

March 8, 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 Paolucci
Councilman Hughes
Councilman Romano
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Also Present: Town Attorney McCarthy
Michael Shahan, Town Administrator
Mark Heggen, Comptroller
Michael O'Brien, Collection System Manager
Town Justice Hughes
Town Justice Rybak

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett said he has been alerted to an opportunity through Google that involves grants to local communities. He has asked Director of Community Development McHugh and Information Specialist Hazard to complete the application and the Board will review it at the next meeting.

Justices Hughes and Rybak announced they have received a \$7122.34 grant to cover security measures, furniture and other equipment. Judge Rybak noted only one bidder has been found for the security items and asked if Town Comptroller Heggen can work with the court in this regard.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Mark Kazmierczak, Chair of Historic Preservation Commission, reviewed the history and structure of the Gerardus Clute house. Supervisor Barrett presented the following resolution and the Historic Preservation plaque to owners Paul and Joanne Coons.

Resolution No. 57 of 2010, a resolution placing the structure located at 359 Riverview Road, Rexford, on the Clifton Park Town Register of Historic Places.

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

WHEREAS, the Historic Preservation Commission has recommended that the Gerardus Clute House, ca. 1856, located at 359 Riverview Road, Rexford, be added to the Town Register of Historic Places, and

WHEREAS, structures placed on this register will be given historic status for purposes of Town-wide recognition and as such shall be provided with appropriate marker and inclusion in a Town brochure identifying all sites so designated; now, therefore, be it

RESOLVED, that the Town Board hereby adds the Gerardus Clute House, Riverview Road, owned by Paul and Joann Coons, to the Town Register of Historic Places.

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ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 58 of 2010, a resolution approving the renovation and improvement of the Clifton Gardens Park.

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

WHEREAS, pursuant to Town Law Section 202-b, the Town Board of the Town of Clifton Park (the "Town") proposes to undertake the renovation and improvement of the Clifton Gardens Park, including reconstruction of tennis and basketball courts, replacement of fencing, grading or improvement of the sites, preparation of surveys, maps, plans and estimates in connection with the improvements and the acquisition of original furnishings, equipment, machinery and apparatus required in connection therewith (the "Project"), as described in the report prepared by John M. McDonald Engineering, P.C. which is on file in the Town Clerk's office, and

WHEREAS, the total estimated maximum cost of the Project is \$155,000, and

WHEREAS, on March 1, 2010 the Town Board held a public hearing regarding the Project, as required by Town Law Section 202-b; now, therefore, be it

RESOLVED that the Town Board hereby determines that it is in the public interest to undertake the Project; and be it further

RESOLVED, that the Town Board hereby authorizes the Town Supervisor and other proper officers of the Town to proceed with the Project provided, however, that the financing of the Project shall not occur until the Town Board has adopted a bond resolution in accordance with the New York Local Finance Law.

Councilman Paolucci reviewed the plans and noted the park district committee diligently reviewed the project and the proposal has met with their approval. He said the park district has enough money and sufficient levy to cover the principal and interest and any operating costs to the park district for the life of the bond so no tax increases are anticipated as a result of the bond. Councilman Paolucci reported up to \$120,000 is requested though it is anticipated that the full amount will not be needed.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 59 of 2010, a bond resolution authorizing the renovation and improvement of the Clifton Gardens Park, Town of Clifton Park, Saratoga County, New York, at a maximum estimated cost of \$155,000 and authorizing the issuance of not to exceed \$120,000 serial bonds to pay the cost thereof.

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

BE IT RESOLVED by the Clifton Park Town Board, Saratoga County, New York (the "Town"), as follows:

Section 1. The renovation and improvement of the Clifton Gardens Park, including reconstruction of tennis and basketball courts, replacement of fencing, grading or improvement of the sites, preparation of surveys, maps, plans and estimates in connection with the improvements and the acquisition of original furnishings, equipment, machinery and apparatus required in connection therewith (the "Project"), is hereby authorized at an estimated maximum cost of \$155,000.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific objects or purposes is \$155,000, said amount is hereby appropriated therefore and the plan for the financing thereof shall consist of the following:

- (a) the issuance of up to \$120,000 serial bonds (the "Bonds") of the Town authorized to be issued pursuant to this bond resolution and the Local Finance Law; and
- (b) the appropriation and expenditure of up to \$35,000 from the Town's General Fund, which is hereby authorized.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen (15) years, pursuant to subparagraph 19(c) of Section 11.00(a) of the Local Finance Law. The proposed maturity of the Bonds will be in excess of five years.

