

7/6/2009

July 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
Mark Heggen, Comptroller
Myla Kramer, Director of Parks, Recreation and Community Affairs
Steven Myers, Director of Building and Development
John Scavo, Director of Planning
Walter Smead, Assessor
Jude Hazard, Information Specialist

MOTION BY Councilman Roth, seconded by Councilman Hughes, to approve the minutes of the June 8 and 15, 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 Roth reported on Hazardous Waste Day scheduled for September 26th from 8:00 a.m. to 4:00 p.m. Registration forms are on website and in the town hall.

Supervisor Barrett thanked all involved in making the Fourth of July celebration so successful.

The Supervisor reported excellent feedback has been received from the survey and public forums on the Recreational Master Plan. More public forums are anticipated and the Board will be working with the Laberge Group and Recreational Master Plan Committee.

Councilwoman Walowit said she has received emails from the Laberge Group regarding statements made at the forum about the issue of the playground and reported people are sending email photos of various playgrounds. She said ideas will be incorporated into a design.

Councilman Hughes reported there have been nearly 500 responses to the recreational survey. The deadline for submission has been extended to July 24th. Survey forms are available on-line, in the town hall and library.

Supervisor Barrett reported on the county reconstruction work on Grooms Road beginning July 13th.

Supervisor Barrett announced the Not So Common Players production of "Bye Bye Birdie" will open on July 10th on the Clifton Common stage and continue through July 19th for seven performances.

PRESENTATIONS

Supervisor Barrett presented the following resolution to the Gifford Family, owners of “Giffy’s Bar-B-Q”, in recognition of their being a quarterfinalist in the Ultimate Hometown Grill-off contest on the Regis and Kelly Show.

Resolution No. 196 of 2009, a resolution congratulating Giffy’s Bar-B-Q for having been voted as having the best barbeque chicken by national television viewers of the “Live with Regis and Kelly” program and being declared a quarterfinalist in the show’s summer long Ultimate Hometown Grill-off contest.

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

WHEREAS, Giffy’s, a family owned business, started fifteen years ago when Randy Gifford agreed to cook the chicken at his Jonesville Church’s summer cookout using a recipe for barbeque sauce created by a Cornell University Professor and experimented with by the Giffords, and

WHEREAS, the church barbeque was such a success that Randy Gifford began a small catering business out of his home and later opened Giffy’s on Route 9, and

WHEREAS, Giffy’s has grown over the years from a single converted RV operation to a fleet of trailers, refrigerated trucks and a year round restaurant with a dedicated staff serving the entire Capital Region, and

WHEREAS, Giffy’s was recently nominated to compete in the Ultimate Hometown Grill-Off on the morning talk show “Live with Regis and Kelly”, and

WHEREAS, during a forty-eight hour online voting period Giffy’s was voted best chicken barbeque by television viewers, and

WHEREAS, Bryah Gifford and his father Randy, co-owners of the restaurant, appeared on the show and for the first time shared their secret recipe while preparing the chicken, and

WHEREAS, the Giffords’ appearance on the nationally syndicated television brought positive attention to the residents and businesses of the Town of Clifton Park; now, therefore, be it

RESOLVED, that the Town Board recognizes and congratulates Giffy’s Bar-B-Q for having been voted as having the best barbeque chicken by national television viewers of the “Live with Regis and Kelly” program and for being declared a quarterfinalist in the show’s summer long Ultimate Hometown Grill-Off contest; and be it further

RESOLVED, that the Town Board on behalf of the residents of the Town of Clifton Park wish the “Gifford Family” well in their pursuit of becoming a semifinalist of the Ultimate Hometown Grill-off and ultimately the overall winner.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

A video of the recent Veterans Park Bio-Blitz 2009, filmed by student Jack Carpenter, was presented. He reviewed the event and the process of preparing the video. Supervisor Barrett noted a future Bio-Blitz will be held at the Dwaaskill Nature Preserve.

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Supervisor Barrett presented the following resolution to the President of Jonesville Fire Company, Tony Furnari, Secretary Nicholas Bonnano and Commissioner Jerry Reicherter in recognition of the department's 90th Anniversary.

