

March 16, 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
Councilwoman Walowit
Supervisor Barrett
Deputy Town Clerk Brobston

Absent: Councilman Roth

Also Present: Deputy Town Attorney Peller
Michael Shahan, Town Administrator
Richard Kukuk, Superintendent of Highways
Michael Handerhan, Supervisor of Buildings and Grounds
Mark Heggen, Comptroller
Barbara McHugh, Director of Community Development
John Scavo, Director of Planning
Jude Hazard, Information Specialist

MOTION BY Councilman Hughes, seconded by Councilwoman Walowit, to approve the minutes of the March 2, 2009 meeting as presented.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett announced that the Town Board, Highway Superintendent, FEMA and SEMO have been coordinating efforts for the December 12, 2008 ice storm clean up. He explained that the Town will get 75% reimbursement from FEMA and 12.5% from SEMO which will total 87.5%. The Town Board will want to also give the residents time to get debris out to the curb and the snow to melt and the ground to thaw before starting the pickup.

Highway Superintendent Kukuk explained directly after the storm the highway crews were out collecting debris as much as possible. The extra cost for that collection has been submitted to FEMA and SEMO and portions of the money have been recovered. He explained the Town requested bids for clean-up which were opened earlier today. The next step is securing a working contract to meet the FEMA and SEMO specifications, approving the bid and working out a schedule for pick up throughout the Town. He stated the collection could take 6-8 weeks. He added they would like to get everything the first time through the neighborhoods as much as possible. But, if needed, the Highway crews will follow up on any collections after the first run through. Any size of debris will be allowed and need to be brought out to the side of the street. He explained a regulation of FEMA also states the contractors or Town Employees can not go on private property to collect the debris.

Supervisor Barrett suggested the Town Board schedule a Special Town Board meeting on Monday, March 23 to award the contracts for debris pickup and not wait for the next scheduled meeting on April 6 so the contractors can get started as soon as possible.

Highway Superintendent Kukuk announced the Highway Department will begin street sweeping. He asked the residents not to have ice storm debris in the streets. Leave all debris on the lawn outside of the pavement area.

PRESENTATIONS TO THE BOARD

Craig Masterson, Albert Karoly and Eric Ophardt, Highway Safety Committee Members, presented a report on the current activities of the Committee. Included in the presentation was the Committee's Mission Statement, Guidelines, Referral Process, Partnerships, and Key Issues for the Town, Current Activities and Route 146 Corridor Enhancement Recommendations. Included in those Route 146 recommendations are project limits, pedestrian, bicycle and traffic improvements, proposed signal networking, potential intersection bypasses and future directions for the corridor. See attached.

Supervisor Barrett expressed appreciation from the Town Board for the commitment the volunteer committee members have made.

Craig Masterson, Highway Safety Committee Member, requested the Town Board to consider funding the preliminary design work in order to move the project forward.

Councilman Hughes thanked the committee for their recommendations.

Councilman Paolucci questioned if the intersections talked about are in compliance with ADA?

Mr. Karoly answered to a certain extent, yes.

Kevin Dailey, Applicant Country Club Acres Inc. Representative, presented updates to the Ushers Woods senior housing project. The project began in April, 2005 when local developer Larry Boni purchased a 29 acres land locked parcel at Exit 10 which resulted in 3 different owners (Larry Boni, Peter Belmonte and Robert VanPatten) owning property on a 100 acres total. In late 2006/2007 a PUD application was presented to the Town Board which was referred to the Planning Board. He explained the Planning Director at the time, Kate Maynard, stated the Town of Clifton Park recognizes the need for senior housing but with a better design reflecting smart growth and new urbanism. He explained that front entrance garages on one street were proposed at the time. He stated the Planning Board has declared themselves as lead agent under SEQR which the Town Board may take that responsibility on.

