

March 9, 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, Town Comptroller  
Barbara McHugh, Director of Community Development  
Steven Myers, Director of Building and Development  
Jude Hazard, Information Specialist

MOTION BY Councilman Hughes, seconded by Councilman Roth, to approve the minutes of the February 23, 2009 meeting as presented.

ROLL CALL VOTE

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

Noes: None

**MOTION CARRIED**

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett said debris from the December ice storm will be picked up after the snow has melted and information will be available through the press and on the town website in a few weeks.

Councilwoman Walowit reported the Plant A Tree for the Newborn program is underway through the Parks and Recreation Department.

Speaking with regard to the Kids Korner playground, Councilwoman Walowit reported parents she has spoken with would like the playground to remain at the present site. She noted the update of the equipment will have to go out to bid and there is \$100,000 set aside in the budget for these improvements. The Board agreed with going out to bid. She said it is hoped to use some of the wood from the playground for signage in the Dwaaskill Nature Preserve.

Supervisor Barrett said because of the type of wood, it is important to be careful where it is used.

Councilman Roth updated the Board on his proposal to offer Skate Board memberships at a reduced rate to the Town of Halfmoon residents, noting he thinks this is a positive action.

Councilman Paolucci said since original rates were set by resolution, he believes any changes/amendments will also have to be by resolution.

Councilman Hughes reported DEC is circulating an Open Space Plan and consider the Vischer Ferry and Dwaaskill Nature Preserves priority conservation projects. He said this is important as it will enable a stream of both federal and state funding to become available to municipalities who are looking for new protections for these habitats. He further said there is hope for

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additional parcels from private landowners at the Vischer Ferry Nature Preserve. Councilman Hughes noted the Stony Creek reservoir was also mentioned as a priority project.

PUBLIC HEARING, 7:10 PM  
REGARDING AN APPLICATION FOR A  
NEW YORK STATE COMMUNITY DEVELOPMENT BLOCK GRANT

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on February 28, 2009.

Supervisor Barrett said this grant would be for Senior Center renovations in the amount of \$400,000.

Director of Community Development McHugh reviewed the grant requirements and basic elements of the grant opportunity, noting this is federal money administrated by the State of New York.

Councilman Paolucci spoke in favor of proceeding with this grant. It was noted the application is due April 24<sup>th</sup>.

Ms. McHugh said if the town does not apply during this grant period, this public hearing will hold the town in good stead for the 2010 application.

The public hearing was opened for comments from the audience at 7:20 p.m.

Tiffany Torre, representative of the Shenendehowa Senior Center, said the Center supports this application, noting it falls in line with their strategic planning efforts. She said the Center is looking to get a greater number of younger, newly retired seniors to use the facility and the programs offered. Ms. Torre reported a fundraiser is being planned for August in support of this project and funds will be set aside if the application is held off until 2010.

Ms. McHugh said the Senior Board will be meeting this week to refine their priorities.

Everyone was given an opportunity to speak in favor of or against the proposed application and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 7:40 p.m.

PUBLIC HEARING, 7:20 PM  
TO CONSIDER A LOCAL LAW ADDING ARTICLE XIV, SECTION 208-80  
OUTDOOR WOOD BURNING BOILERS TO THE TOWN CODE

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

Director of Building and Development Myers gave a power point presentation and explained the subject boiler is an external combustion unit that heats water for a home or hot water tank by using fuel outside the house. He said currently the units have no state, federal or local control and the state has determined since it is an appliance it is strictly a zoning issue. Mr. Myers said the biggest issue, due to the height of the chimney, is the tendency to blow smoke at street level and into neighboring homes. He said the number of units purchased in New York State in the last five years has tripled. He reported 60 municipalities have instituted some controls or banned them entirely. He said he is not trying to outlaw the boilers but to establish some controls.

Supervisor Barrett asked if provisions can be put in the law to base it on acreage.

Mr. Myers said the proposed legislation states a four acre minimum. He reported there are three or four wood burning boilers in town at this time and at least two are on the fringes of a residential area. He has not received any complaints. He said he has brought this forward to make the Town Board aware of the situation.

Town Attorney McCarthy explained the legislation limits new units to Conservation Residential zone and grandfathers in existing units. Owners of existing units would be required to come in within sixty days to get a permit from the Building Department, the Building Department would have inspection authority and ability to determine if the unit is in compliance. The legislation allows Code Enforcement Officers to revoke permits for non-complying boilers, allows the Building Department to regulate type of fuel, storage of fuels, setbacks, smokestack height, removal of boiler if not used for a year.

