

March 2, 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
John Scavo, Director of Planning
Jude Hazard, Information Specialist

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett reported he spoke with Town of Colonie Supervisor Mahan and understands a resolution has been passed giving Supervisor Mahan the authority to enter into negotiations with the Town of Clifton Park for the possible purchase of the Stony Creek Reservoir property. He said, with Town Board approval, he would like Director of Planning Scavo to get quotes for the cost of an appraisal of the property. The Town Board unanimously agreed.

Supervisor Barrett said Director of Community Development and the Highway Traffic Committee have suggested putting a project in for stimulus money. McDonald Engineering has put in a couple of projects in on a list as far as water and sewer. Recommendations for a highway project are improvements in the Route 146 Clifton Country Road area and eastward toward Route 9. He reported speaking with Jack McDonald and members of the Highway Committee and the only way to be considered for stimulus money is if the project is "shovel ready" within the next few weeks. Supervisor Barrett said the engineering costs to get the project shovel ready are in the neighborhood of \$40,000. He reviewed possible improvements and asked the Town Board to consider approving the engineering costs.

Councilman Hughes reported the Town of Clifton Park, RPI and Shenendehowa are partnering in a six-week LEGO Robotics program beginning in April for students in Grades 6-8 at a cost of \$170 per student.

Councilman Roth, speaking with regard to Supervisor Barrett's letter, recommended taking money for 10-12 generators out of contingency funds. Supervisor Barrett said this resolution will be on the agenda next week.

Councilman Roth said a letter to the Town of Halfmoon has been prepared for the Supervisor's signature regarding the Skate Park. He said allowing Halfmoon residents membership in the Skate Park will generate additional revenues and reviewed proposed rates for the Town of Halfmoon. Councilman Roth reported Ms. Kramer has said the Skate Park could probably handle 70-80 new members and not have any additional expense. He said an additional 40 members would mean \$2400 from the residents and a total of \$2100 from the Town of Halfmoon in terms of revenue.

Councilman Paolucci asked what this will do to the day rates. Councilman Roth said he did not take day rates into account. It was suggested to check how many Halfmoon residents are using day rates before going further with the letter.

Councilman Paolucci stated he has received comments from residents that no town surplus funds go to support or augment school district funds.

PUBLIC PRIVILEGE ON RESOLUTIONS

William Engleman, Partridge Plateau, speaking with regard to the resolution addressing Ushers Wood SEQRA, said the project has not changed dramatically since last May, is still high density and has a lot of environmental impacts and sensitive areas. He asked if the Town Board ultimately chooses to seek and adopt Lead Agency status, will this Board unanimously support the issuance of a positive declaration requiring an environmental impact statement be prepared. Supervisor Barrett responded he didn't know.

Resolution No. 48 of 2009, a resolution correcting Resolution No. 1 of 2009 in regard to the length of the term to be served by Brian Telesh as a member of the Board of Assessment Review.

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

WHEREAS, Resolution No. 1 of 2009 appointed Brian Telesh to the Board of Assessment Review for a term to expire September 30, 2014, and

WHEREAS, the appointment of Brian Telesh was to fill the unexpired term of Richard Zahnleuter, term to expire September 30, 2010; now, therefore, be it

RESOLVED, that Resolution No 1 of 2009 is hereby corrected to reflect that Brian Telesh be appointed to the Board of Assessment Review for a term to expire September 30, 2010.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 49 of 2009, a resolution authorizing 2008 Final Budget Adjustments as specified in Exhibit A.

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

WHEREAS, the Comptroller has recommended that certain budget adjustments contained in Exhibit A be made to address the needs of all funds as well as other miscellaneous expenditures as set forth in Exhibit A; now, therefore, be it

RESOLVED, that the Budget Adjustments specified in Exhibit A be adopted per the Comptroller's recommendations.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

03/02/2009

Resolution No. 50 of 2009, a resolution appointing Michael Montague to the position of Environmental Specialist.

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

WHEREAS, the position of Environmental Specialist is vacant, and

WHEREAS, the Town Board has advertised an opening for the position in the Times Union, and

WHEREAS, members of the Town Board have interviewed Michael Montague, reviewed his credentials and have determined that Mr. Montague is qualified for the position; now, therefore, be it

RESOLVED, that Michael Montague, 87 Algonquin Road, Clifton Park, is hereby appointed to the position of Environmental Specialist at Grade 7, Step 1, \$42,588, effective immediately, to be budgeted from A-8989-E-419 (Community Development-Environmental Specialist).

