

March 15, 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  
 Deputy Town Clerk Brobston

Also Present: Town Attorney McCarthy  
 Michael Shahen, Town Administrator  
 Mark Heggen, Comptroller  
 Myla Kramer, Director of Parks and Recreation  
 Barbara McHugh, Director of Community Development  
 Steven Myers, Director of Building and Development  
 Jeffrey Vedder, Transfer Station Supervisor

MOTION BY Councilman Romano, seconded by Councilwoman Walowit, to approve the minutes of the March 1, 2010 meeting as presented.

**ROLL CALL VOTE**

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

Noes: None

MOTION CARRIED

**ANNOUNCEMENTS AND COMMUNICATIONS**

Councilman Hughes announced yesterday marked the beginning of Sunshine Week. A National initiative held across the United States every March. The initiative promotes dialog about the importance of open government and freedom of information. Sunshine Week seeks to empower citizens to play an active role in government at all levels and to give them accessed information that makes their lives better and makes our community stronger. He stated Clifton Park Town Board has always been active believers in open and transparent government and tried to promote public accountability. The following are steps the Clifton Park Town Board has taken to make that promise a reality. The Town Board meetings are broadcasted on public access television on Channel 14 and streamed live on the internet at [www.cliftonpark.org](http://www.cliftonpark.org). Clifton Park is one of the first town's in New York State to have live streaming. In 2008 the Town's ethics law was updated and recognized by experts as one of the best ethics codes in New York State. He explained how citizens can contact a member of the Town Board directly by emailing them on the Town's website, [www.cliftonpark.org](http://www.cliftonpark.org), or by calling the Supervisor's office. In 2009 a twice yearly newsletter was started to accommodate citizens without computer access and for those who no longer receive the Community News in the Rexford and Ballston Lake areas. He stated Clifton Park was also one of the first Town's to use the reverse 911 system. The Town also has an on-line notification system that enables Town Officials to send text messages to residents during emergencies. He mentioned the 2010 Town Budget is available on-line and in the Town Clerks Office for public review and workshops are held prior to the Budget adoption. He announced the Town Clerk's Office is open till 7pm every Thursday to accommodate residents. He reminded residents that there are several application and permits available on-line.

RECOGNITIONS

Deputy Town Clerk Brobston read Resolution No. 65 of 2010 honoring Brigadier General Patrick Murphy.

Supervisor Barrett presented the resolution to Brigadier General Patrick Murphy, newly appointed 52<sup>nd</sup> Adjutant General of the New York Army and Air National Guard.

Barbara McHugh, Community Development Director, introduced Ann Schwanda, affectionately known in the Community as “the Quilt Lady”. Ms. McHugh stated the Town Hall employees have been contributing for the past eight years quilt squares. She explained Ms. Schwanda gathers fabrics, colors, and sewers and donates the quilts to individuals/groups in need. She is also a mother of a family of Eagle Scouts, continuing her education, chair of the Shenendehowa Community Character Counts Committee and very active with the Relay for Life fundraiser.

Ms. Schwanda thanked the community. She explained she works with 40-50 sewers and thousands of kids in the school district and volunteers. This year they are donating 125 quilts. The activity teaches kids community service and how they can choose to make a difference. She announced Relay for Life this year will be June 11-12 at the Shenendehowa High School Track.

PUBLIC HEARING, 7:10 PM

TO CONSIDER A HISTORIC CONSERVATION EASEMENT APPLICATION RELATING  
TO PROPERTY AT 980 MAIN STREET, JONESVILLE, CLIFTON PARK.

The Deputy Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on March 5, 2010.

Supervisor Barrett summarized the application for a Historic Conservation Easement explaining this is a wonderful way for owners to preserve their historic homes.

The public hearing was opened for comments from the audience at 7:20 p.m.

Everyone was given an opportunity to speak in favor of or against the proposed application for Historic Conservation Easement and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 7:23 PM.

PUBLIC HEARING, 7:20 PM

TO CONSIDER COMMENTS REGARDING FILING AN APPLICATION  
FOR A NYS COMMUNITY DEVELOPMENT BLOCK GRANT TO RENOVATE  
THE TOWN’S SENIOR CENTER

The Deputy Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on March 5, 2010.

