

April 6, 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  
Richard Kukuk, Superintendent of Highways  
Michael Handerhan, Supervisor of Buildings and Grounds  
Mark Heggen, Comptroller  
Myla Kramer, Director of Parks, Recreation and Community Affairs  
Steven Myers, Director of Building and Development  
John Scavo, Director of Planning  
Jude Hazard, Information Specialist  
John Scherer, Town Historian  
Michael Montague, Environmental Specialist

MOTION BY Councilman Hughes, seconded by Councilman Roth, to approve the minutes of the March 9, 13, 23, 2009 meetings as presented.

**ROLL CALL VOTE**

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

Noes: None

**MOTION CARRIED**

**ANNOUNCEMENTS AND COMMUNICATIONS**

Councilman Walowit gave an update on the Kids Korner replacement project. She said it has been recommended not to start work until after Labor Day in order to keep the playground open for the spring and summer seasons.

Councilman Roth asked if any repairs need to be done before Labor Day.

Supervisor Barrett responded he doesn't believe so but Safety Officer Pasquarell checks on the area regularly.

Councilwoman Walowit reported Supervisor of Buildings and Grounds Handerhan also checks the equipment periodically.

Councilman Roth announced Governor Paterson has given approval to the Conifer Village Housing Project which will house 80 seniors. He thanked Supervisor Barrett and Councilman Paolucci for their work on this project, as well as Shenendehowa School District for their review.

Councilman Roth asked that Resolution No. 80 of 2009, tabled at the March 16, 2009 Town Board meeting, be considered this evening.

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Councilman Roth, said he has not had any response from Town Board members to his February 9<sup>th</sup> letter regarding an Arts and Culture Center and, therefore, will not continue to bring the issue forward.

Supervisor Barrett responded he had met with Arts and Culture Commission Chair Laura Andruski and Councilman Roth and was waiting for more information.

Councilman Roth asked why the resolution for a highway truck which was on the draft agenda has been removed from this evening's agenda since Superintendent of Highways Kukuk has given an explanation as to the need.

Councilman Paolucci gave a Green Committee update, including the NYSEDA energy audit and events planned for April 22<sup>nd</sup>, Earth Day

Councilman Hughes announced "Bio Blitz" will be held April 26, 2009 at Veterans Park to identify various plants and species. He reported naturalists will give guided tours of the area. Open Space Coordinator Viggiani is the contact for this event.

### PRESENTATIONS

Supervisor Barrett presented the following resolution to Coach Chuck Dunham and the Shenendehowa Swim and Diving Team in honor of their outstanding accomplishments.

Resolution No. 86 of 2009, a resolution recognizing the Shenendehowa Boys Swimming and Diving Team for having won its second consecutive New York State Boys' Swimming Title.

Introduced by Supervisor Barrett, who moved its adoption, seconded by the entire Town Board.

WHEREAS, the Shenendehowa Boys Swimming and Diving team won its second consecutive New York State Boys' Swimming title in March, and

WHEREAS, team members Michael Bidwell, Shayne Buckley, Travis Bueno, Jacob Johnson, Taylor Nichols, Tray Nichols and Sean Parnett finished with a total of 207 points, to top second-place Rye, which totaled 192 points, and

WHEREAS, team members also won numerous individual awards for their excellent performance at the 2009 State meet, and

WHEREAS, the Town Board takes particular pride in acknowledging that head coach Chuck Dunham and several of the members of the team are current or former lifeguards at Town pools; now, therefore, be it

RESOLVED, that the Town Board recognizes and congratulates the Shenendehowa Boys Swimming and Diving team for winning two consecutive New York State Championships; and be it further

RESOLVED, that the Town Board recognizes and congratulates Coach Chuck Dunham, under whose leadership the swimming and diving team has finished the last three seasons undefeated and has won two consecutive New York State Championships.

### ROLL CALL VOTE

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

Noes: None

### DECLARED ADOPTED

Supervisor Barrett presented the following resolution to Lauren Ottaviano in honor of her service and dedication on behalf of disabled young people.

Resolution No. 87 of 2009, a resolution honoring Clifton Park resident Lauren Ottaviano for being a recipient of the President's Volunteer Service Award through Prudential's Spirit of the Community Program for her work on behalf of disabled young people.

Introduced by Supervisor Barrett, who moved its adoption, seconded by the entire Town Board.