Section 4. Pursuant to Section 107.00(d)(3)(1) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any bond anticipation notes issued in anticipation of the Bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00 inclusive of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to sell and deliver the Bonds and any bond anticipation notes providing for substantially level or declining annual debt service, is hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 8. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Town's General Fund. It is intended that the Town shall then reimburse such expenditures with the proceeds of the Bonds and bond anticipation notes authorized by this resolution and that the interest payable on the Bonds and any bond anticipation notes issued in anticipation of the Bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by this

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resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Regulation Section 1.150-2.

Section 9. The validity of the Bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

(a) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution or a summary hereof, shall be published in the official newspapers of the Town for such purpose, together with a notice of the Clerk of the Town in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 11. This resolution is not subject to a referendum on petition in accordance with Section 35.00(b)(2) of the Local Finance Law.

Section 12. The Town Supervisor, as chief fiscal officer of the Town, is hereby authorized to enter into an undertaking for the benefit of the holders of the Bonds from time to time, and any bond anticipation notes issued in anticipation of the sale of the Bonds, requiring the Town to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15c2-12.

Section 13. The Town Board hereby determines that the provisions of the State Environmental Quality Review Act and the regulations there under have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 14. This resolution shall take effect immediately.

Councilman Paolucci thanked Messrs. Heggen, McCarthy and Shahan for their work on this project.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 60 of 2010, a resolution awarding the bid for emergency sewer repair services providers for repairs of sewer districts operated by the Town of Clifton Park.

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

WHEREAS, it is necessary to have multiple emergency sewer repair service providers available to the Town's Sewer Department in case of exigent circumstances, and

WHEREAS, competitive bids were opened on February 3, 2010 for services used by sewer districts operated by the Town of Clifton Park, and

WHEREAS, McDonald Engineering has recommended that the bids be awarded to four of the five responsive contractors, Anjo Construction, JAT, Keller & Sons Construction and

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TKC Construction Services, in order to secure the maximum availability of emergency sewer repair service, and

WHEREAS, the fifth bidder, Troy Topsoil, withdrew their bid as they had not factored in the prevailing wage rate as required in the project manual, and

WHEREAS, McDonald Engineering has checked the references of all of the contractors and has determined each to be a responsible bidder, that they have provided similar services with satisfactory results in the past to other clients, and

WHEREAS, Michael O'Brien, Collection System Manager, has recommended that the bid for emergency sewer repair service for repairs of sewer districts operated by the Town of Clifton Park be awarded to the four competitive bidders, per Schedule "A", in order to provide options and flexibility in the case of scheduling problems or equipment problems; now, therefore, be it

RESOLVED, that the bid for emergency sewer repair service for repairs of sewer districts operated by the Town of Clifton Park be awarded to multiple contractors, Anjo Construction, JAT, Keller & Sons Construction and TKC Construction Services, per Schedule "A", and be it further

RESOLVED, that all four contractors have been listed on the emergency contact sheet and any one of them may be called in the event of a sewer emergency based upon availability.

Collection System Manager O'Brien said his department does a great deal of the work on its own but some jobs are too big, noting with the size of the job comes safety requirements and it is better to call in a larger company who can get the work done safely and faster. Mr. O'Brien reported the Highway Department was also incorporated in this bid in the event storm water culverts were involved. Councilman Romano questioned the amount of the Keller & Sons bid for sheeting (shoring). Mr. O'Brien responded companies try to make money in different areas and if he comes upon a large sheeting job, he does not think he would call Keller & Sons.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 61 of 2010, a resolution scheduling a public hearing to consider a local law amending Article 1, Section 194-5, Stopping, Parking and Standing Regulations of the Town Code.

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

WHEREAS, the Town has attempted to limit and discourage parking on Parkside Trail adjacent to Longkill Park, and

WHEREAS, residents have expressed concern over continual parking on Parkside Trail, and

WHEREAS, the Town Board wishes to schedule a public hearing to obtain comment from the public regarding amending Article 1, Section 194-5 of the Town Code as it relates to stopping, parking and standing regulations; now, therefore, be it

RESOLVED, that a public hearing is scheduled for March 15, 2010 at 7:30 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York, to consider changes to

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Article 1, Section 194-5, Stopping, Parking and Standing Regulations of the Town Code; and be it further

RESOLVED, that the Town Clerk is directed to publish appropriate notice of the same.