Resolution No. 197 of 2009, a resolution recognizing the 90th Anniversary of the Jonesville Fire Department.

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

WHEREAS, May 28, 2009 marked the 90th Anniversary of the Jonesville Volunteer Fire Department, and

WHEREAS, in 1915, a fire at the Jonesville Hotel caused the hotel to burn to the ground and started community leaders thinking about the need for fire protection, and

WHEREAS, May 28, 1919 marks the date that the Jonesville Volunteer Fire Department first came together to form as a group of volunteer firefighters, and

WHEREAS, on July 12, 1922 a community meeting was held for the purpose of officially organizing and incorporating as a company of volunteer firemen for the Village of Jonesville, and

WHEREAS, the Fire Department has evolved from a handful of country neighbors banning together to serve their small rural hamlet to a highly trained group of volunteers responding to the emergency needs of an ever expanding suburban community, and

WHEREAS, the department's first piece of fire equipment was a two wheel chemical cart that was pulled by hand and consisted of two large wagon wheels placed close together with a thirty (30) gallon water tank mounted horizontally between the wheels, and

WHEREAS, members of the Fire Department conduct weekly sessions to learn and practice skills needed to be volunteer firefighters and the department periodically trains at the County Training Facility in Saratoga Springs to fight simulated house fires, and

WHEREAS, from a two wheeled cart in 1919, to a multi-equipped arsenal, the Jonesville Volunteer Fire Department continues to provide the best in fire protection and emergency medical services to the residents and businesses of the Jonesville Fire District; now, therefore, be it

RESOLVED, that the Town Board pauses in its deliberations to recognize the 90th Anniversary of the Jonesville Volunteer Fire Department; and be it further,

RESOLVED, that the Town Board, on behalf of the residents of the Town of Clifton Park expresses their thanks and appreciation to the Jonesville Volunteer Fire Department for its ninety (90) years of volunteer fire service to the Town of Clifton Park.

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.

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Resolution No. 198 of 2009, a resolution adding newly appointed Animal Control Officer William Lehman to the list of employees authorized to approve purchases pursuant to the Town of Clifton Park's Procurement Policy and Procedures.

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

WHEREAS, Section 104-b of the NYS General Municipal Law (GML) requires every Town to adopt internal policies and procedures governing the procurement of goods and services not subject to the bidding requirements of GML, Section 103 or any other law, and

WHEREAS, the Town of Clifton Park Procurement Policy was adopted by Resolution No. 1 of 2009 and included a list of employees authorized to approve purchases, and

WHEREAS, due to the resignation of Animal Control Officer Donald Baker, William Lehman has been promoted to Animal Control Officer; now, therefore, be it

RESOLVED, that the Town Board hereby amends the list of employees authorized by the Procurement Policy and Procedures to approve purchases by adding Animal Control Officer William Lehman to the list.

Supervisor Barrett commended former Animal Control Officer Donald Baker for his excellent work and wished him well in his retirement.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 199 of 2009, a resolution adjusting the salaries for Summer Pool Staff.

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

WHEREAS, a review of the salary structure for returning pool staff indicated that Kara Kollak, 22 Firestone Lane, Clifton Park and Illissa DiNuzzo, 33 Secada Drive, Clifton Park, were hired at an incorrect salary rate; now, therefore, be it

RESOLVED, that the salaries of Kara Kollak and Illissa DiNuzzo be adjusted per Schedule A, retroactive to May 24, 2009.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 200 of 2009, a resolution authorizing the hiring of current Lifeguards as Water Safety Instructors.

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

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WHEREAS, it is necessary to hire Water Safety Instructors for the Town of Clifton Park 2009 Learn to Swim Program, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that current Lifeguards, identified per Schedule "A", be hired for such purpose; now, therefore, be it

RESOLVED, that authorization is hereby given to hire current Lifeguards as identified on Schedule "A", as Water Safety Instructors, effective retroactively from June 29, 2009 through August 7, 2009, to be paid from A-7310-E4575 (Summer Recreation Programs-Swim Lesson Program).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 201 of 2009, a resolution authorizing the hiring of a facilitator for the Project Adventure Program.