Mr. Myers said DEC has primary enforcement for the smoke issue

Supervisor Barrett said this could be a quality of life issue, especially in developments. He asked Mr. Myers to contact other municipalities and that the Town Board give any concerns and suggestions to Messrs. Myers and McCarthy.

The public hearing was opened for comments from the audience at 7:54 p.m.

Pam Marshall, Fairlawn Court, asked if the legislation specifies hard or soft wood.

Jim Baisley, Barkwood Lane, said more research should be done into gasification boilers. He stated these are regulated by EPA at the manufacturing point.

Mr. McCarthy said this is an EPA voluntary incentive program.

Mr. Myers stated the EPA ratings are for wood stoves, not wood boilers.

Supervisor Barrett said though he believes there is merit to have restrictions, more research is needed.

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 8:15 p.m.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 58 of 2009, a resolution appointing Cheryl Glick as a representative from Clifton Park-Halfmoon Ambulance to the Emergency Services Advisory Board.

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

WHEREAS, due to the resignation of Gregory Agosti, an opening exists for a representative to the Emergency Services Advisory Board from Clifton Park-Halfmoon Ambulance, and

WHEREAS, Clifton Park-Halfmoon Ambulance has requested that Cheryl Glick, 65 Southbury Road, Clifton Park be appointed to fill the position; now, therefore, be it

RESOLVED, that Cheryl Glick is hereby appointed to the Emergency Services Advisory Board as a representative from Clifton Park-Halfmoon Ambulance to fill the unexpired term of Gregory Agosti, 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. 59 of 2009, a resolution referring a Term Conservation Easement Application for farming purposes to the Planning Board and to the Open Space Coordinator for review and comment for property at Riverview Orchards, 660 Riverview Road, Rexford, pursuant to recently amended Chapter 125, Conservation Easement of the Town Code.

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

WHEREAS, an application has been received by the Town Clerk for a Term Conservation Easement for farming purposes, for property at 660 Riverview Road, Rexford, SBL 282.-1-69.1 and SBL 282.-1-69.2, from Isabel and Joel Prescott, and

WHEREAS, the Planning Board, the Open Space Coordinator and the Historic Preservation Commission shall investigate the area to determine if the proposal would be of benefit to the people of the Town of Clifton Park; now, therefore, be it

RESOLVED, that the Town Board hereby refers the Conservation Easement Application for property at 660 Riverview Road, Rexford, owned by Isabel and Joel Prescott, to the Planning Board, and to the Open Space Coordinator for review and comment and to report back to the Town Board within forty five days.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 60 of 2009, a resolution supporting the Saratoga County Board of Supervisors efforts to improve rail infrastructure within Saratoga County.

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

WHEREAS, State and Federal transportation officials and others project that United States freight volumes will increase by more than sixty-seven percent over twenty years, and

WHEREAS, the Norfolk Southern and Pan Am railway companies have proposed expanding the rail yard located in our neighboring Towns of Halfmoon and Stillwater, New York more commonly known as the Mechanicville Rail Yards, and

WHEREAS, the Saratoga County Board of Supervisors has passed a resolution supporting bipartisan legislation introduced in Congress that would create tax incentives to increase investment in freight rail infrastructure, and

WHEREAS, the Town of Clifton Park understands the public benefit of expanding all types of rail infrastructure, both economically and environmentally; now, therefore, be it

RESOLVED, as follows:

1. The Town of Clifton Park Town Board understands the benefit to both the Town and County that the expansion of the Mechanicville Rail Yards will have increased tax revenue and job creation.
2. The Town of Clifton Park supports the Saratoga County Board of Supervisors in its efforts to improve rail infrastructure within Saratoga County.

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and be it further;

RESOLVED, that a copy of this resolution will be sent to the Chairman of the Saratoga County Board of Supervisors and all Supervisors in Saratoga County, the Representative of the House of Representatives, 20<sup>th</sup> District, and each of the United States Senators from New York State.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 61 of 2009, a resolution awarding the purchase of ten traffic control generators and authorizing a transfer from contingency.

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

WHEREAS, NYS Department of Transportation has upgraded electrical wiring at certain traffic signals within the Town, and

WHEREAS, the impact of these upgrades on the ability of the Town's existing emergency generators to operate these traffic signals during a power outage became apparent during the ice storm of December 2008, and

WHEREAS, the NYS Department of Transportation has given specifications on generators which will operate the traffic signals during any future power outage and a request for quotes was sent out by Louis Pasquarell, Safety Officer for the Town of Clifton Park for the portable generators, and

WHEREAS, the lowest quote was received by Spor-T-Line Power Products, Queensbury NY at a price of \$799 per generator; now, therefore, be it

RESOLVED, that authorization is given to purchase 10 generators from Spor-T-Line Power Products at a price of \$799 per unit; and be it further

RESOLVED, that the payment shall be made with a transfer from contingency to A-4010-200 (General Fund-Health Services-Equipment).

