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January 19, 2010

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 Hughes  
Councilman Romano  
Councilwoman Walowit  
Supervisor Barrett  
Town Clerk O'Donnell

Absent: Councilman Paolucci

Also Present: Town Attorney McCarthy  
Michael Shahen, Town Administrator  
Mark Heggen, Comptroller  
Myla Kramer, Director of Parks and Recreation  
Steven Myers, Director of Building and Development  
John Scavo, Director of Planning

**ANNOUNCEMENTS AND COMMUNICATIONS**

None

**REPORTS TO THE BOARD**

Myla Kramer, Director of Parks, Recreation and Community Affairs, reviewed the department's Annual Report. She reported Full Day Camps were open to people who live and/or work in Clifton Park.

Ms. Kramer displayed the Resource Guide for Farming and Agriculture in Clifton Park which is a result of an Agri-Tourism Grant from NYS Agriculture and Markets. The guides will be distributed at the four busiest information centers along the thruway, as well as at local hotels. Along with the guide, "Clifton Park Farm Fresh" stickers for doors and windows, as well as stickers for goods, e.g. vegetables and fruits, were displayed. Ms. Kramer said a website, [cliftonparkfarms.org](http://cliftonparkfarms.org), is in the making. She noted there are four restaurants in the area that buy produce from local farmers.

Supervisor Barrett spoke favorably of the promotion and thinks people will choose the product with the Clifton Park sticker. He said he would like to see local farms involved in this promotion as it will be a great opportunity to market their produce.

Comptroller Heggen reviewed the December 2009 Financial Report. He said revenues will change as the town recognizes revenues received in January and February that are applicable to 2009. Speaking with regard to the retirement incentive, Mr. Heggen reported to date one employee has accepted the retirement incentive. He said cable commissions are ahead of 2009.

Town Administrator – no report due to vacation.

**PUBLIC PRIVILEGE ON RESOLUTIONS**

No one wished to be heard.

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Resolution No. 11 of 2010, a resolution authorizing Mark Kazmierczak, Robert Adams and Sam Chase from the Department of Building & Development to attend the 15<sup>th</sup> Annual Educational Conference for the Northern Adirondack Code Enforcement Officials Association to be held in Lake Placid, New York, March 1 - 4, 2010.

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

WHEREAS, conferences are designed to give their members the needed hours to complete the New York State twenty-four hours requirement for in service education for all Code Enforcement Officers, per year in order to maintain their certification, and

WHEREAS, New York State has eliminated several of their instructor positions reducing the availability of courses locally, and substantially reducing the availability of building officials courses offered without charge, and fewer courses are being given at no charge, and

WHEREAS, reduced availability of such courses locally has increased the necessity of traveling to obtain required credits, and

WHEREAS, attendance at these seminars would provide a benefit to the residents of the Town and is necessary to maintain building officials credentials; now, therefore, be it

RESOLVED, that the Building & Development is authorized to send Mark Kazmierczak, Robert Adams and Sam Chase to the 15<sup>th</sup> Annual Conference for Northern Adirondack Code Enforcement Officials Association from March 1 - 4, 2010 at Lake Placid, at a total cost for three attendees not to exceed \$2,500, as budgeted from A-3620-001(Building & Development-Training and Conferences).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 12 of 2010, a resolution authorizing Derek Miller and Wade Schoenborn to attend the New York State Building Officials Conference April 20-23, 2010, in Liverpool, New York.

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

WHEREAS, conferences are designed to give their members the needed hours to complete the New York State twenty-four hours requirement for in service education for all Code Enforcement Officers per year, in order to maintain their certification, and

WHEREAS, the April 2010 Conference sponsored by the New York State Building Officials Chapter is necessary for the acquisition of needed credits by Building & Development officials, and

WHEREAS, attendance at these seminars would provide a benefit to the residents of the Town and is necessary to maintain building officials credentials; now, therefore, be it

RESOLVED, that the Building & Development Department is authorized to send Derek Miller and Wade Schoenborn to the New York State Building Officials Conference from April 20 - 23, 2010 in Liverpool, New York, at a total cost not to exceed \$1,500 for both attendees, as budgeted from A-3620-001 (Building & Development-Training and Conferences).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

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Resolution No. 13 of 2010, a resolution authorizing Myla Kramer, Director of Parks, Recreation and Community Affairs and Diana Fraser, Program Coordinator, to attend the New York State Recreation and Park Society 70<sup>th</sup> Annual Conference and Business Expo.