Supervisor Barrett reported over 40 resumes were submitted for the position.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 51 of 2009, a resolution authorizing the Supervisor to sign a letter to the Planning Board requesting a thirty-day extension to consider Lead Agency Status of the Ushers Woods SEQRA.

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

WHEREAS, by Resolution No. 155 of 2008, the Town Board resolved to forward the application for a Planned Unit Development for a senior housing project at Ushers Woods to the Planning Board for conceptual review only, and

WHEREAS, the Planning Board has sent coordinated review letters to involved Agencies, including the Clifton Park Town Board pursuant to the State Environmental Quality Review Act, and

WHEREAS, a review of the part I long form included with the Planning Board's coordinated review letter indicates that the application has evolved and changed since the Town Board made a referral for conceptual review only by Resolution No. 155 of 2008; now, therefore, be it

RESOLVED, that based on changes to the project evidenced by part I of the long form, the Town Board hereby authorizes the Supervisor to sign the attached correspondence requesting an extension time to and including April 6, 2009 to consider Lead Agency Status of the Ushers Woods SEQRA.

Supervisor Barrett said there have been some changes with the project and the Town Board is requesting a 30-day extension to consider Lead Agency Status. He said he would like Kevin Daily to give a present an update to the Board on March 16th as to what changes have been made.

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ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 52 of 2009, a resolution adopting Local Law No. 1 of 2009, a local law amending Chapter 208 of the Zoning Code, Simplifying and Streamlining Procedures for Lot Line Adjustments between Contiguous Parcels.

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

WHEREAS, the Town Board has received input supportive of amending Chapter 208 of the Town Code as it relates to simplifying and streamlining procedures for lot line adjustments between contiguous parcels, and

WHEREAS, on February 23, 2009 at 7:20 pm a public hearing was conducted to obtain comments from the public regarding the proposed local law, and

WHEREAS, the public was given the opportunity to speak in favor for or against the proposed local law; now, therefore, be it

RESOLVED, that Local Law No. 1 of 2009, a local law amending Chapter 208 of the Zoning Code, Simplifying and Streamlining Procedures for Lot Line Adjustments Between Contiguous Parcels is hereby adopted; and be it further

RESOLVED, that the Town Clerk file said notice with the New York State Department of State as required by law.

Director of Planning Scavo said this legislation allows a lot line adjustment with a neighbor and is user friendly. Mr. McCarthy stated as a result of the public hearing, language regarding no new development potential and requiring neighbor acknowledgement has been incorporated in the legislation.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 53 of 2009, a resolution accepting the proposal from Malcolm Pirnie, Inc. to complete a financial rate analysis for combining the Town's sewer districts.

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

WHEREAS, the Town of Clifton Park's responsibility for sewer infrastructure has grown exponentially in recent years due to abandonment of several private sewer companies to the Town pursuant to the NYS Transportation Corporation Law, and

WHEREAS, the Town now services customers through several separate sewer districts, and

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WHEREAS, the Town continues to pursue modernization and expansion of sewer district infrastructure where appropriate, and

WHEREAS, the Town wishes to consider the potential benefit to all sewer customers of consolidation of the several districts under one administrative district or mechanism, and

WHEREAS, the engineering firm of Malcolm Pirnie has recognized experience in the field of large scale infrastructure projects from both a technical and organizational perspective; now, therefore, be it

RESOLVED, that the Town Board authorizes the Supervisor to retain the engineering firm of Malcolm Pirnie, Inc., 43 British American Boulevard, Latham, to evaluate the financial, administration and structural aspects of consolidating the Town's several sewer districts into one separate enterprise fund with a more uniform rate structure at a cost not to exceed \$15,000, to be paid from A1440-135 (Engineering).

Supervisor Barrett, noting that infrastructure is getting older and the Town is now responsible for thousands of sewer customers in separate districts, said consolidating to one district is being considered. He said this would save money, time and administrative costs which would ultimately lead to a stagnation of rates. Malcolm Pirnie representatives said this analysis could be done in six weeks.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 54 of 2009, a resolution scheduling a public hearing to consider a local law of 2009, adding Article XIV, Section 208-80 Outdoor Wood Burning Boilers to the Town Code.