WHEREAS, Clifton Park resident Lauren Ottaviano recently received the President's Volunteer Service Award through Prudential's Spirit of the Community Program for her work helping disabled young people play basketball, and

WHEREAS, the Prudential Spirit of Community Awards Program, created in 1995, is the United States' largest youth recognition program based exclusively on volunteer community service, and

WHEREAS, Lauren began volunteering in the disabled athlete program in 2004 at the age of twelve, and

WHEREAS, Lauren is also active in Shenendehowa's Key Club, which is involved in numerous community service projects, and is a member of the high school student council, and

WHEREAS, Lauren's work with young disabled athletes in her volunteer duties confers a benefit to members of the community; now, therefore, be it

RESOLVED, that the Town Board pauses in its deliberations to honor Lauren Ottaviano for her community service and congratulates her on receiving the President's Volunteer Service Award; and be it further

RESOLVED, that the Town Board wishes to thank Lauren on behalf of the disabled young people who are fortunate enough to have Lauren Ottaviano in their lives.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Ms. Ottaviano reported on May 2, 2009, approximately 200 members of the Shen senior class will be "giving a gift to the community", working four hours for not for profits.

#### REPORTS TO THE BOARD

Town Historian, John Scherer, gave his 2008 Historian's Report, attached. He asked the Town Board to stop the developer from taking down the Greek Revival home on Fire Road.

Environmental Specialist, Michael Montague, updated the Board on the mulching operation at the Transfer Station. He said Troy Sand & Gravel has started processing the material. He will visit the area at least on a weekly basis.

#### PUBLIC PRIVILEGE ON RESOLUTIONS

Councilman Roth said letter from John M. McDonald Engineering regarding the Eastside Drive drainage bid, states \$138,000 bid amount when the actual bid is \$137,822 and hopes this won't present a problem. Mr. McCarthy said the resolution authorizes \$137,822.

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Resolution No. 88 of 2009, a budget resolution authorizing expenditures related to cleanup of ice storm related debris.

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

WHEREAS, due to the ice storm of December 12, 2008, it is necessary to consider a budget resolution authorizing expenditures related to cleanup of storm related debris, and

WHEREAS, the Federal Emergency Management Agency, in conjunction with the New York State Emergency Management Office, has instituted a Public Assistance Program to provide for Federal and State Grants for partial reimbursement of expenses estimated to total 87.5% of expenditures directly related to debris removal, reduction and cleanup throughout the Town, and

WHEREAS, the Town has signed a contract with Van Auken Trucking, Inc. following competitive bidding on a public works basis for large scale pickup and reduction of storm debris estimated at 200,000 cubic yards, and

WHEREAS, the Contract requires that all cleanup, including reduction of collected materials and distribution from Town property be completed by July 16, 2009, at the latest (the Contract Period), and

WHEREAS, the Contract Bid Price is a combined \$17 per cubic yard of material collected and reduced providing an estimated total cost amount of \$3,400,000, and

WHEREAS, the Highway Department seeks additional authorization to retain Temporary Staff to assist with required pickup in some areas, as well as monitoring, flagging and incidental work related storm debris cleanup, as well as authorization to rent equipment and purchase supplies necessary to administer the Contract consistent with FEMA guidelines; now, therefore, be it

RESOLVED, that the Highway Department is authorized to retain up to sixteen (16) Temporary Staff members to be compensated at \$12 per hour to assist with pick up, monitoring, associated operational and administrative tasks for the duration of the contract period, and be it further

RESOLVED, that the Highway Department is authorized to rent equipment and supplies necessary for the administration of the debris removal contract, and be it further

RESOLVED, that the Clifton Park Town Budget is increased as follows: authorized expenditures from A-8760-15 (General Fund-Emergency Disaster Work-Other Contractual) are increased by \$3,400,000, Federal Revenues (A-4090) are increased by \$2,550,000, the amount of Federal Reimbursement anticipated from the applicable Public Assistance Program, and New York State Revenues (A-3089) are hereby increased by \$425,000, the amount of New York State Reimbursement anticipated from the applicable State Assistance Program; and be it further

RESOLVED, that the balance of \$425,000 necessary expenditures shall be transferred from Undesignated Fund Balance (A-909), and be it further

RESOLVED, that the Comptroller shall submit a revised budget resolution upon reconciliation of all reimbursement following the State and Federal Reimbursements upon submittal; and be it further

RESOLVED, that all reimbursements received from State and Federal Sources, pursuant to applicable Grant Programs, be reimbursed to the General Fund-Undesignated Fund Balance.

