

6/8/2009

June 8, 2009

The regular meeting of the Town Board of the Town of Clifton Park was held in the Town Office Building at 7:00 p.m., Supervisor Barrett presiding.

PLEDGE OF ALLEGIANCE TO THE FLAG

Present: Councilman Paolucci
Councilman Hughes
Councilman Roth
Councilwoman Walowit
Supervisor Barrett
Town Clerk O' Donnell

Also Present: Town Attorney McCarthy
Michael Shahan, Town Administrator
Mark Heggen, Comptroller
Myla Kramer, Director of Parks, Recreation and Community Affairs
John Scavo, Director of Planning

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Roth reported the demolition of a house on MacElroy Road has left a large hole which is a safety concern. He asked Mr. Shahan to contact the owner to install a safety device.

Councilman Hughes reminded residents of the public workshops regarding the Recreation Master Plan to be held June 11th and 25th.

Speaking with regard to the dedication of the new pool at Shenendehowa, Supervisor Barrett stated Clifton Park Water Authority partnered with the school on the water line connection, thereby saving the school a great deal of money.

Supervisor Barrett presented the following resolution to representatives of the Clifton Park Center Baptist Preschool in recognition of the school's 40th Anniversary, noting the Church is a cornerstone in the town.

Resolution No. 175 of 2009, a resolution recognizing the 40th Anniversary of the Clifton Park Center Baptist Preschool.

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

WHEREAS, the preschool was started on August 12, 1968 after church members recognized with the rapid growth that Clifton Park was beginning to experience, a need existed in the community for a second preschool, and

WHEREAS, several years ago the church added a pre-kindergarten program at the preschool in addition to programs for four and five year-olds, and

WHEREAS, today a staff of ten includes four teachers, five aides and an administrative director conducting morning and afternoon sessions that aim to facilitate physical development, visual motor coordination, math readiness, language development and visual skills, and

WHEREAS, since 1968 the Clifton Park Center Baptist Preschool has graduated over 4,000 children, with the most recent class consisting of over ninety-two; now, therefore, be it

RESOLVED, that the Town Board pauses in its deliberations to recognize the 40th Anniversary of the Clifton Park Center Baptist Preschool; and be it further

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RESOLVED, that the Town Board on behalf of the 4,000 children and their families thank the many staff members of the school for their dedication and service over the past forty years to the youngsters of the Community.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 176 of 2009, a resolution authorizing the expenditure of emergency funds to secure and repair unsafe structure pursuant to Town Code Section 77-11.

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

WHEREAS, a structure at 9 Princess Pine Drive has been under construction/renovation since 2008, and

WHEREAS, the Town has received numerous complaints from neighbors and residents that the structure has been left incomplete, unsecured, and open to elements and to trespass, and

WHEREAS, Steven Myers, Director of Building & Development, has reported that multiple inspections from Building Inspectors have confirmed and documented an unsafe and unsecured structure, and

WHEREAS, after repeated contact, the Building Department Staff has not been successful in obtaining any cooperation from the owner with securing the structure; now, therefore, be it

RESOLVED, that the Town Board accepts the report of Steven Myers and declares the structure unsafe and a public hazard pursuant to 77-11 of the Town Code, and be it further

RESOLVED, that the Buildings and Grounds Department is authorized to expend \$756.65 for time and materials necessary to secure the structure; and be it further

RESOLVED, that a certified copy of this resolution shall be forwarded to the Assessor's Office, along with supporting documentation for assessment of these charges against the project, pursuant to Town Code Section 77-11.

Town Attorney McCarthy reported a number of complaints have been received from the neighbors, as well as the Neighborhood Association. The building will be secured by town staff and he assumes the town will be reimbursed by the owner without have to go through the assessment process.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

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Resolution No. 177 of 2009, a resolution permitting Foit-Albert Associates to utilize Collins Park on September 19, 2009 for a private party and to permit the consumption of alcoholic beverages at the party.

