clifton Park; now, therefore, be it

RESOLVED, that Myla Kramer and Diana Fraser are hereby authorized to attend the New York State Recreation and Park Society Annual Conference and Business Expo, April 19-22, 2009, in Hauppauge, New York, at a cost not to exceed \$1,364 for registration and hotel to be paid from A-7021-001-Parks and Recreation (Training & Conference).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 35 of 2009, a resolution authorizing the Supervisor to sign contracts with 2009 Summer Recreation Independent Contractors per Schedule "A".

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

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, requests that the Town Board authorize certain updated contracts for certain Summer Recreation Programs, and

WHEREAS, the Town Board supports continuation of the listed Summer Recreation Programs with the Subcontractors listed on the attached Schedule "A"; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign contracts with 2009 Summer Recreation Independent Contractors per Schedule "A".

Ms. Kramer reported in addition to all subcontractors returning, there are two new camps; Miles Joseph -Soccer and Susan McCarthy – Kids' Art. She stated no extra town funds will be spent on these camps.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 36 of 2009, a resolution authorizing the promotion of Gregory Budney from Laborer to the position of MEO Light in the Buildings and Grounds Department.

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

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WHEREAS, Buildings and Grounds Supervisor Michael Handerhan recommends that Gregory Budney be promoted from Laborer to MEO Light 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 immediately Gregory Budney is hereby appointed to the position of MEO Light, Grade 4, Step 1 (\$31,726), additional \$2,646 needed through balance of 2009 to be paid with a transfer of \$2,646 from A7110-74 (Buildings and Grounds-Overtime) to A7110-E0102 (Buildings & Grounds-employee).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 37 of 2009, a resolution hiring Wild Goose Chaser, Inc., New Lebanon, NY, to reduce the Canada Geese from taking root in the field next to the Barney Road Pool.

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

WHEREAS, the Canada Geese continue to be a problem in the field next to the Barney Road Pool, and

WHEREAS, the Town Board, acting as Commissioners of the Clifton Knolls/Mill Creek Park District, has received a request from the Park District to authorize the hiring of Wild Goose Chasers, Inc. to chase the geese away before they lay their eggs, and

WHEREAS, the company utilizes border collies to herd and harass the birds until they leave, and

WHEREAS, the Clifton Knolls/Mill Creek Park District has been pleased with the service and commitment of Wild Goose Chaser, Inc. to Clifton Knolls and their results in keeping the fields clear of Canada Geese; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Clifton Knolls Mill Creek Park District, hereby authorizes the hiring of Wild Goose Chaser, Inc., New Lebanon, NY, to reduce the Canada Geese from taking root in the field next to Barney Road pool at a cost not to exceed \$5,000 for the season, to be paid from SP37131-24 (Clifton Knolls Park District).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 38 of 2009, a resolution permitting the consumption of alcoholic beverages at the Locust Lane Clubhouse for a Clifton Knolls Mill Creek Civic Association event.

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

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WHEREAS, Keri Horton, 24 Juniper Drive, Clifton Park, has requested permission to serve alcoholic beverages on February 28, 2009 at a Wine and Cheese Party to be held at the Locust Lane Clubhouse, and

WHEREAS, it is the Town's policy to require the using group to monitor the consumption of alcohol and be responsible for the group's activities; now, therefore, be it

RESOLVED, that the Clifton Knolls Mill Creek Civic Association is authorized to serve alcoholic beverages on February 28, 2009, from 7:00-11:00 pm at an adults only Civic Association event being held at the Locust Lane Clubhouse, contingent upon the execution of an indemnification and a hold harmless agreement in favor of the Town and the provision of a certificate of liability insurance naming the Town as an additional insured and in a coverage amount acceptable to the Town.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 39 of 2009, a resolution awarding a contract for landscaping services for the Settler's Hill Park District.

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

WHEREAS, quotes were received by the Town Board, acting as Commissioners of the Settler's Hill Park District, for landscaping services for the District, and

WHEREAS, the lowest conforming quote for the work to be done which includes mowing, weeding, mulching, edging, fertilizing and trimming and pruning bushes in the Settler's Hill Park District was submitted by "A Cut Above", 81 Pleasant Ave, Schaghticoke, New York, in an amount not to exceed \$3,825; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Settler's Hill Park District, hereby awards the contract to "A Cut Above", Schaghticoke, New York, for landscaping services at the Settler's Hill Park District at a cost not to exceed \$3,825, to be budgeted from SP137146-24(Settlers Hill Park District-Maintenance).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 40 of 2009, a resolution awarding a contract for landscaping services for the Meadow Estates Park District.