Supervisor Barrett reported due to DOT changing some traffic lights, it is necessary to purchase new generators. He stated this is a public safety initiative. Mr. Shahan said 15 intersections will be covered.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 62 of 2009, a resolution authorizing the Comptroller and Assistant Comptroller to attend the NYSGFOA Annual Conference in Albany, New York.

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

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WHEREAS, Comptroller Mark Heggen has requested that he and Assistant Comptroller, Janice Semanek, be authorized to attend the NYS GFOA Annual Conference to be held April 1-3, 2009, at the Albany Marriott, and

WHEREAS, their 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 Comptroller Mark Heggen and Assistant Comptroller Janice Semanek are hereby authorized to attend the NYS GFOA Conference April 1-3, 2009, in Albany, New York, at a cost for both attendees not to exceed \$550.00 to be paid from A-1315-1 (Comptroller-Conference-Training), to be vouchered appropriately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 63 of 2009, a resolution appointing members to the Environmental Conservation Commission.

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

WHEREAS, openings exist for members for the Environmental Conservation Commission, and

WHEREAS, Ronald Enfield, 18 Dyer Drive, Clifton Park and Malcolm Rosen, 44 Hollandale Lane, Apartment H, Clifton Park, have been recommended to fill the positions; now, therefore, be it

RESOLVED, that Ronald Enfield, 18 Dyer Drive, Clifton Park and Malcolm Rosen, 44 Hollandale Lane, Apartment H, Clifton Park, are hereby appointed as members of the Environmental Conservation Commission, terms to expire December 31, 2010.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 64 of 2009, a resolution authorizing the Town of Clifton Park to sponsor three Red Cross Babysitter Certification Courses.

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

WHEREAS, in a continuing effort to provide educational courses to the residents of the Town, three Red Cross Babysitter Certification Courses will be offered through Captain and the Town's Teen Job Assist Program, and

WHEREAS, this program will be funded utilizing Citizen Corps Grant Funding as part of public preparedness and safety education outreach efforts in the community; now, therefore, be it

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RESOLVED, the Town of Clifton Park is authorized to sponsor three Red Cross Babysitter Certification Courses at a cost not to exceed \$1200.00 for books, Instructor, materials and certifications, to be paid from A-8762-015 (Disaster Preparedness-Contractual).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 65 of 2009, a resolution authorizing the Town to sponsor a Community Emergency Response Training (CERT) Program, through the Citizen Corps Grant.

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

WHEREAS, Citizen Corps provides training to help prepare residents for emergencies and disasters of all kinds, and introduces community volunteerism opportunities to support town emergency planning and preparedness, and

WHEREAS, the Citizen Corps Grant provides funding for emergency training and public education, and

WHEREAS, the Town wishes to schedule the spring CERT training for six weeks on Thursday evenings, beginning March 26<sup>th</sup> through May 7<sup>th</sup> at the Public Safety Building for residents of the town at no charge, and

WHEREAS, the program will train residents to be added to the group of CERT trained volunteers available to assist the town during disasters, emergencies and major incidents; now, therefore, be it

RESOLVED, that the Town Board authorizes CERT training for residents of the Town of Clifton Park to take place on six consecutive Thursdays, from March 26, 2009 through May 7, 2009, at a total cost not to exceed \$3500, to be paid from A-8762-015-200 (Citizen Corps Grant Expense) for instruction, supplies, equipment and shirts.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 66 of 2009, a resolution authorizing the Town of Clifton Park to sponsor a Basic First Aid /CPR and AED classes as part of the Citizen Corps Grant Public Safety Education Program.

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

WHEREAS, the Citizen Corps grant funding provides emergency training to residents as provided by the Clifton Park-Halfmoon-Ambulance Corps certified instructors and provides participants with an American Heart Association Certificate, and

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WHEREAS, the Basic First Aid/CPR and AED class is scheduled to be conducted on Saturday, May 9, 2009 by the Clifton Park-Halfmoon Ambulance Corps, at a total cost not to exceed \$850.00, and

WHEREAS, this class is mandatory for new and current CERT volunteers and is also open to the residents of the Town; now, therefore, be it

RESOLVED, that authorization is hereby given to the Town of Clifton Park to sponsor a Basic First Aid/CPR class provided by the Clifton Park-Halfmoon Ambulance Corps at a cost not to exceed \$850.00, for books, materials and certifications, to be paid from A-8762-015 (Citizen Corps-Other Contractual).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 67 of 2009, a resolution authorizing the hiring of the Camp Site Directors, Pool Managers, Pool Director and Action Park Manager for the 2009 Season.