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

WHEREAS, the Foit-Albert Associates has requested the use of Collins Park for a private party on September 19, 2009 and has requested a waiver of the Town's "No Alcohol" policy for the consumption of beer at the party, and

WHEREAS, it is the Town's policy to require the using agency to monitor the consumption of alcohol, be responsible for the group's activities and to provide the Town with appropriate evidence of insurance to indemnify the Town; now, therefore, be it

RESOLVED, that Foit-Albert Associates is authorized to utilize the Collins Park facility on September 19, 2009 and to consume beer during the event provided that they provide the Town with a certificate of insurance in the amount of \$1,000,000, naming the Town of Clifton Park as an insured, so as to indemnify the Town for any incidents which may result with the waiver of the "no alcohol" policy for the event.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 178 of 2009, a resolution approving an Inter-municipal Agreement with Niskayuna Central Schools for cooperation on construction of facilities needed for connection to Rivercrest Sewer District Extension No. 1.

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

WHEREAS, the school district has agreed to connect Glencliff Elementary School to the facilities and infrastructure of the Rivercrest Sewer District at Riverview Road, per Exhibit A to the attached Agreement, and

WHEREAS, the school district has requested that the town assist the school district in complying with State Education Department mandates regarding construction work off site from school district property, and

WHEREAS, the Town Board recognizes the level of cooperation necessary among all involved entities in support of the larger Shared Services Sewer Project, and

WHEREAS, the Town Board agrees to engage McDonald Engineering in order to finalize plans and specifications for off site construction, and to prepare bid documents for that portion of the construction project identified as "Section A" on the attached, and

WHEREAS, the school district has agreed to reimburse the town for 100% of the costs for design and construction of Section A, representing installations necessary to connect the Glencliff School with Rivercrest Sewer District Extension No.1, plus an administrative charge of 4% of the overall design and construction costs; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign the attached inter-municipal agreement with Niskayuna Central School District for cooperation and reimbursement relative to construction and design costs; and be it further

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RESOLVED, that McDonald Engineering is authorized to prepare bid specifications and contract documents consistent with the attached agreement, and to advertise same consistent with state and local law.

Town Attorney McCarthy stated this has to do with the way State Education wants the project funded and reimbursed. It is hoped to get one bidder for both portions of the project.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 179 of 2009, a resolution appointing Cynthia Zlogar as a part-time Senior Express Dispatcher.

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

WHEREAS, due to the resignation of Sandra Konsella a need exists for a part-time Senior Express Dispatcher, and

WHEREAS, Michael Shahan, Town Administrator, has recommended that Cynthia Zlogar, 39 Canterbury Road, Clifton Park, be hired to fill this position; now, therefore, be it

RESOLVED, that Cynthia Zlogar, 39 Canterbury Road, Clifton Park, is hereby appointed to the position of part-time Senior Express Dispatcher, Grade 2, Step 2, effective June 1, 2009, to be paid from A-6772-E127 (Express Dispatch).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 180 of 2009, a resolution authorizing the retention of Steven G. Leventhal to conduct ethics training, pursuant to Chapter 17, Town of Clifton Park Code of Ethics.

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

WHEREAS, pursuant to Chapter 17, Code of Ethics, town employees and all agents authorized to approve procurements under the Town's Procurement Policy and Procedures, as well as the members of the Planning Board and Zoning Board of Appeals, shall complete a training seminar designed to review the standards contained in Chapter 17, as well as the standards and requirements contained in General Municipal Law, and

WHEREAS, Steven G. Leventhal has been recommended to conduct ethics training at two sessions, June 25, 2009 (2:00 P. M. and 6:00 P.M) in the Wood Room at a cost of \$850; now, therefore, be it

RESOLVED, that authorization is hereby given to retain Steven G. Leventhal to conduct ethics training on June 25, 2009, at a cost of \$850, to be paid from A-1620-1 (Town Hall).

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ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 181 of 2009, a resolution adopting final order for demolition and removal of unsafe building at 113 Blue Barns Road, Rexford.

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

WHEREAS, Code Enforcement Officer Steven Myers has provided a written report dated May 12, 2009 providing evidence of an unsafe structure and uninhabitable residence at 113 Blue Barns Road, Rexford, pursuant to Town Code Section 77-4, and

WHEREAS, the town posted a Notice of Hearing pursuant to Town Code Section 77-6, and held a Public Hearing on such notice on June 1, 2009, consistent with the procedure outlined in Chapter 77 of the Town Code; now, therefore, be it

RESOLVED, that the Town Board accepts the report of Steven Myers dated May 12, 2009, and hereby adopts the attached Final Order of Demolition, pending expiration of the thirty (30) day waiting period provided for in Section 77-6 (D).