Highway Superintendent Kukuk emphasized FEMA reimburses for storm-caused damage only and not for clearing of general leaves and brush. He said the contractor has started storm debris pick up and the Highway Department will follow as soon as possible to rake and pick up left over small brush. Mr. Kukuk said the estimate of 200,000 cubic yards of debris is on the high end and

hopefully will be lower. He reported some of the highway surplus monies will be used for paving that didn't get done last year. Mr. Kukuk explained town highway equipment cannot go on private roads and debris needs to be brought to the town right of way. Supervisor Barrett said he believes an action of the Town Board will allow trucks on private roads. Mr. Kukuk stated if it affects public safety, flooding or drainage it can be done but FEMA says it is generally not acceptable. Supervisor Barrett would like to help the residents of Dutch Meadow Lane, a private road, with getting their debris out. He asked Mr. McCarthy to prepare a resolution for the April 13<sup>th</sup> meeting in this regard. Mr. Kukuk said he agrees with helping the residents of Dutch Meadow Lane but the town needs to be careful about setting precedence and note the special occurrence and why it is being done.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 89 of 2009, a resolution authorizing the installation of stop signs in The Oaks and Wishing Well Subdivisions.

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

WHEREAS, residents in The Oaks and Wishing Well Subdivisions have expressed concerns of speeding traffic and lack of intersection control devices, and

WHEREAS, at the request of Supervisor Barrett, McDonald Engineering performed a preliminary traffic study of existing traffic control devices within the Wishing Well residential development, which has access from Grooms Road and Vischer Ferry Road, and

WHEREAS, McDonald Engineering concurs with the Town of Clifton Park Highway Safety Committee's recommendation that additional stop signs need to be installed in the subdivision and recommends that stop signs be installed at the following locations:

- Intersection of Wishing Well Lane and Wishing Well Lane.
- Intersection of Arrowhead Park and Four Leaf Manor (east and west side on Arrowhead Park).
- Intersection of Poplar Place and Four Leaf Manor.
- Intersection of Poplar Place at the Avenue of the Oaks;

Now, therefore, be it

RESOLVED, that the Highway Superintendent is hereby authorized to install stop signs at the intersection of Wishing Well Lane and Wishing Well Lane, at the intersection of Arrowhead Park and Four Leaf Manor (east and west side on Arrowhead Park), at the intersection of Poplar Place and Four Leaf Manor, and at the intersection of Poplar Place at the Avenue of the Oaks; and be it further

RESOLVED, that McDonald Engineering further recommends that a larger area speed limit sign be placed at Four Leaf Manor westbound from Vischer Ferry Road.

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ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 90 of 2009, a resolution hiring summer help for the Clifton Knolls Park District.

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

WHEREAS, a need has been identified for summer help at the Clifton Knolls Park District to do light maintenance, and

WHEREAS, Ian Dorset, 2 Sevilla Drive and Gary Soeller, 16 Majorca Lane, Clifton Park, have been recommended to be hired for these positions; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Clifton Knolls Park District, hereby authorize the hiring of Ian Dorset and Gary Soeller to do light maintenance for the Clifton Knolls Park District at \$7.50 per hour, not to exceed \$2,000 for the season, for both hires, effective immediately, to be paid from SP37131-24 (Clifton Knolls Park District-Maintenance).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 91 of 2009, a resolution hiring summer help for the Clifton Gardens Park District.

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

WHEREAS, a need has been identified for summer help at the Clifton Gardens Park District to do light maintenance, and

WHEREAS, Michael Stanley, 42 Esopus Drive, Clifton Park, has been recommended to be hired for this position; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Clifton Gardens Park District, hereby authorize the summer hiring of Michael Stanley to do light maintenance for the Clifton Gardens Park District at \$7.50 per hour, effective immediately, not to exceed \$2,000, to be paid from SP2-7121-24 (Clifton Gardens Park District-Maintenance).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

4/06/2009

Resolution No. 92 of 2009, a resolution authorizing the hiring of summer workers in the Buildings and Grounds Department.