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

WHEREAS, quotes were received by the Town Board, acting as Commissioners of the Meadow Estates Park District, for landscaping services for the District, and

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WHEREAS, the lowest conforming quote for the work to be done which includes mowing, mulching, weeding and pruning of shrubs and planting flowers in the Meadow Estates Park District was submitted by "A Cut Above", 81 Pleasant Ave, Schaghticoke, New York, in an amount not to exceed \$5,545; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Meadow Estates Park District, hereby awards the contract to "A Cut Above", Schaghticoke, New York, for landscaping services at the Meadow Estates Park District at a cost not to exceed \$5,545, to be budgeted from SP127142-24(Meadow Estates Park District-Maintenance).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 41 of 2009, a resolution authorizing the hiring of summer staff for the Buildings and Grounds Department as per Schedule A.

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

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

WHEREAS, Michael Handerhan, Buildings and Grounds Supervisor, has recommended that the individuals listed in Schedule A be hired to fill these positions, and

WHEREAS, the wages to be paid to the hired individuals are listed in Schedule A as budgeted; now, therefore, be it

RESOLVED, that the individuals listed in Schedule "A", attached hereto, be hired as part of the summer Buildings and Grounds staff for the summer of 2009, effective immediately.

It was noted these individuals are all returnees.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 42 of 2009, a resolution awarding the bid for a thirty cubic yard Open Top Roll Off Container and a forty-five cubic yard Closed Top Receiver Roll Off Container for use at the Clifton Park Transfer Station.

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

WHEREAS, a need exists for a thirty cubic yard Open Top Roll Off Container and a forty-five cubic yard Closed Top Receiver Roll Off Container for use at the Transfer Station, and

WHEREAS, on January 7, 2009, bids were received for the above referenced contract, and

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WHEREAS, United Services Group, 46 Sager Drive, Rochester, New York, was the lowest bidder in an amount not to exceed \$4,595 for the thirty cubic yard Open Top Roll Off Container and \$7,785 for the forty-five cubic yard Closed Top Receiver Roll Off Container, and

WHEREAS, Jeffrey Vedder, Supervisor of the Transfer Station, has recommended that the bid of United Services Group in an amount not to exceed \$4,595, for the thirty cubic yard Open Top Roll off Container and \$7,785 for the forty-five cubic yard Closed Top Roll Off Container be accepted; now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced bid to United Services Group in an amount not to exceed \$12,380 for both containers to be paid from A8160-200 (Convenience Transfer Station-Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 43 of 2009, a resolution extending the hours of the Town Transfer Station for the annual spring Clean Up/Green Up Week.

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

WHEREAS, a request has been made by Jeffrey Vedder, Transfer Station Supervisor, for authorization to extend the hours of the Convenience Transfer Station for the annual spring Clean Up/Green Up to be conducted on Sundays, April 19, 26, and Sundays May 3, and 17, 2009, and

WHEREAS, Jeffrey Vedder has recommended that the Transfer Station be open for four Sundays instead of two this year to help with the ongoing clean-up from the severe ice storm that occurred in December of 2008, and

WHEREAS, authorization for overtime costs for the extended hours is required; now, therefore, be it

RESOLVED, that the Transfer Station Supervisor is hereby authorized to extend the hours of the Convenience Transfer Station for the annual spring Clean Up/Green Up to include Sundays April 19, 26 and Sundays May 3 and 17, 2009 with the extended hours to be as set forth in the attached Schedule A; and be it further

RESOLVED, that the Sunday hours will be for the collection of leaves and brush only while all other items will be taken during the extended hours Tuesday through Saturday and authorization is further granted for the overtime requirements to be paid as budgeted in A8160-074 (Convenience Transfer Station-Overtime).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 44 of 2009, a resolution authorizing John M. McDonald Engineering, PC to prepare a map, plan and report for improvements to the Olde Nott Farm Sewer District No.1 Facilities.