Dominick Ranieri, Architect for the applicant, explained the concept the applicant originally presented. He stated the design of New Urbanism is focused around the human experience by placing the car in the rear of the house and village greens as an example. Intersections and streets are geared toward pedestrian traffic. 198 units were proposed for age 55 & over active adults. The site consists of several large canopy trees which will be preserved and used within the design plan. Natural topography of the site will be maintained as much as possible and worked within the design. A boulevard connecting with a central village green park area to give a sense of community. Neighborhood community retail two story shops will be included at the entrance to the residential area. Driveways of the homes will be located in the rear of the buildings creating an alley connecting the driveways. Homes with a front porch will be closer to the street and sidewalk. Home Owners Association will be in place to maintain roads and community areas. Located in the rear of the site will be smaller bungalow style homes that will be handicap accessible. Scale of the houses will vary on the site depending on location. Twin homes (duplex) will be included in the design that will look similar to other single residential homes. There are existing trees on the bank and a natural ravine in the rear of the parcels backing up to Wood Dale Drive that will remain to ensure a visual buffer. A proposed 300 foot buffer along the Northway will be included. Storm water detention ponds in the front and rear of the site are proposed. Parallel parking will be along the boulevard with the majority of parking near the retail areas in the rear of the buildings.

Mr. Ranieri explained current modifications to the project. Another large green area was included to the rear of the site and reduced some of the parcels to locate the homes further away from existing homes. The homes in the rear of the site will have 50% of the driveway in view

eliminating the alleyway. A few lots were eliminated. The central village green park area needed to be eliminated due to current topography and added another alley system. Pedestrian sidewalks, bike trails, nature trails and streets are being considered that would, in the future, connect to existing neighboring communities. The property site is surrounded by existing development. No water or sewer systems will be extended and will utilize the existing systems. Tax base would be added with no burden on the schools. This project will provide an opportunity for 55 year old & older to remain in the community. The majority of the site is surrounded by roadways with little impact on existing residential areas.

Mr. Dailey explained the proposed application has been presented to the Planning Board, ECC and Trails Committee and now before the Town Board because it's a proposed PDD. He stated as part of SEQR it is incumbent upon the developer to look at alternatives as to what could be built using the existing zoning. The existing zoning for the property is either partly a PDD or B1 zoning or it may all be B1 zoning. Under existing zoning the project could be bigger, more intense, more people and not as expensive which would create a higher demand for services. As many as 200 duplex units would be allowable under B1 zoning. The applicant feels the proposed project is much more attractive and meets the needs of the Town for senior housing. He suggested the Town Board walk the property along with the applicant.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 71 of 2009, a resolution awarding the bid for Seasonal/Restroom Cleaning during sports league play in Town Parks.

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

WHEREAS, the contract for seasonal restroom cleaners for Town Parks has expired, and

WHEREAS, the Town desires to retain seasonal restroom cleaners for Town Parks during sports league play from April 1 through October 31, 2009, and payment for these services have been budgeted for 2009, and

WHEREAS, sealed bids for seasonal restroom cleaners were solicited and opened on February 27, 2009, and

WHEREAS, the bid of Mater's, 12 Garrison Lane, Ballston Lake, New York was the lowest responsible bid in a total amount of \$9,900, for the cleaning of the rest rooms at Clifton Common, Collins Park and Veteran's Park, and

WHEREAS, the lowest responsible bidder has agreed to perform seasonal restroom cleaning services for both the 2009 and 2010 seasons for the annual flat rate per season, and

WHEREAS, the Town wishes to accept a two year commitment for seasonal janitorial services pending appropriation for such services through the 2010 budget; now, therefore, be it

RESOLVED, that the bid of Mater's, 12 Garrison Lane, Ballston Lake, New York, be accepted to provide janitorial services at Town Parks through the completion of sports league play, at a cost not to exceed \$ 9,900 per year, to be paid as budgeted, \$7,425 from A-7112-23 (Clifton Common Cleaning), \$1,980 from A-7113-23 (Collins Park Cleaning) and \$495 from A-7024-23 (Veteran's Park Cleaning) for the 2009 and 2010 Seasons, subject to annual appropriation.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 72 of 2009, a resolution appointing Roger Ciuffo as a member of the Historic Preservation Commission.