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

WHEREAS, Myla Kramer has requested authorization to attend the New York State Recreation and Parks Society 70<sup>th</sup> Annual Conference and Business Expo along with Diana Fraser, to be held at the Saratoga Hilton in Saratoga Springs, New York, and

WHEREAS, attendance at this conference will confer a benefit upon and be in the best interest of the Town of Clifton Park; now, therefore, be it

RESOLVED, that Myla Kramer, Director of Park, Recreation and Community Affairs and Diana Fraser, Program Coordinator, are hereby authorized to attend the New York State Recreation and Park Society Annual Conference and Business Expo, March 21-24, 2010, in Saratoga Springs, New York, at a cost not to exceed \$600 for both attendees, to be paid from A-7021-001 (Parks, Recreation & Community Affairs-Training & Conference).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 14 of 2010, a resolution increasing Traffic Safety budget line A-3310-15 by \$14,940 to reflect anticipated revenues for 2010 from a reimbursement grant award from the Governor's Traffic Safety Committee obtained by the Highway Safety Committee.

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

WHEREAS, the Town of Clifton Park has been awarded \$14,940 to participate in New York State's Highway Safety Program through the Governor's Traffic Safety Committee, and

WHEREAS, the goal of the State program is to reduce the number of traffic accidents, injuries and deaths on New York roads, and

WHEREAS, the funds will be utilized to develop the first phase of achieving a Town Traffic Sign and Signal Inventory, and

WHEREAS, Phase I will include development of system requirements, review of existing software applications, hardware selection, system integration with GIS & GPS and a field beta test of the system using data from a small geographic area in the town, and

WHEREAS, the grant agreement is based on a reimbursement system of expenditures with no local required matching funds; now, therefore, be it

RESOLVED, that Traffic Safety budget line item A3310-15 be increased by \$14,940 to reflect the grant award amount; and be it further

RESOLVED, that the budget line item is reflective of the amount to be ultimately reimbursed through grant award funds.

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ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 15 of 2010, a resolution rescheduling the February 15, 2010 Town Board Meeting to February 22, 2010.

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

WHEREAS, a representative of the Town Board will be attending the Association of Towns Meeting in New York as scheduled for February 14-17, 2010, and

WHEREAS, the third Town Board meeting for the month of February is scheduled for February 15, 2010; now, therefore, be it

RESOLVED, that the Town Board Meeting scheduled for February 15, 2010 is hereby rescheduled to February 22, 2010 in order to permit a Town Board member and various Town officials to attend the annual New York State Association of Towns Meeting.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 16 of 2010, a resolution authorizing Councilman Thomas Paolucci, Comptroller Mark Heggen, Town Justice Robert Rybak, Janet Barton and Laura Davidson, Justice Clerks, to attend the Association of Towns Meeting.

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

WHEREAS, the New York State Association of Towns will be holding its annual meeting from February 14 - 17, 2010 in New York City, consisting of seminars and other educational meetings, and attendance at those seminars and meetings would provide a public benefit to the Town; now, therefore, be it

RESOLVED, that Councilman Thomas Paolucci, Comptroller Mark Heggen, Town Justice Robert Rybak, Janet Barton and Laura Davidson, Justice Clerks, are hereby authorized to attend the New York State Association of Towns Meeting in New York City from February 14 - 17, 2010; and be it further

RESOLVED, that meals and other incidentals to be paid at the stated per diem for 2010.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

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Resolution No. 17 of 2010, resolution appointing Councilman Thomas Paolucci as delegate to the Association of Towns Meeting to be held in February of 2010.

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

WHEREAS, Resolution No. 1 of 2010 appointed Councilwoman Lynda Walowit as delegate to the Association of Towns Meeting to be held in February of 2010, and

WHEREAS, Councilwoman Walowit will not be attending this year's Association of Towns Meeting; now, therefore, be it

RESOLVED, that Councilman Thomas Paolucci is hereby appointed as delegate to the Association of Towns Meeting from the Town of Clifton Park.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 18 of 2010, a resolution of support of the Association of Town's positions to be voted on at the Association of Town's Annual Meeting.