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

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

WHEREAS, Michael Handerhan, Supervisor of Buildings & Grounds, has recommended that Megan Cody, 31 Pebble Beach Drive, Eric Bradt, 4 Danbury Court, and Jonathan Fijal, 14 Barcelona Drive, Clifton Park, be hired to fill the positions; now, therefore, be it

RESOLVED, that authorization is given to hire Megan Cody, Eric Bradt and Jonathan Fijal as summer workers in the Buildings and Grounds Department at \$8.00 per hour, effective immediately, to be paid from A-7110-E4000 (Buildings & Grounds-seasonal employees).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 93 of 2009, a resolution awarding a contract for the maintenance of the gardens in the Clifton Knolls neighborhood.

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

WHEREAS, quotes were received by the Town Board as Commissioners of the Clifton Knolls Park District for the maintenance of the gardens in the Clifton Knolls neighborhood, and

WHEREAS, the lowest conforming quote for the work to be done which includes weeding, pruning, trimming and planting for the season was submitted by A to Z Property Management, 12 Burning Bush Boulevard, Ballston Lake, in an amount not to exceed \$7,950; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Clifton Knolls Park District, hereby awards the contract to A to Z property Management, Ballston Lake, for maintenance of gardens in the Clifton Knolls neighborhood, at a cost not to exceed \$7950, to be budgeted 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. 94 of 2009, a resolution authorizing the Supervisor to sign Change Order No. 2 for Mohawk Landing Construction Contract.

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

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WHEREAS, Resolution No. 248 of 2008 authorized a contract for the construction phase of the Riverfront 6-Acre Public Access Project to Peter Luizzi & Brothers in an amount of \$268,710, and

WHEREAS, due to a change in the type and cost of the rental equipment needed, the cost decreased by \$3,500, and

WHEREAS, a Change Order was prepared by Clough Harbour Associates in an amount of \$265,210 which provides for a \$3,500 decrease in contract price, and

WHEREAS, the Change Order provides for a decrease of \$3,500 for the Mohawk Landing Construction Contract from the original contract cost of \$268,710 to a new contract amount of \$265,210; now, therefore, be it

RESOLVED, that Supervisor Barrett is hereby authorized to sign Change Order No. 2 dated January 5, 2009, to Peter Luizzi & Brothers, Albany, New York; and be it further

RESOLVED, that the decrease amount of \$3,500 be released from A7180-200 (General Fund-Riverfront Park Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 95 of 2009, a resolution authorizing the issuance of a Mass Gathering Permit to the Kiwanis Club of Wilton to sponsor a carnival at Clifton Park Center.

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

WHEREAS, the Kiwanis Club of Wilton has requested that the Town issue a Mass Gathering Permit for the purpose of sponsoring a carnival at Clifton Park Center in back of the Center across from Boscov's from Tuesday, April 28<sup>th</sup> to Sunday, May 3<sup>rd</sup>, 2009, and

WHEREAS, the event is a fundraiser for the Kiwanis Club which uses one hundred per cent of the proceeds for community service projects throughout Saratoga County, and

WHEREAS, the Town has been provided with information concerning this activity, and

WHEREAS, the Town has been named as an additional insured on the required insurance policy; now, therefore be it

RESOLVED, that the Town Board is satisfied with the information provided and that the potential effect of the proposed public assemblage will have minimal effect upon the public health, safety and welfare of the people and property of the Town of Clifton Park; and be it further

RESOLVED, that the Town Board hereby directs that a permit be issued to the Kiwanis Club of Wilton for a public assemblage to be held in the back of Clifton Park Center from Tuesday, April 28 through Sunday, May 3, 2009, for the sole purpose of sponsoring a carnival.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED



4/06/2009

Resolution No. 96 of 2009, a resolution authorizing the hiring of Adventure Challenge Staff per Schedule A.

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

WHEREAS, it is necessary that Adventure Challenge Staff be hired to conduct the 2009 Project Adventure Program within the Department of Parks, Recreation and Community Affairs; now, therefore, be it

RESOLVED, that the individuals on the annexed Schedule A are appointed to said positions, effective immediately through November 1, 2009, at the salary amounts listed, to be paid from A-7621-E2360 (Project Adventure Staff) and A7621-E2350 (Project Adventure Coordinator).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 97 of 2009, a resolution authorizing the hiring of a Program Coordinator for the Comic Book Project.