Supervisor Barrett explained this area has been of concern for quite a while with parking on both sides of the road. He reported he told the soccer club it is important people know they cannot park on the road. (Clerk's note: there is a parking lot available). He said recently there has been a problem with people parking on the road to go sledding. Signs have been posted but are being ignored.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 62 of 2010, a resolution scheduling a public hearing to consider a local law amending Local Law No. 11 of 2007 regarding Chapter 35, Community Arts and Culture Commission.

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

WHEREAS, Chapter 35, Section 3, Terms, contains mandatory categories for selecting members of the Commission that are difficult to meet, and

WHEREAS, the Community Arts and Culture Commission has recommended that the Code be amended to make the requirements more of a goal than a mandate, and

WHEREAS, the Town Board wishes to obtain comment regarding the proposed changes to Chapter 35, Section 3 of the Town code; now, therefore, be it

RESOLVED, that a public hearing is scheduled for March 15, 2010 at 7:40 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York, to consider changes to Chapter 35, Community Arts and Culture Commission of the Town code; and be it further

RESOLVED, that the Town Clerk is directed to publish appropriate notice of the same.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 63 of 2010, a resolution authorizing the Comptroller and Assistant Comptroller to attend the New York State Government Finance Officers Association (NYSGFOA) Annual Conference in Albany, New York.

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

WHEREAS, Comptroller Mark Heggen has requested that he and Assistant Comptroller Janice Semanek be authorized to attend the NYS GFOA Annual Conference to be held March 24-26, 2010, at the Albany Marriott, and

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WHEREAS, their 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 Comptroller Mark Heggen and Assistant Comptroller Janice Semanek are hereby authorized to attend the NYS GOFA Conference March 24-26, 2010, in Albany, New York, at a cost for both attendees not to exceed \$805 to be paid from A-1315-1 (Comptroller-Conference-Training), to be vouchered appropriately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 64 of 2010, a resolution authorizing the Town Supervisor to enter into an agreement with the Civil Service Employees Association, Inc. unit representing the Town of Clifton Park Highway Employees.

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

WHEREAS, by Resolution No. 309 of 2009, the Town Board authorized the Supervisor to execute a Memorandum of Understanding representing agreement with CSEA, Inc, AFSCME Local 1000, AFL-CIO, for the Town of Clifton Park Highway Unit of Saratoga County Local 846, (The Highway Unit);, and

WHEREAS, contract changes reflected in the memorandum of understanding have now been incorporated into a new five year contract between the Town and the Highway Unit; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign the attached full contract, representing an agreement between the Town and the Highway Unit.

Supervisor Barrett said a Memorandum of Understanding was executed and ratified in 2009 and this resolution authorizes the full five-year contract. He stated there are no changes from the MOU. Supervisor Barrett said this is a fair agreement for the taxpayers and for the Town of Clifton Park.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Frank Berlin, Main Street, Jonesville, stated there is horrendous traffic in Jonesville. He is concerned with traffic generated by future development and the impact at the Longkill, Ushers, Main Street intersection. Mr. Berlin said a serious situation will arise when fire trucks are called out as there is no room for cars to pull over. He stated the situation will become more serious if there is a funeral procession. He said this is a hazard that needs to be addressed. Mr. Berlin reported he counted cars from 4:05 to 4:35 pm on March 8th and 337 went through the intersection, noting this is over 11 cars per minute. He further noted part of the area is designated a trail and a study should be done as to what is happening in the area. Mr. Berlin said

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trucks leave the Northway and go through the intersection heading towards Schenectady. He reiterated his concern of future development of the area.

Supervisor Barrett said the four-way stop and light controls traffic well.

Mr. Berlin recommended the fire department hold a drill during high traffic peak to see how well trucks can get through the intersection.

Councilman Hughes said Chairman Bulger and the Planning Board are very knowledgeable about the constraints in the area. He said he agrees this is a very challenging corner.

Pam Marshall, Fairlawn Court, agrees that the area is a bottleneck, there are no shoulders and there is more traffic coming down Longkill Road through Jonesville in order to avoid the roundabouts at Exit 12. She noted there also are numerous school buses coming through the intersection.

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 7:55 p.m.

Patricia O'Donnell
Town Clerk