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

WHEREAS, the Association of Town's Annual Meeting will be held February 14-17, 2010, and

WHEREAS, resolutions concerning various topics have been prepared by the Association of Town's Resolutions Committee and sent to the Towns to review prior to the annual meeting; now, therefore, be it

RESOLVED, that the Town Board, after having reviewed the resolutions, has authorized delegate Councilman Thomas Paolucci to vote to adopt the proposed resolutions on behalf of the Town of Clifton Park.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 19 of 2010, a resolution authorizing the Supervisor to sign an Architectural/Engineering Agreement with M.J. Engineering and Land Surveying P.C. for Consultant Engineering and Design Services for the joint Towns of Clifton Park-Halfmoon Crescent Road Multi Use Trail Project.

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

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WHEREAS, by Resolution No. 147 of 2009 the Town authorized an Intermunicipal Agreement with the Town of Halfmoon, and

WHEREAS, the Town has agreed to cooperate with the Town of Halfmoon in the design and construction of an asphalt paved multi-use trail with sidewalks along Crescent Road, generally from Dunsbach Road over Interstate 87, through the Exit 8 commercial area to Okte Elementary School, and

WHEREAS, the Towns formed a joint committee for the review of proposals and selection of design professionals for engineering services associated with the project, and

WHEREAS, the joint committee for the selection of engineering services for the design and consulting engineers on this project interviewed engineering firms on the current New York State Department of Transportation (NYSDOT) approved list for design consultants for transportation projects pursuant to NYSDOT'S locally driven selection arrangement, and

WHEREAS, the joint committee has recommended M. J. Engineering and Land Surveying, P.C., Clifton Park, New York; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign the attached Architectural/Engineering Consultant Agreement with M.J. Engineering and Land Surveying P.C. for consultant engineering and design services for the joint Towns of Clifton Park-Halfmoon Crescent Road Multi-Use Trail Project, pending approval by the Town Board of the Town of Halfmoon.

Councilman Hughes noted this will be a paved multi-use trail and once this is done he anticipates this trail will position the town to continue the last piece of the Moe Road trail. He said the town has been aggressively pursuing funding for the completion the Moe Road trail.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 20 of 2010, a resolution of the Clifton Park Town Board issuing a Positive Declaration under SEQR for the Ushers Woods Project.

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

WHEREAS, the applicant submitted a PDD application in March of 2007 to the Town Board to rezone certain land described below to a Planned Development District, and

WHEREAS, the property subject to the rezoning request consists of parcels of land approximately 96.1+ acres and lies along the west side of Interstate-87 near Exit 10 and is bounded on the south by Ushers Road, and

WHEREAS, the Town Board classified the Project as a Type I action under 6 N.Y.C.R.R. Section 617.4(b)(2) of the New York State Environmental Quality Review Act's ("SEQR") regulations subject to a coordinate review, and

WHEREAS, the Town Board requested lead agency status and provided the requisite notice to all involved agencies of such request, and

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WHEREAS, more than thirty (30) days elapsed since the referenced notice was served, and no involved agency objects to the designation of the Town Board as lead agency under SEQR, and

WHEREAS, the Town Board has reviewed the Project, the application materials, the Full Environmental Assessment Form (Parts 1 & 2) and all other materials submitted in connection therewith including a wetland studies, mapping, archeological report, endangered species study and a traffic study; now, therefore, be it

RESOLVED, pursuant to 6 N.Y.C.R.R. Section 617.4, the Town of Clifton Park hereby accepts and assumes the responsibility to act as lead agency for the environmental review of the Project, and be it further

RESOLVED, based upon the Town Board's thorough and careful review of the Project and the Applicant's application materials, including the Full Environmental Assessment Form, and all other materials submitted in connection therewith, the Town Board hereby determines that the Project may result in significant adverse environmental impacts, and hereby issues a Positive Declaration for the Project pursuant to SEQR, and be it further

RESOLVED, that the Project presents significant potential adverse environmental impacts in the following respects:

1. The proposed action will involve construction on slopes of 15% or greater, or where the general slopes in the project area exceed 10%.
2. The proposed action will involve construction that will continue for more than one year or involve more than one phase or stage.
3. The SEQR Long Form identifies the depth of the water table varying from 0 to 20 feet and as a result the action has a potential to involve construction on land where the depth to the water table is less than 3 feet.
4. Proposed action as identified by the applicant on the Part I SEQR Long Form identifies 96.1 acres of contiguous acreage controlled by the project sponsor with 90 acres identified as initially and ultimately developed. This represents approximately 93% of the project site.
5. Proposed action would use water in excess of 20,000 gallons per day. The applicant has identified on Part I of the SEQR Long Form that the anticipated water use would be 50,000 gallons per day.
6. Proposed action would change the visual character of the site.
7. Proposed action would result in the increased use of energy (electric/gas) for the new land uses.
8. Public Controversy: Given the location of the project to an existing residential neighborhood residents have advanced concerns about health, safety, and welfare issues, and be it further

RESOLVED, that a Positive Declaration and a Notice of Intent to prepare a Draft Environmental Impact Statement ("DEIS") shall be issued, and be it further

RESOLVED, that copies of this resolution shall be provided and/or made available to all involved and interested agencies, and be it further

RESOLVED, that notice of this determination of significance shall be filed and/or published to the extent required by the applicable regulations under SEQR and as the Board may deem advisable; and be it further

RESOLVED, that a Public Scoping Session on the proposed project shall be held from 6:30 p.m. to 8:30 p.m. on February 10, 2010 at Clifton Park Town Hall in the Wood Memorial Room, One Town Hall Plaza, Town of Clifton Park, New York and the involved agencies shall be notified and the draft scope submitted by the applicant shall be circulated.

Director of Planning Scavo explained this resolution classifies the action by initiating a positive declaration which means the project, due to its scope, has the potential for large impacts. The SEQRA process will look at the potential impacts and determine whether they can be mitigated

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or are substantial. The SEQRA process has a public scoping option and the Town Board feels this is important for this project. This will allow the public to come out early on in the process to let the Town Board know what they deem to be potential environmental impacts of the project. After public scoping, the Town Board will look at all comments, reports and studies that have been submitted, and which have already been looked at to a preliminary degree, and compare to public comments and, at that point, deem what potential impacts will require further investigation. Mr. Scavo said any of the studies that are referenced in the resolution are available through a FOIL request in advance of the meeting. He reviewed the process after the public scoping explaining it will determine what needs further analysis, what issues does the Town Board feel are relevant and warrant additional studies. Once that is done the Town Board can then require the draft Environmental Impact Statement and after review of the document, a public meeting is held on the EIS and then the Town Board considers whether or not to adopt the Final EIS. If Final EIS is adopted, then SEQRA would be completed. Mr. Scavo stated once the environmental review is completed then the Town Board can act on whether to approve or deny the PDD.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 21 of 2010, a resolution authorizing the Highway Superintendent to sign Change Order No. 1 for the Englemore Road Culvert Replacement Project in the Town of Clifton Park .

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

WHEREAS, Resolution No. 299 of 2009 authorized a contract for the Englemore Road Culvert Replacement Project in an amount of \$70,000, and

WHEREAS, Change Order No. 1 was prepared by John M. McDonald, Engineering, P.C. in an amount of \$75,000 which provides for an increase in the contract price from \$70,000 to a new contract amount of \$75,000; now, therefore, be it

RESOLVED, that Highway Superintendent Richard Kukuk is hereby authorized to sign Change Order No. 1 dated December 21, 2009, to Peckham Road Corporation for the Englemore Road Culvert Replacement Project; and be it further

RESOLVED, that the increase amount of \$5,000 be paid from DA-5120-024 (Highway- Repair-Maintenance).

Supervisor Barrett thanked residents for their patience while this project was underway. He said Highway Superintendent Kukuk has reported the work was performed in a timely and quality manner and he concurs with the \$5000 increase.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED



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PUBLIC PRIVILEGE

Jim Ruhl, Wood Dale Drive, asked if the composition of the Scoping Committee has been determined. Mr. Scavo responded the Town Board is the Scoping Committee. He said at the meeting four or five minutes per person will be allowed for public comment and if all comments aren't heard within the two hours, continuation of the scoping session may be considered. Written comments will be allowed for a period of time.

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

Motion carried at 8:00 p.m.

Patricia O'Donnell  
Town Clerk