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

WHEREAS, a need exists for a Program Coordinator for the Comic Book Project being presented as part of the Summer Recreation Program, and

WHEREAS, Myla Kramer, Parks, Recreation and Community Affairs Director, has recommended that Shannon Haegle, 20 Esopus Drive, Clifton Park, be hired as the returning Program Coordinator for the Comic Book Project; now, therefore, be it

RESOLVED, that authorization is hereby given to hire Shannon Haegle as the returning Program Coordinator of the Comic Book Project effective July 6 - July 24, 2009, at a salary of \$500 per week, to be paid from A7310-E4520 (Summer Recreation-Other Program Salary).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 98 of 2009, a resolution hiring returning Counselors for the 2009 Day Camp Program.

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

WHEREAS, it is necessary that returning staff be rehired by the Department of Parks, Recreation and Community Affairs to operate the Town of Clifton Park Summer Recreation Day Camp Program, and

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

RESOLVED, that the individuals listed in the attached Schedule A be rehired to staff the Town of Clifton Park's 2009 Day Camp Program effective June 29 to August 21, 2009; and be it further

RESOLVED, that the returning Camp Counselors be paid as indicated on Schedule A.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 99 of 2009, a resolution authorizing the hiring of attendants for the Clifton Park Action Park.

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

WHEREAS, openings exist for attendants for the Clifton Park Action Park, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that Anthony Melfi, 11 Durham Way, Clifton Park and Dakota Rice, 21 Juniper Drive, Clifton Park, be hired to fill the positions; now, therefore, be it

RESOLVED, that authorization is hereby given to hire Anthony Melfi and Dakota Rice as attendants for the Clifton Park Action Park, effective immediately through November 8, 2009, at a rate of \$8.50 per hour, to be paid from A-7200-E4000 (Clifton Park Action Park-Part Time Employee).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 100 of 2009, a resolution hiring returning Lifeguards, Head Guards and Water Safety Instructors for the 2009 Season.

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

WHEREAS, it is necessary that returning staff be rehired by the Department of Parks, Recreation and Community Affairs for the Country Knolls, Barney Road and Locust Lane Pools, and

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

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RESOLVED, that the individuals listed in Schedule A, attached hereto, shall be rehired as Lifeguards, Head Guards and Water Safety Instructors for the Country Knolls, Barney Road and Locust Lane Pools, effective April 10, 2009, to be paid per attached Schedule A.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 101 of 2009, a resolution authorizing the hiring of a Program Coordinator and Assistant for the Tiny Hands Summer Club.

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

WHEREAS, a need exists for a Program Coordinator and an Assistant for the Tiny Hands Summer Club preschool program being presented as part of the Summer Recreation Program, and

WHEREAS, Myla Kramer, Parks, Recreation and Community Affairs Director, has recommended that Lindsey Van Alstyne, 31 Sunrise Terrace, Clifton Park, be hired as Program Coordinator and Sandra DeThorne, 18 Lincoln Avenue, Clifton Park, be recommended to fill the Assistant position; now, therefore, be it

RESOLVED, that authorization is hereby given to hire Lindsey Van Alstyne, 31 Sunrise Terrace, Clifton Park, as the Program Coordinator for the Tiny Hands Summer Club and Sandra DeThorne, 18 Lincoln Avenue, Clifton Park, as the Program Assistant, effective immediately through August 19, 2009, to be paid per Schedule A from A7310-E4520 (Summer Recreation-Other Program Salary).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 102 of 2009, a resolution authorizing the hiring of the Summer Camp Specialists for the 2009 Summer Recreation Full and Half-Day Summer Camps.

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

WHEREAS, it is necessary that additional staff be hired by the Department of Parks, Recreation and Community Affairs to operate the Town of Clifton Park 2009 Summer Recreation Full and Half-Day Camps, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that the individuals listed in Schedule A, attached hereto, be hired to fill the positions of Art and Athletic Specialists; 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 Full and Half-Day Camps, effective immediately through August 21, 2009.

4/06/2009

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 103 of 2009, a resolution authorizing Brian Czerpak to attend a Pool Operators Training Course in order to update his certification.