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

WHEREAS, an opening exists for a member of the Historic Preservation Commission, and

WHEREAS, at their February 19, 2009 meeting, the members of the Historic Preservation Commission voted unanimously to recommend the appointment of Roger Ciuffo, 30 Male Road, Clifton Park, to fill the position; now, therefore, be it

RESOLVED, that Roger Ciuffo, 30 Male Rd., Clifton Park, is hereby appointed as a member of the Historic Preservation Commission.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 73 of 2009, a resolution scheduling a second public hearing related to the Town's opportunity to file an application for a New York State Community Development Block Grant.

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

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, and

WHEREAS, on March 9, 2009 at 7:10 P. M., the first public hearing was conducted 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, all who wished to speak regarding this matter were given the opportunity, and

WHEREAS, a second public hearing is required regarding the proposed activities to be undertaken with Community Development Block Grant funds and the amount of funds being requested; now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled for April 6, 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.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 74 of 2009, a resolution authorizing McDonald Engineering to prepare Preliminary Engineering for Surveying, Mapping and Plans for Public Safety Intersection Improvements at Route 146 and Clifton Country Road.

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

WHEREAS, the Town wishes to advance a project for proposed pedestrian, drainage and median improvements along Clifton Country Road at Route 146, and

WHEREAS, New York State Department of Transportation (NYSDOT) requires preliminary engineering documents consisting of survey and mapping in order to consider potential funding and to provide additional guidance from NYSDOT, and

WHEREAS, the Highway Safety Committee has recommended that the Town advance discussions with NYSDOT regarding specific improvements at and near the intersection of Route 146 and Clifton Country Road, and

WHEREAS, the project would generally consist of median improvements, modifications to turning lanes and traffic signals, pedestrian controlled signals at various intersections to improve safety and traffic and aesthetics at the corridor, and

WHEREAS, NYSDOT has asked for such preliminary engineering services, maps and plans to include the project for detailed evaluation and analysis; now, therefore, be it

RESOLVED, that McDonald Engineering is authorized to prepare preliminary engineering for surveying, mapping and plans for safety, pedestrian, median and drainage improvements pursuant to the attached general project description at a cost not to exceed \$45,000 to be paid from A-1440-135 (Engineering Services).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 75 of 2009, a resolution awarding the bid for the Barney Road Dive Pool Liner System.

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

WHEREAS, on March 12, 2009 bids were received for the above referenced contract, and

WHEREAS, as per letter from McDonald Engineering dated March 13, 2009, McDonald Engineering has reviewed the bids and has recommended to the Town Supervisor that the bid of Patterson-Stevens for \$58,300 be accepted as the most responsible bidder, and

WHEREAS, this recommendation is based upon availability, location of the responding companies, transportation, availability of maintenance and upon recommendation of Michael Handerhan, Supervisor of Buildings and Grounds, and McDonald Engineering; now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced bid to Patterson-Stevens in the amount of \$58,300 to be paid from A-7150-220 (Barney Road Pool-Equipment).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Michael Handerhan, Buildings & Grounds Supervisor, explained they have worked with the lowest bidder on other similar projects and was found not responsible and workmanship was poor hence the reason for not accepting the lowest bidder for this project and awarding the bid to the next to the lowest bidder. He stated even by awarding the higher bidder the project is still under the cost estimate budgeted for the job. He remarked they have worked with the awarded contractor in the past and have been very satisfied.

Resolution No. 76 of 2009, a resolution awarding the bid for a Diesel Powered Wood Chipper for use by the Buildings and Grounds Department.