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

WHEREAS, at the request of Councilman Roth, the attached legislation adding Article XIV, Section 208-80 Outdoor Wood Burning Boilers is being proposed, and

WHEREAS, the proposed local law would provide for regulation of outdoor wood burning boilers within the Town, and

WHEREAS, the Town Board wishes to obtain comments from the public in this regard; now, therefore, be it

RESOLVED, that a public hearing to consider a local law of 2009, adding Article XIV, Section 208-80, Outdoor Wood Burning Boilers to the Town Code, is hereby scheduled for March 9, 2009, at 7:20 p.m. in the Wood Memorial Room at One Town Hall Plaza, Clifton Park; and be it further

RESOLVED, that the Town Clerk publish notice of same.

Councilman Roth said more applications are coming in to the Building Department for Outdoor Wood Burning Boilers and there are no regulations. Mr. McCarthy reported this is a model law from another municipality made to fit the Town of Clifton Park. It was noted fire pits are not affected by this proposed legislation.

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ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 55 of 2009, a resolution authorizing the Town Supervisor to enter into an agreement with C.T. Male Associates, P.C. to prepare Preliminary Design and Building Design of the recently completed Concept Plan for the Route 146 Park.

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

WHEREAS, the recently completed Concept Plan for the project identified a variety of building uses possible for inclusion in the park's ultimate development such as pavilions, an education center, a warming hut, storage building, a farmer's monument pavilion and trailside shelters, and

WHEREAS, the Preliminary Design and Building Design Phase will develop specific program goals and requirements for each of the buildings and lead to a more defined understanding of the size, placement, required utility services and building code implications; now, therefore, be it

RESOLVED, that authorization is hereby given to the Town Supervisor to sign an agreement with C.T. Male Associates to prepare Preliminary Design and Building Design of the recently completed Concept Plan for the Route 146 Park in an amount not to exceed \$171,700, to be paid with a transfer of \$171,700 from Unreserved Fund Balance, to A-7160-135 (Route 146-Parkland Engineering).

Councilman Paolucci reported after review it was found recreational facilities were found not to be a good fit for the Route 146 Park, however, during the process it was found that the public was looking for passive recreational services in the area. Councilman Roth said he has no concern about doing the project and it definitely needs to move ahead, however, he does have a concern with the pond, ice skating and what the liability might be. He's not sure a pond is necessary and would like this to be reconsidered. He questioned the need for five septic fields and asked if the town has the in house expertise to handle it. He stated he is looking for cost savings for the project. Councilman Paolucci reported the Steering Committee wanted a significant water feature at the site and didn't want the park to be a summer only facility. With regard to the septic fields, Mr. Scavo said the biggest challenge is that the town doesn't have the ability to certify a septic system.

Frank Palumbo, Malcolm Pirnie, said all numbers in the proposal are "not to exceed". He reported five septic systems are according to the current plans, however, the building analysis may identify that there should be five or there may be a more centralized location. Mr. Palumbo explained the engineering for the pond will be a good portion of the proposed \$22,000 for trails and pond. Councilman Paolucci said he doesn't believe a liability is created due to the pond, noting the proximity of the river at Riverfront Park and the streams in the Dwaaskill Nature Preserve. Councilman Hughes spoke in favor of greater recreational opportunities in the winter. Councilwoman Walowit said there is skating in the various parks and doesn't think there has been a liability issue.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

03/02/2009

Resolution No. 56 of 2009, a resolution authorizing the Supervisor to sign Change Order No. 1 for Locust Lane Pool Clubhouse Improvements.

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

WHEREAS, Resolution No. 185 of 2008 authorized a contract for Locust Lane Pool Clubhouse Improvements in an amount of \$5,500, and

WHEREAS, the Town of Clifton Park requested that additional concrete work be done for this project at a cost of \$1,647, and

WHEREAS, a Change Order was prepared by McDonald Engineering which provides for a \$1,647 increase in contract price, and

WHEREAS, the Change Order results in an increase of \$1,647 for the Locust Lane Pool Clubhouse Contract from the current amount of \$5,500 to arrive at a new contract amount of \$7,147; now, therefore, be it

RESOLVED, that Supervisor Barrett is hereby authorized to sign Change Order No. 1 dated October 9, 2008 to Bast Hatfield Inc., Clifton Park, New York; and be it further

RESOLVED, that the increase amount of \$1,647 be paid from A7152-200 (Locust Lane Pool-Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 57 of 2009, a resolution appointing members to the Open Space, Trails and Riverfront Committee.