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

WHEREAS, a need exists for a facilitator for the Project Adventure Program, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that Andrew Fuda, 914 Central Parkway, Schenectady, who is currently working as an Adventure Challenge Assistant, be hired to additionally work as a facilitator; now, therefore, be it

RESOLVED, that authorization is hereby given to hire Andrew Fuda as a facilitator for the Project Adventure Program, effective immediately through November 1, 2009, at a salary of \$27.71 per hour, to be paid from A-7621-E2360 (Project Adventure Staff).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 202 of 2009, a resolution scheduling a public hearing to consider a local law adding Article XIV, Section 208-80, Outdoor Wood Burning Boilers, to the Town Code.

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

WHEREAS, at the request of Councilman Roth, a local law adding Article XIV, Section 208-80, Outdoor Wood Burning Boilers, was proposed, and

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

WHEREAS, on March 9, 2009 at 7:20 p.m. a public hearing was conducted to obtain comments from the public, and

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WHEREAS, all who wished to comment on the proposed local law were heard, and

WHEREAS, it is necessary to schedule a second public hearing to consider changes that have been made to the proposed local law; now, therefore, be it

RESOLVED, that a second public hearing is hereby scheduled for July 20, 2009 at 7:10 p.m. in the Wood Memorial meeting room at One Town Hall Plaza, Clifton Park, to consider a local law adding Article XIV, § 208-80, Outdoor Wood Burning Boilers to the Town Code; and be it further

RESOLVED, that the Town Clerk publish notice of same.

Councilman Roth explained the proposed legislation ensures correct height and distance, as well as specifics as to type of fuel to be used. This legislation will give the Building Department the ability to check for compliance. He asked Mr. Shahen to have the public hearing notice placed on the outdoor sign, as well as all public hearings and informational meetings. He thanked Town Attorney McCarthy and Director of Building Myers for their preparation of the legislation. Mr. McCarthy said this legislation is much more a zoning code than regulatory and will provide zoning regulations to the Building Department.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 203 of 2009, a resolution authorizing the transfer of \$11,000 from A-1355-045 (Consultants) to A-1355-130 (Appraisals) to cover the cost of appraisals of the Clifton Park Center Mall and the Target Store.

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

WHEREAS, it is necessary to have an appraisal done of Clifton Park Center Mall at a cost of \$7,675.96 and of the Target store at a cost of \$1,750 for on going court cases, and

WHEREAS, Sole Assessor Walter Smead has requested that \$11,000 be transferred from A-1355-045 (Consultants) to A-1355-130 (Appraisals) to cover the cost of both appraisals, as well as additional funds to cover the cost of the appraiser's testimony time should the case go to trial; now, therefore, be it

RESOLVED, that authorization is hereby given for the Comptroller to transfer \$11,000 from A-1355-045 (Consultants) to A-1355-130 (Appraisals) to cover the cost of both appraisals, as well as additional funds to cover the cost of the appraiser's testimony should the case go to trial.

Town Assessor Smead reported there are two on-going lawsuits regarding the above mentioned sites. Mr. McCarthy said both matters are scheduled for pre-trial in the late fall but doesn't expect final proceedings until late 2010. He noted the town has outside counsel on the mall case and is working with the school's outside counsel as well. He said a tax litigator may be necessary for the Target case.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

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Resolution No. 204 of 2009, a resolution authorizing the purchase of playground equipment for the Stoney Creek Park District under New York State Contract and to accept quotes for wood fiber and the delivery and installation of equipment.