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

WHEREAS, according to Department of Health Regulations, all municipal pools must have a Certified Pool Operator and certifications must be renewed every five years, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has requested permission to have Pool Operator Brian Czerpak attend a course being held in Syracuse, New York, April 18-19, 2009, to update his certification as a Pool Operator, at a cost of \$330, and

WHEREAS, Brian Czerpaks' attendance at the seminar would confer a benefit to the residents of the Town of Clifton Park; now, therefore, be it

RESOLVED, that Brian Czerpak, 52 Via Da Vinci, Clifton Park, is authorized to attend the course being offered by Pool Operation Management and the National Swimming Pool Foundation in Syracuse, New York, from April 18-19, 2009, at a cost not to exceed \$330, to be paid from SP5-7151-045 (Country Knolls Pool-Training).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 104 of 2009, a resolution authorizing Planning Department Director John Scavo to attend a one day Smart Growth Seminar, April 23, 2009, in Albany, New York.

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

WHEREAS, the smart growth seminar is designed to allow attendees to learn about obtaining economic and environmental benefits of smart growth, creating walkable mixed use neighborhoods, using compact building designs, and developing strategies and incentives for smart growth, and

WHEREAS, attendance at this seminar would confer a benefit to the residents of the Town of Clifton Park; now, therefore, be it

RESOLVED, that John Scavo, Director of the Planning Department, is hereby authorized to attend the Smart Growth Seminar for one day, April 23, 2009 in Albany, New York, at a total cost not to exceed \$259 for attendee registration, as budgeted from A-8021-001 (Planning-Training and Conferences).

4/06/2009

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 105 of 2009, a resolution authorizing the Town Supervisor to sign a Permanent Construction Easement with the Capital District YMCA for a Pump Station and Facilities for the Clifton Country Road Sewer District No. 1.

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

WHEREAS, Resolution No. 164 of 2008 established the Clifton Country Road Sewer District which provides sanitary sewer service to a portion of the Town, and

WHEREAS, the installation of a wastewater pumping station, buried piping and appurtenances (Improvements) requires the Town to acquire easement rights from landowners, and

WHEREAS, the Clifton Country Road Sewer District No. 1 has requested a Permanent Construction Easement from the Capital District YMCA to construct, reconstruct, operate, use, inspect and maintain the sewer pump station improvements together with the right to ingress and egress over all that certain tract, piece or parcel of land as described per Schedule "A"; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign a Permanent Construction Easement with the Capital District YMCA for a Pump Station and Facilities for the Clifton Country Road Sewer District No. 1.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 106 of 2009, a resolution authorizing the Supervisor to sign an energy supply contract with Integrys Energy Services of New York for electrical supply accounts with National Grid and NYSEG through MEGA Energy.

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

WHEREAS, in 2008 Municipal Electric and Gas (MEGA) was endorsed by the New York State Association of Counties as the preferred energy procurement program for electricity and natural gas, and

WHEREAS, MEGA works with professional energy consultants and procurement specialists to secure the best prices and terms available in today's complex and evolving energy marketplace, and

WHEREAS, MEGA'S consultants assist in solving problems, should they arise, and they monitor changes in the regulatory process and private markets to the benefit of the participants, and

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WHEREAS, an important feature of the MEGA program, which is vital to municipalities, is that they conform to the State's bidding requirements for purchasing goods and services and offer municipalities and school districts a blanket bid which they can sign-on to; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign an energy supply contract with Integrys Energy Services of New York for electrical supply accounts delivery with National Grid and NYSEG through MEGA Energy.

Supervisor Barrett said Mr. Heggen reported this could be a savings on electricity only of \$10,000 to \$20,000 per year. The gas information will be available at the next Board meeting.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 107 of 2009, a resolution expressing Town Board intention to declare itself Lead Agency for SEQRA Review of the Ushers Woods/Country Club Acres PUD Proposal.

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

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, the Supervisor in his March 3, 2009 letter to the Planning Board, asked the Planning Board to refrain from taking formal action regarding Lead Agency pending further review of the project in its current concept by the Town Board, and

WHEREAS, on March 16, 2009, the applicant presented details, concept plans and drawings regarding current concepts for the Project before the Town Board, and

WHEREAS, the Town Board has reviewed Part I of the Long Form; now, therefore, be it

RESOLVED, that the Town Board hereby expresses its intent to declare itself Lead Agency for purposes of review of the Project pursuant to the State Environmental Quality Review Act; and be it further

RESOLVED, that the Town Clerk is asked to forward a copy of this Resolution to the Planning Board for consideration at its next regular meeting.