Town Attorney McCarthy reported the resident asked to be given until July 1, 2009 to get the pets out of the house. The demolition costs will be attached to the tax bill. Supervisor Barrett said the resident was not adverse to the building coming down and everyone has been given the opportunity to vacate the premises.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 182 of 2009, a resolution to declare the Town Board Lead Agent and issue a Negative Declaration under the State Environmental Quality Review Act (SEQRA) for the Clifton Park-Halfmoon Library and Arongen Elementary School Trail.

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

WHEREAS, the Town, in cooperation with the Clifton Park-Halfmoon Library and the Shenendehowa School District, proposes to construct an eight (8) foot wide asphalt multi-use pathway to link the Arongen Elementary School with the Clifton Park-Halfmoon Library, and

WHEREAS, the Town Board desires to review the proposal pursuant to the State Environmental Quality Review Act, and

WHEREAS, Paul Olund, of Environmental Design Partners, acting as consultant to the town, has prepared a Short Environmental Assessment Form recommending designating consideration of the Library –Arongen Trail Project as an unlisted action; now, therefore, be it

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RESOLVED, that the Town Board declares itself to be lead agent for SEQRA determinations relative to the Library-Arongen Trail Project, and adopts the recommendation of Environmental Design Partners regarding SEQRA determination; and be it further,

RESOLVED, that after considering the potential environmental impacts of the proposed project, the Town Board determines that the proposal would have no significant adverse impact on the environment and issues a Negative Declaration with regard to the proposal.

Paul Olund reported he is in the process of completing the DEC wetlands crossing permit. Mr. Scavo said the trail will be an excellent pedestrian connection and will go from the library to the elementary school and continue to Wall Street. He noted the project is still on schedule. Supervisor Barrett said this will be safe travel for students.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 183 of 2009, a resolution authorizing the promotion of Michael Bidwell to Head Lifeguard at the Barney Road Pool and Andrew Provencher to Head Lifeguard at the Country Knolls Pool.

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

WHEREAS, the Director of Parks and Recreation has identified a need for Head Lifeguards at the Barney Road and Country Knolls Pools, and

WHEREAS, Myla Kramer, Director of Parks and Recreation, has recommended that current lifeguards Michael Bidwell and Andrew Provencher be promoted to fill the positions; now, therefore, be it

RESOLVED, that the Director of Parks and Recreation is authorized to promote Michael Bidwell, 120 Southbury Road, Clifton Park, to Head Lifeguard at Barney Road Pool at a rate of \$8.50 per hour, to be paid from A-7150-4690 (Barney Road Pool) and Andrew Provencher, 16 Heritage Lane, Clifton Park, to Head Lifeguard at Country Knolls Pool at a rate of \$8.75 per hour, to be paid from SP5-7151-E490 (Country Knolls Pool), effective retroactive to June 2, 2009.

Ms. Kramer said both individuals have the experience and leadership to be appointed to the position of head lifeguard.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Barbara Hartman, Hillcrest Drive, reported shrubbery and stacked wood had been moved during snowplowing. She asked that repairs be made to her property. She expressed concern with the pattern of snowplowing around her court. Supervisor Barrett made arrangements with Ms. Hartman to visit her home. She said the empty lot near her home needs mowing.

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Bill Mackesey, South Hollow Drive, reported the 15th Anniversary of Trails Day was celebrated on June 7th with a successful bike ride along the Erie Canal. He thanked the Town Board for their continuing support of trails and the Buildings and Grounds staff for all their work in preparing the paths in the Preserve. Mr. Mackesey stated the Moe Road Trail needs to be completed. Supervisor Barrett expressed appreciation to the Trails Committee for all their work.

Beverly Czub, Miller Road, asked that the American flags on Vischer Ferry Road be left up until Veterans Day. Mr. Shahen responded the agreement with National Grid restricts the length of time flags can be up.

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

Motion carried at 7:50 p.m.

Patricia O' Donnell
Town Clerk