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

WHEREAS, the Stoney Creek Park District has identified a need for new playground equipment for the park district and has requested authorization to purchase said equipment under New York State Contract, as described in Schedule A; now, therefore, be it

RESOLVED, that the Town Board, as Commissioners of the Stoney Creek Park District, authorizes the purchase of playground equipment under New York State Contract from The PlayPro, 5 Krey Boulevard, Rensselaer, New York, as described in Schedule A, at a cost not to exceed \$15,157.14; and be it further

RESOLVED, that the Town Board, as Commissioners of the Stoney Creek Park District, accept the lowest quote of The PlayPro for wood fiber and the delivery and installation of equipment in an amount not to exceed \$7,479.40, total cost of \$22,636.54, to be paid with a transfer of \$5,000 from SP9-7115-200 to SP9-7119-200 and \$17,636.54 from SP9-909 to SP9-7119-200 (Stoney Creek Park District No.1-Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 205 of 2009, a resolution in connection with a block party to be held in the Fairway Woods Subdivision.

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

WHEREAS, the residents of Fairway Woods wish to conduct a block party within the subdivision on Saturday, July 25, 2009, between the hours of 2:00 pm and 9:00 pm and have requested permission to use Tipperary Way for their party activities; now, therefore, be it

RESOLVED, that the residents, with the approval and advice of the Town Highway Superintendent, have permission to use Tipperary Way, July 25, 2009 from 2:00 pm to 9:00 pm for their party activities, but must not block off the street and make sure emergency vehicles can gain access to the street if needed, and be it further

RESOLVED, that the residents shall be responsible for all clean-up activities on Town property or on the street right-of-way resulting from the social activity; and be it further

RESOLVED, that a copy of this resolution be sent to the applicable Fire Department, the Ambulance Corps., the Sheriff's Department and the State Police.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

7/6/2009

Resolution No. 206 of 2009, a resolution to add street lights on Route 9 to the Clifton Park Lighting District No. 1.

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

WHEREAS, additional street lights are warranted on Route 9 at this time at the following locations:

Line 17, Pole 269	Near vacant house
Line 17, Pole 266A-1	Near intersection over Clifton Park Village Sign
Line 17, Pole 267-2	East side of Route 9, south of Giffy's Bar B-Q
Line 17, Pole 277-1	North of Yamaha Dealer

Now, therefore, be it

RESOLVED, that authorization is hereby granted to add street lights on Route 9 to the Clifton Park Lighting District No. 1; and be it further

RESOLVED, that said street lights shall be charged to the Clifton Park Lighting District No. 1 and that a copy of this authorization shall be forwarded to New York State Electric & Gas.

Supervisor Barrett said businesses are concerned as the area is dark. Mr. Shahen reported NYSEG reviewed the situation and McDonald Engineering concurred with their recommendations.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 207 of 2009, a resolution appointing Michael Wilcox and William Wink as provisional part-time Animal Control Officers.

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

WHEREAS, vacancies exist for part-time officers in the Animal Control Office due to the retirement of Donald Baker and the promotion of William Lehman to Animal Control Officer, and

WHEREAS, William Lehman has recommended that Michael Wilcox, 13 Nolan Road, Ballston Lake, and William Wink, 20 Northcrest Drive, Clifton Park, be appointed as provisional part-time Animal Control Officers; now, therefore, be it

RESOLVED, that Michael Wilcox, 13 Nolan Road, Ballston Lake, and William Wink, 20 Northcrest Drive, Clifton Park, are hereby appointed to provisional status as part-time Animal Control Officers for the Town of Clifton Park at Grade 3, Step 3 (\$15.10 per hour), effective immediately, to be paid with a transfer of \$6,000 each from A-3510-E-4000 to their respective new salary lines.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

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Resolution No. 208 of 2009, a resolution appointing Howard Vipler to the Environmental Conservation Commission.

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

WHEREAS, due to the resignation of Malcolm Rosen an opening exists for a member to the Environmental Conservation Commission, and

WHEREAS, Howard Vipler, 6 Birch Hill Court, Ballston Lake, has been recommended to fill the position; now, therefore, be it

RESOLVED, that Howard Vipler is hereby appointed as a member of the Environmental Conservation Commission, term to expire December 31, 2010.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Jean Haug, Torrero Drive, stated she would like to see the structure at Kids Korner preserved since so much community involvement went into building it 20 years ago. Ms. Haug stated she is a proponent of a “community building project”. She distributed “A Proposed Plan for the Playground at Clifton Commons”, stating the existing structure does not need to be torn down and asked that a Leathers representative come on site to do an thorough inspection of the existing structure and give recommendations. She believes volunteers would work to refurbish the structure. Ms. Haug reiterated her request for a public forum on the future of the playground.