Director of Planning Scavo explained the Town Board can authorize the applicant to provide the additional information regarding environmental concerns. He reviewed the process to be followed upon the Town taking Lead Agency status, as well as the timeframe involved. Councilman Paolucci spoke in favor the action being taken.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

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Resolution No. 108 of 2009, a resolution authorizing an intern to work in the Office of Parks, Recreation and Community Affairs.

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

WHEREAS, Shenendehowa High School has a Career Exploration Internship Program (CEIP) that provides students in their junior and senior years with a link between school and the workplace, and

WHEREAS, Shenendehowa's CEIP program depends on the support and participation of area businesses, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, recommends that Rebecca Hartt, 9 Plank Road, Waterford, a student at Shenendehowa High School, be authorized to work as an unpaid intern in the Office of Parks, Recreation and Community Affairs; now, therefore, be it

RESOLVED, that authorization is hereby given to the Office of Parks, Recreation and Community Affairs to permit Rebecca Hartt to work as an unpaid intern effective immediately through June 2009.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 109 of 2009, a resolution awarding the bid for the East Side Drive Storm Sewer Improvements in the Town of Clifton Park.

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

WHEREAS, on March 27, 2009 bids were received for the above referenced contract, and

WHEREAS, the low bid for East Side Drive Storm Sewer Improvements work was submitted by Bombard Excavating Corporation for the total bid amount of \$137,822, and

WHEREAS, as per letter from McDonald Engineering, dated April 1, 2009, McDonald Engineering has reviewed the bids and has recommended to the Town Supervisor that the bid for the East Side Drive Storm Sewer Improvements work in the amount of \$137,822 submitted by Bombard Excavating Corporation be accepted; now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced bid in the amount of \$137,822 contingent upon storm sewer easement approvals to be paid with funds previously designated by Resolution No. 256 of 2008, transferring the balance of \$146,077 from A-886 (Board Designated for Capital Projects) to A-8540-200 (General Fund-Drainage Equipment).

Councilman Roth said letter from John M. McDonald Engineering states \$138,000 bid amount when the actual bid is \$137,822 and hope this won't present a problem. Mr. McCarthy said the resolution authorizes \$137,822.

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Director of Building and Development Myers reported the town is just waiting for the easements and doesn't feel there will be a problem and as everyone wants this to happen. Mr. Shahan said it is hoped to get everything going by early May.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

MOTION BY Councilman Roth, seconded by Councilman Paolucci, to removed Resolution No. 80 of 2009 from the table.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

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 reviewed the history of the creation of the Clifton Park Action Park, noting the Town Board put up well over \$400,000 for the initial construction of the park. He said it is a premier facility mainly for Town of Clifton Park residents whose rates are subsidized and, though there are non-resident rates, he doesn't believe this park was pursued for other municipalities to take advantage of it. Councilman Paolucci said if revenues can be increased and town residents don't have to wait to use the park that would be a good thing. He noted any rate changes have to be done by resolution. He continued the issues of refunds and daily rates have not been addressed. Councilman Paolucci would have preferred that this entire issue had been studied over the year before going forward. He stated he will not support the resolution because he's not sure the analysis of revenue is complete as it is 2008 data which was a rainy



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season and is not convinced this will increase revenues and actually could result in a loss. Councilman Paolucci said there is no policy on refunds. He doesn't believe prices are out of line with other municipalities, are definitely less than private facilities and no discussions have been held on how to handle other towns. He said since Clifton Park revenues built this park, he doesn't believe residents will want to share revenues with other municipalities. Councilman Paolucci stated the Town of Halfmoon should be offered the opportunity to subsidize any portion of the full rate for non-residents if they wish and Parks and Recreation staff will take care of billing.

Councilwoman Walowit said she was confused as to why the town was only dealing with the Town of Halfmoon as she assumed residents from adjoining towns may also want to use the park. She stated if other municipalities want to subsidize rates they should do it on a one to one basis and doesn't agree that town staff should be doing bookkeeping and billing.

Councilman Hughes agreed with the previous speakers.

Supervisor Barrett wants Clifton Park residents to have every opportunity to use the park and that it doesn't get to a point where it is overcrowded.