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

WHEREAS, Resolution No. 194 of 1997 established the Olde Nott Farm Sewer District No.1, and

WHEREAS, at the adoption of said resolution certain engineer's plans, reports, and legal descriptions of said proposed Sewer District and maps illustrative thereof were attached to that resolution and made a part thereof, and

WHEREAS, the Town Board desires to plan for the decommissioning of a waste water treatment plant currently operating within the Olde Nott Farm Sewer District No. 1, and to provide for updated and expanded facilities to pump sewage flows consistent with a December 2008 Inter-municipal Agreement with the Town of Glenville; now, therefore, be it

RESOLVED, that authorization is hereby given to John M. McDonald Engineering, PC to prepare a map, plan and report to update and expand sewer facilities within the Olde Nott Farm Sewer District No. 1 pursuant to §202 B of the Town Law.

Town Attorney McCarthy explained this is a part of a larger project but the map, plan and report will isolate and focus on just the improvements that will benefit Old Nott Farm Sewer District only. If approved this will provide a separate funding mechanism under Section 202B of Town Law for those improvement. It was stated this is not for excess capacity. Supervisor Barrett noted the response from residents on Riverview Road that do not have sewers has been "overwhelmingly positive". Mr. McCarthy said it looks like there is a pretty good basis for the Town Board to consider Area B to be immediately benefited.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 45 of 2009, a resolution scheduling a public hearing related to the Town's opportunity to file an Application for a New York State Community Development Block Grant.

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

WHEREAS, the Town of Clifton Park is pursuing filing an application for a New York State Community Development Block Grant for \$400,000 to renovate the Town's Senior Center, and

WHEREAS, in order to file the Grant Application a minimum of two Public Hearings are required, the first of which is to discuss the New York State Community Development Grant program funding opportunities including guidelines, regulations and requirements, as well as how the program will proceed if the application is funded, and

WHEREAS, the Town Board would like to obtain comments from the public regarding this matter; now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled for March 9, 2009, at 7:10 p.m. in the Wood Memorial Room at One Town Hall Plaza, Clifton Park, regarding the Town's opportunity to file an application for a New York State Community Development Block Grant; and be it further

RESOLVED, that the Town Clerk publish notice of same.

Director of Community Development McHugh reported the town has been approached by the senior citizens to explore grant and funding opportunities for improvements to their building. The required public hearing is to solicit community support.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 46 of 2009, a resolution appointing/reappointing members to the Citizen Corps Council.

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

WHEREAS, the Citizen Corps Council was created by Resolution No. 317 of 2003, and

WHEREAS, per the attached Schedule "A", representatives of the permanent organization members have been recommended to serve on the Citizen Corps Council; now, therefore, be it

RESOLVED, that the individual representatives of the of the permanent organization members listed in Schedule "A" are hereby appointed/reappointed to the Citizen Corps Council, to serve a two (2) year term, term to expire December 31, 2010; and be it further

RESOLVED, that Howard Vipler be appointed as a Citizen at Large to the Citizen Corps Council for a one year term, term to expire December 31, 2009.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 47 of 2009, a resolution authorizing the Town Board to engage Access Systems, Inc. to conduct a process analysis study of the Town's Department of Building and Development.

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

WHEREAS, the Town of Clifton Park applied for and was awarded a Local Government Records Management Fund (LGRMIF) grant by the New York State Education Department in an amount of \$11,750, and

WHEREAS, Barbara McHugh, Director of Community Development, has indicated that per the terms of the Grant an analysis study of the Department of Building and Development is required, and

WHEREAS, Access Systems has presented a proposal to perform a study to conduct a process analysis study, electronic records management study and to develop policy and records management of local records; now, therefore, be it

2/23/2009

RESOLVED, that the professional services proposal of Access Systems, Inc. at a total cost \$12,000 is hereby accepted to be paid in combination with a Local Government Records Management Fund (LGRMIF) Grant of \$11,750 from A-3620-70 (Building & Development-Grant Expense) and with a transfer of \$250 from A-3620-9 (Building & Development-Leases & Rentals) to A-3620-70 (Building & Development-Grant Expense).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Youseff Ballout, Torrero Drive, spoke with regard to free drug prescription cards funded by pharmacies and being offered in surrounding counties. He asked the Town Board to inquire if this can be offered in Saratoga County.

Frank Berlin, Main St. Jonesville, spoke in opposition to the funeral home proposed at the corner of Hubbs and MacElroy Roads which is before the Planning Board at this time. He stated the traffic and parking generated by the funeral home will result in serious problems.

MOTION by Councilman Paolucci, 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 9:33 p.m.

Patricia O'Donnell
Town Clerk