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

WHEREAS, Michael Handerhan, Supervisor of Buildings and Grounds, has identified a need for a diesel powered wood chipper for use by the Buildings and Grounds Department, and

WHEREAS, on March 11, 2009, bids were received and opened for the above referenced contract, and

WHEREAS, the lowest bid submitted was from Wm. Biers Inc., Port of Albany, Albany, New York, in an amount of \$26,120, and

WHEREAS, Michael Handerhan, Supervisor of Buildings and Grounds has recommended that the bid of Wm. Biers Inc. in an amount not to exceed \$26,120 be accepted; now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced bid to Wm. Biers, Inc. in an amount not to exceed \$26,120, \$12,000 to be paid from A-7110-200, (Buildings and Grounds-Equipment) and \$8,000 from A-7110-229, (Buildings and Grounds-Small Equipment) and \$6,120 from A-7112-200 (Clifton Common-Equipment).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Michael Handerhan, Buildings & Grounds Supervisor, stated the chipper is needed to clean up ice storm debris in the parks throughout the Town.

Michael Shahan, Town Administrator, stated the cost of running the machine will be reimbursed by FEMA.

Resolution No. 77 of 2009, a resolution authorizing the Highway Department to purchase a 2010 Mack Granite GU812 truck with material spreader and plow equipment from New York State Contract.

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

WHEREAS, Richard Kukuk, Highway Superintendent, has identified a need for a new truck for use by the Highway Department, and

WHEREAS, Mr. Kukuk has requested authorization to purchase a Model Year 2010 Mack Granite GU812 truck under State Contract as described in Schedule A; now, therefore, be it

RESOLVED, that Richard Kukuk, Highway Superintendent, is hereby authorized to purchase a Model Year 2010 Mack Granite GU812 truck with options under State Contract Group PC62374 from Beam Mack Sales and Service, Inc., 2674 W. Henrietta Road, Rochester, New York, as described in Schedule A, at a cost of \$183,604.28, to be paid through a lease, payments for which annual payments to be made through Highway Equipment Funds; and be it further

RESOLVED, that lease terms shall be submitted to the Board for approval upon recommendation of Comptroller Mark Heggen.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Richard Kukuk, Highway Superintendent, explained currently the Highway Department has 23 pieces of equipment to treat the snow and ice with 21 plow routes. Of the 23 trucks, 8 of them are at least 15 years old. In this environment 8 years is the maximum life of trucks. Repairs are made when needed and cost effective.

Resolution No. 78 of 2009, a resolution authorizing the Highway Department to transfer funds for the purchase of two well conditioned pre-owned street sweepers.

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

WHEREAS, Richard Kukuk, Highway Superintendent, has identified a need for two street sweepers for use by the Highway Department, and

WHEREAS, Mr. Kukuk has requested authorization to purchase two well conditioned Elgin street sweepers from Clark Municipal Equipment, Rensselaer, New York, as sole source; now, therefore, be it

RESOLVED, that Richard Kukuk, Highway Superintendent, is hereby authorized to purchase two well conditioned pre owned street sweepers from Clark Municipal Equipment, Rensselaer, as described in Schedule A, at a cost of \$70,000, to be paid with a transfer of \$70,000 from DA 00909 (Highway-Undesignated Fund Balance) to DA05130-00219 (Highway-Vehicle-Equipment).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 79 of 2009, a resolution authorizing the transfer of funds to be designated for ice storm damage and debris pick-up.

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

WHEREAS, as a result of the December 12, 2008 ice storm, a state of emergency was declared in the area, and

WHEREAS, the Highway Department has incurred considerable expenses directly related to storm cleanup, and

WHEREAS, Richard Kukuk, Highway Superintendent has requested that \$78,000 be transferred from the Highway Undesignated Fund Balance Account (DA00909) into Highway Account (DA5142-00021) Ice Storm Expenses, and

WHEREAS, the Highway Department anticipates that the Town will be reimbursed for at least 87.5% of the expenses from Federal Emergency Management Agency and State Emergency Management Office; now, therefore, be it

RESOLVED, that the Comptroller is authorized to transfer \$78,000 from the Highway Undesignated Fund Balance Account (DA00909) into Highway Account DA5142-00021) Ice Storm Expenses; and be it further

RESOLVED, that reimbursements received from FEMA and SEMO shall be reimbursed to the Highway Undesignated Fund Balance Account (DA00909).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 80 of 2009, a resolution authorizing the Supervisor to send correspondence to the Town of Halfmoon Supervisor offering to provide discounted rates for Halfmoon residents wishing to purchase seasonal memberships at the Clifton Park Action Park for 2009.