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

WHEREAS, it is necessary that staff be hired by the Department of Parks and Recreation to operate the Town of Clifton Park summer recreation programs, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that the individuals listed in Schedule A, attached hereto, be hired for such purpose; now, therefore, be it

RESOLVED, that the individual specialists listed in Schedule A, attached hereto, shall be hired to staff the Town of Clifton Park's summer recreation programs; and be it further

RESOLVED, that all hires are effective with start dates and ending dates per Schedule A.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 68 of 2009, a resolution establishing the Town of Clifton Park Recreation Master Plan Advisory Committee and appointing members to the new committee.

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

WHEREAS, the Town Board wishes to create a Recreation Master Plan Advisory Committee for a temporary term sufficient to last through the duration of the current Recreation Master Plan study underway in the Town's Planning Department in consultation with Laberge Group pursuant to Resolution No. 19 of 2009, and



WHEREAS, the Recreation Master Plan Advisory Committee shall be an ad hoc committee which shall be responsible for holding a public presentation or presentations of draft plans to ensure full opportunity for a public participation in the preparation of the plan, and

WHEREAS, the Town Board wishes to appoint members to the ad hoc Recreation Master Plan Advisory Committee for implementation of the committee’s mission and responsibilities; now, therefore, be it

RESOLVED, that the Recreation Master Plan Advisory Committee is hereby established; and be it further

RESOLVED, that following are hereby appointed to be members of the Recreation Master Plan Advisory Committee for a term of service to last through the duration of the current Recreation Master Plan Study:

- 1. James Romano 14 Wishing Well Lane, Rexford, NY 12148
- 2. Myla Kramer 12 McGregor Ct., Clifton Park, NY 12065
- 3. Michelle Cravetz 29 Pico Rd., Clifton Park, NY 12065
- 4. Michael Campisi 24 Deer Run Hollow, Clifton Park, NY
- 5. Gerald Burr 36 Oakwood Blvd., Clifton Park, NY 12065
- 6. Master Pai 1580 Rt. 9, Clifton Park, NY
- 7. Rick Amico 204 Midland Ct., Waterford, NY 12188
- 8. Eric Hamilton 67 Pico Rd., Clifton Park, NY 12065
- 9. Eugene Stefanacci 924 Main St., Clifton Park, NY 12065
- 10. Ernie Haffner 12 Dutch Meadows Lane, Rexford, NY 12148
- 11. Bev Czub 468 Miller Rd., Rexford, NY 12148
- 12. Becky Carman \_\_\_\_\_

Councilman Paolucci said a complete study of town facilities, as well as a look at future and other surrounding communities is being done by the LaBerge Group and they have recommended what areas ad hoc committee members should be from.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 69 of 2009, a resolution establishing a standard workday for the Action Park attendants and the Action Park Manager.

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

WHEREAS, by Resolution No. 20 of 2009, the Town established standard workdays for specific Part Time Titles, and

WHEREAS, the positions of Action Park Attendants and Action Park Manager were inadvertently omitted from Resolution No. 20 of 2009, and

WHEREAS, the Town Board has authorized the hiring of Action Park Employees and Managers, and

WHEREAS, Comptroller Mark Heggen requests that standard work days for these Part Time/Summer Job Titles be established by resolution; now, therefore, be it

RESOLVED, that a standard workday for the Action Park Attendants and the Action Park Manager is established at eight hours per day for reporting purposes.

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ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 70 of 2009, a resolution authorizing the Town Board to solicit proposals from New York State licensed appraisal firms to provide value on the Stony Creek Reservoir property owned by the Town of Colonie, Latham Water District.

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

WHEREAS, the Town Board is interested in evaluating the property for potential acquisition for purposes including open space, recreation, natural resource protection, and natural resource management purposes; now, therefore, be it

RESOLVED, that the Town Planning Department is hereby authorized to release a Request for Proposals for Appraisal Services; and be it further

RESOLVED, that the Comptroller is hereby authorized to pay appraisal costs as well as costs associated with appropriate title searches for the involved parcels.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

The Town Board and those in attendance congratulated Town Security Officer, Robert Leonard on his 35 years of service to the Jonesville Fire Department.

PUBLIC PRIVILEGE

Norman Goldman, London Square Drive, said he understands the Board of the Shenendehowa Senior Citizens Inc. is suggesting the name of the facility be changed to adult community center from senior citizen. He does not believe this should be done.

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

Motion carried at 8:45 p.m.

Patricia O'Donnell  
Town Clerk