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

WHEREAS, openings exist on the Open Space, Trails and Riverfront Committee, and

WHEREAS, Susan G. White, 24 Hearthside Drive, Ballston Lake and J. David White, 24 Hearthside Drive, Ballston Lake, have been recommended to fill the positions, and

WHEREAS, the appointment of Susan G. and J. David White would confer a benefit to the Open Space Committee; now, therefore, be it

RESOLVED, that Susan G. White and J. David White are hereby appointed to the Open Space, Trails and Riverfront Committee for terms to expire December 31, 2010.

Councilman Hughes thinks the threshold number has been hit but given the weight of interest perhaps the membership number can be increased. Supervisor Barrett asked Councilman Hughes for a synopsis of how many are on the committee and when terms run out.

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ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Referring to a traffic issue in Wishing Well Estates, Supervisor Barrett recommended McDonald Engineering look at the situation.

Councilman Paolucci said the LaBerge Group is doing a town wide recreation plan and working with community members to get an inventory of the town active recreational uses and facilities, as well as make some determinations of what the future is going to be like. He reported Mr. Scavo is in the process of forming an ad hoc Recreational Committee.

PUBLIC PRIVILEGE

Anton Salacker, Crestmont Drive, read a prepared statement, attached, asking that sidewalks be added on the north side of Route 146.

Tom DeLeonardis, Hidden Crest, speaking for residents within a mile of the Transfer Station, he reviewed history of the odors coming from the mulching operation at the Transfer Station. He stated in the Spring of 2008, the town reduced the amount material entering the waste site and, along with the DEC, instituted handling improvements and consequently 2008 was much better than 2007; the odors were less intense, shorter in duration and not as frequent. He reported the town is evaluating input material and processing improvements implemented that will result in the site being equal to the best in class sites that the group has visited. Mr. DeLeonardis said these changes come at no additional costs to the town above the base cost of operation. He thanked the Town Board, on behalf of the residents, for improving their quality of life.

Supervisor Barrett said he believes it will be a smaller operation and will be much better now that the old material has been gone through.

Councilman Paolucci stated very positive changes have been made to the mulching operation.

Kevin Daily, Sambrooke Edge, representing the builders of the 100 acre Ushers Woods project – Messrs. Boni, Belmonte, Van Patten and himself, said he understands the town is considering taking on Lead Agency status under SEQRA and encouraged the Town Board to go in that direction. He gave assurance that the town will have the developers' full cooperation. He reviewed the process the application has been through over the past year and a half, noting the Planning Board Chair recommended a positive declaration be done. He said a consultant is preparing an Environmental Impact Statement and the Lead Agency will review the results. Mr. Daily said he understands the Capital District Regional Planning Commission has done a study on senior population which shows an increase for this area. He noted the proposal is for less than 200 homes. He asked the Town Board to walk the site.

Bill Engleman, Partridge Plateau, speaking with regard to the Route 146 Park, asked what portion of the agreement with C.T. Male pertains to biological assessment. of the site. Mr. Palumbo responded the Army Corps of Engineers wetlands have been designated on the site and as part of that they identified the vegetation which is part of the classification for the wetlands. He said extensive field walks were taken which included environmental scientists from C.T. Male, research was done as to whether or not endangered species were on site, which there were not. C.T. Male representatives also met with the Saratoga Plan group to walk their parcel, noting there are two large tracts of open space land that will support habitat.

Mr. Engleman said he felt the biological assessment done of the Dwaaskill Preserve was "weak". He said at meetings held on the Route 146 Park, it appeared the vast majority of the residents were completely in favor of protecting the natural and scenic characteristics of the property. He asked that the Board give special attention to this park.

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Mr. Palumbo said none have been identified on the Route 146 site from state records and field walks. The committee was very aware and sensitive to the wetlands. There will be no draining of the wetland, the pond development will be done with review to ensure the committee is aware. He reported members of the committee had a wealth of information on the property.

Councilman Paolucci said the primary thing the committee spoke about was taking an inventory and understanding what the topography presents and preserving what is there.

Councilman Hughes, speaking with regard to the Dwaaskill site, said the very nature of what is being done is to create a nature preserve so it can become an educational laboratory and everything discussed is designed to have a minimal footprint on the land.

Youseff Ballout, Torrero Drive, said everyone who has followed the issue of the Route 146 Park agrees that the general intent and agreement was to try to keep it as natural as possible. He said it is fair to ask if C.T. Male Associates have look at the environmental biological state of the park to assess what is to be moved or damaged by the pond or other issues that will be put in place.

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 9:09 p.m.

Patricia O'Donnell
Town Clerk