#### ROLL CALL VOTE

Ayes: Councilman Roth

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

#### **RESOLUTION DEFEATED 4-1**

Speaking with regard to the County Waste contract involving the pick up of leaves and brush, Supervisor Barrett referred to his letter of March 24, 2009 and County Waste's response of the same date, attached He said a decision has to be made this evening. County Waste asked that the contract expire the end of 2009. Supervisor Barrett said he sees two options – accept County Waste's response and change the expiration date to the end of 2009 or leave the current contract in place. Based on the fact the Town Board unanimously agreed to allowing lawn debris pick up from a few other towns at the last meeting, either option will have debris coming in from other towns. Supervisor Barrett said once the town was DEC compliant, things moved along more smoothly at the mulching operation. He said if the Town Board doesn't act on this, the mulching operation will fall behind and problems will be the same as last year. Supervisor Barrett reported Carl Clemente of Troy Sand & Gravel has said depending on the direction the Town Board goes he is open to extending his part of the contract. Troy Sand & Gravel is the low bidder at approximately \$80,000 for the Yard Waste Composting Facility operation. Councilman Roth asked Mr. McCarthy if the town doesn't accept County Waste's proposal, is the town within its rights to say the contract that is currently in existence extends to 2015. Mr. McCarthy responded it is a valid contract.

Councilman Hughes said leaving the contract as is carries multiple benefits – the mulching operation is DEC compliant, protocol is already in place for greater town oversight and is being done in a way where the town is going to see a significant reduction in volume which carries real benefits to local residents. He continued just as importantly, however, the town is preserving the pick up service for residents and keeping the existing contract protects taxpayers.

Councilman Roth asked if the service contract will be jeopardized due to the town having more oversight. Supervisor Barrett said there is nothing stopping town oversight. Councilman Roth stated he agrees with the comments made this evening and is fine with the current contract.

Supervisor Barrett said the mulching operation will be looked at on a weekly basis.

All members of the Town Board agreed to stay with the current contract.

Town Attorney McCarthy reviewed points in the contract - the contract talks about County Waste having an affiliated company which does the mulching operation and later it refers to it as a non

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transferable license. He has spoken with Scott Earl of County Waste about changing the non transferable statement to make it consistent with the first paragraph. Mr. McCarthy recommended a resolution be passed authorizing the limited pick up from other towns as a section of the Town Code can be read as inconsistent with the out of town pick up.

Councilman Hughes said it is important to note that the Board is on the same page with respect to the safeguards that are in place. He feels confident that the Town Board has taken the time and effort to understand this issue and has come to resolution that is fair and equitable.

Councilman Roth asked that the Clough Harbour & Associates Engineering Report of 2005 to reviewed.

Resolution No. 110 of 2009, a resolution ratifying the existing contract with County Waste Recycling Service regarding free pick-up service of lawn waste.

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

WHEREAS, there has been debate among the Town Board regarding the future of the County Waste Recycling Service (CWRS) Contract regarding free pick-up service of lawn waste, and

WHEREAS, correspondence regarding Town Board options has been exchanged with CWRS, and

WHEREAS, the Town Board considers the existing contract with CWRS to be valid; now, therefore, be it

RESOLVED, that the Town Board hereby ratifies the existing contract, subject to transferability of the License and permission to accept limited amounts of waste from other Towns.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

#### PUBLIC PRIVILEGE

Bob Benson, Eastside Drive, reported speeding on Eastside Drive and asked the Town Board to look at the situation. Supervisor Barrett asked Mr. Shahan to move the speed sign to the area and talk to the Sheriff. Councilman Paolucci reported lowering the 30 mile per hour speed limit has been researched and it is allowable under NYS law.

Tom DeLeonardis, Hidden Crest, speaking with regard to the mulching operation, said the Clough Harbour report is the report that the site was permitted upon and once the report was produced the town is held to it. He said the wind rows should be starting out at 8 feet, not after compression, and that is really key to the odor reduction. Mr. DeLeonardis stated the current rows are higher than 8 feet and have been there since last year and they will produce odors. He asked that the town follow the Clough Harbour report and enforce it. He said as long as the town has the ability to control the operation and to tell Troy Sand & Gravel how do it, it will help. He emphasized the importance of enforcing the agreement. Mr. DeLeonardis said paving needs to be done. He expressed concern that material has not been turned over the winter.

Jim Ruhl, Wooddale Drive, thanked the Town Board for assuming Lead Agency status for the Ushers Woods project. He said the project has been around for a long time and, in his opinion,

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has not undergone a serious environmental review. He also thanked the Board for their work on the researching the purchase of the Stony Creek reservoir.

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 9:40 p.m.

Patricia O'Donnell  
Town Clerk