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

WHEREAS, Halfmoon Supervisor Mindy Wormuth has inquired into the potential to subsidize a seasonal membership program at Clifton Park Action Park for Halfmoon residents, and

WHEREAS, the Town of Clifton Park desires to increase areas of cooperation between Clifton Park and Halfmoon residents whose proximity provides so many areas of common experience and concern, and

WHEREAS, the Town wishes to consider extending seasonal membership at the Action Park by providing a program whereby the Town of Halfmoon is invited to consider an agreement whereby Halfmoon residents can obtain a 2009 membership in the Clifton Park Action Park consistent with the attached correspondence; now, therefore, be it

RESOLVED, that the Supervisor is authorized to send the attached correspondence inviting the Town of Halfmoon to enter into an Agreement with the Town of Clifton Park for a discounted, subsidized seasonal rate of \$120 per member for up to fifty (50) Halfmoon residents, and \$90 per member for more than fifty (50) members.

Councilman Paolucci requested to table this resolution due to the absence of Councilman Roth to enable the Town Board to discuss the resolution further.

MOTION TO TABLE by Councilman Paolucci, seconded by Councilman Hughes.

ROLL CALL VOTE ON MOTION

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

Noes: None

Absent: Councilman Roth

MOTION CARRIED

Resolution No. 81 of 2009, a resolution to schedule a Special Meeting of the Town Board of the Town of Clifton Park for March 23, 2009 at 7:00 P.M.

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

WHEREAS, the Highway Department of the Town of Clifton Park has commenced the bidding process to hire a vendor to assist with the clean-up of debris as a result of the last ice storm, and

WHEREAS, the Town Board would like to accept a bid, as soon as possible, as not to delay the clean-up from the storm, and

WHEREAS, the next scheduled Town Board meeting is April 6, 2009, and

WHEREAS, the Town Board wishes to conduct a Special Meeting on March 23, 2009 at 7:00 P.M. for the purpose of accepting such a bid; now, therefore, be it

RESOLVED, that the Town Clerk of the Town of Clifton Park is authorized to publish notice of a Special Meeting of the Town Board on March 23, 2009 at 7:00 P.M., as soon as practicable, for the purpose of accepting a bid for removal of ice storm debris.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

PUBLIC PRIVILEGE

Pam Marshall, Fairlawn Ct., stated she is in favor of the proposed boulevard and the extra ramp from Fire Road onto the Northway presented by the Highway Safety Committee. She reiterated the request of existing buildings/homes be shown on the site plan for the Ushers Woods project.

Beverly Czub, Miller Road, questioned if the Town hires outside contractors for plowing.

Richard Kukuk, Highway Superintendent, answered not anymore. Finding enough qualified operators and equipment proved difficult. And the majority of complaints came from the routes the contractors where in charge of.

James Baisley, Barkwood Lane, questioned if the Park Districts will be charged for the ice storm debris clean up.

MOTION by Councilman Paolucci, seconded by Councilman Hughes to go into Executive Session to discuss the County Waste Contract. Motion unanimously carried at 9:15 p.m.

No action taken in the Executive Session.

MOTION by Councilman Paolucci, seconded by Councilwoman Walowit to return to the regular meeting. Motion unanimously carried at 9:45 p.m.

REPORTS TO THE BOARD

Michael Shahan, Town Administrator, stated the Park Districts will not be charged for the clean up of ice storm debris.

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

Motion carried at 9:50 p.m.

Teresa J. Brobston
Deputy Town Clerk