Ann Marie Levine and Scott Hunting, Calico Colony, both expressed concern about the condition of the roads in Calico Colony and home property values. Supervisor Barrett reported Highway Superintendent Kukuk has plans to repave roads in Calico Colony. He asked the speakers to give their phone numbers to Mr. Shahen to get information about the scheduling.

Sarah Coons, Vischer Ferry Road, displayed photos and explained the comparison of linear playgrounds to “castle types”. She said community building unites people. She reviewed and compared warrantees, design, safety inspections and maintenance.

Trevor Gensch, 9A Sandpiper Lane, read his letter of June 30, 2009 and received in the Town Clerk’s office on July 1, 2009, attached. He said work started today, July 6, and he strongly objects to the installation of any pipe leading to his property. He feels it is unlawful to discharge any subdivision draining or stormwater onto a specific private residence without the owner’s approval and neither he nor the previous owner has given approval to do so. Mr. Gensch reported on June 29th the Highway Department began the process of pumping down the pond at a rate of 530 gpm which is approximately 8.8 gallons per second. He quoted from information on cliftonpark.org “Polluted Urban Runoff”. Mr. Gensch requested an official meeting with Supervisor Barrett, Director of Building Myers, Highway Superintendent Kukuk and a representative from McDonald Engineering to discuss the impact on his property and family. He further requested action be taken by the town to rectify the problem.

Supervisor Barrett stated the town would not do anything that would negatively affect Mr. Gensch property.

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Mr. Gensch stated he is concerned that he was not being notified before work was started. He reported work was started on June 22nd and he received a letter from the Highway Superintendent on June 23rd.

Supervisor Barrett said he will have more information on July 7th and will meet with Mr. Gensch.

Director of Building Myers said he will look at the situation July 7th.

Mr. Gensch explained the pipe stops at his neighbor's property; water comes out of the pipe and flows onto his property. Mr. Myers asked if Army Corp wetlands were part of his property. Mr. Gensch responded yes. He said he is willing to work with the town but wants to be included in the process.

Pat Fitchett, Augusta Court, reported she was one of three co-chairs for the volunteer committee for the original playground project at the Common. She stated she had to come up with 2000 people in a five-day period and the playground was built in five days. Ms. Fitchett stated this can be done again and the playground can be fixed if that is the right thing to do. She submitted a petition asking that the playground be retained rather than torn down with a commercially manufactured park built in its place, noting the current playground is a destination point. She spoke in favor of the Leather Associates products.

Supervisor Barrett said after the meetings held regarding the playground, he has a better understanding of people's views on the subject, however, he would feel more comfortable with newer materials rather than refurbishing. He stated a lot of the ideas that have come forward can be incorporated but the structure definitely needs to be updated and since money has been appropriated, the town should move forward. He said in the meetings held it is his understanding everyone agreed there should be a new structure. The Supervisor said he feels more comfortable having the input received be the community aspect as opposed to people building the actual structure. The imprinted bricks are part of the history of the structure and will be saved.

Youseff Ballout, Torrero Drive, spoke in favor of a public forum to receive input on the playground and that it be done as a community project. He stated the playground is an asset to the town and feels there should be public participation in building a new playground.

Jim Baisley, Barkwood Lane, said it is best to get public input on issues. He reiterated the importance of getting a safe area to proceed down Moe Road, noting there are several hundred homes on the road between the curve near Englemore Road and proceeding to Crescent Road. He said people are still waiting to hear what is going to happen on Moe Road and recommended the town do a study in this regard. Mr. Baisley said the wood at the current playground is not safe.

Beverly Czub, Miller Road, Rexford, said the playground has almost outlived its usefulness and recommended the town sell pieces to those who would want to add to their backyard playgrounds.

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 9:02 p.m.

Patricia O'Donnell
Town Clerk