Councilman Paolucci explained that funds are available for Community Development Block Grants where communities can apply for a number of different projects. One of the requirements is that before a community can apply for a project that they hold two public hearings. He stated the first public hearing being generic in nature by discussing the process. The second public hearing would be on a specific project, the Senior Center improvements.

Steven Kirk, CDBG Representative, explained the Community Development Block Grant Process. Powerpoint presentation attached.

The public hearing was opened for comments from the audience at 7:24 p.m.

Everyone was given an opportunity to speak in favor of or against the application for a NYS Community Development Block Grant to renovate the Town’s Senior Center and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 7:39 PM.

PUBLIC HEARING, 7:30 PM  
TO CONSIDER ARTICLE I, SECTION 194-5D  
STOPPING, PARKING AND STANDING REGULATIONS OF THE TOWN CODE

The Deputy Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on March 11, 2010.

Town Attorney McCarthy summarized the proposed amendment to Section 194-5 explaining the addition of Parkside Trail for parking limits. This amendment would give the Town Security Officers the ability to issue parking tickets to violators.

Supervisor Barrett stated residents were parking along the side of Parkside Trail instead of using the parking lot. He stated this is a safety issue as well and an inconvenience to the residents of Parkside Trail.

The public hearing was opened for comments from the audience at 7:40 p.m.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 7:45 p.m.

PUBLIC HEARING, 7:40 PM  
TO CONSIDER AMENDING LOCAL LAW NO. 11 OF 2007  
COMMUNITY ARTS AND CULTURE COMMISSION

The Deputy Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on March 11, 2010.

Supervisor Barrett explained this issue was brought forward to the Town Board by the Community Arts and Culture Commission.

Town Attorney McCarthy explained when the Community Arts and Culture Commission was enacted in 2007 the Town Board wanted to reach out to various groups that composted of Arts and Culture and laid out membership categories from each of the groups. The Commission has voiced that it has proven hard to meet each of the mandatory categories. The Commission suggests the categories be made more of a goal instead of a mandate so that they could have full membership from interested volunteers who are willing to attend all the meeting and meet the other obligations of the Commission. He explained the proposed changes show each membership category request changed to voluntary instead of mandatory.

The public hearing was opened for comments from the audience at 7:45 p.m.

Tom Heckert, Co-chair of the Arts and Culture Commission, stated the Commission wishes to seek interested volunteers from the community as well as from the specific categories.

Town Attorney McCarthy stated Town Clerk O'Donnell suggested in Section (4) instead of deleting "two" general community representatives, change it to "the remainder" community representatives.

Everyone was given an opportunity to speak in favor of or against the proposed amendment to Local Law No. 11 of 2007 and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 7:53 p.m.

REPORTS TO THE BOARD

Mark Heggen, Comptroller, announced the January/February reports were distributed. He reminded the Board that revenues will look small to remember that the revenues received in January and February 90% of them apply to the 2009 year. Sales Tax received in January/February was reported in 2009. He stated the cable commission check was also reported

in 2009 because that's the last quarter of 2009. He stated the expenditures are in line with the previous year. 2009 books are near completion.

Michael Shahan, Town Administrator, announced he and Michael Handerhan, Buildings & Grounds Supervisor, toured the Town's parks and facilities. He reported several parking lots that need repairing, Town Hall, entrance to the Common, near the Arena and the area around the Burning Bush Park. Mr. Handerhan suggested having a company come in and saw cut the specific parking lot areas in need of repair instead of looking to replace the whole parking lots. He reported damage to ceilings and floor areas in the Grange. He reported insulation and barn board were installed in the Grooms Tavern roof, saving the Town in one year \$5,000 in heating bills. Mr. Shahan thanked Michael Handerhan for his efforts.

Councilman Hughes agreed with the suggested process for the parking lot repairs.

#### PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 65 of 2010, a resolution honoring Clifton Park resident Brigadier General Patrick Murphy, newly appointed 52<sup>nd</sup> Adjutant General of the New York Army and Air National Guard.

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

WHEREAS, on February 3, 2010, Governor David A. Paterson announced the appointment of Brigadier General Patrick Murphy to replace retiring Major General Joseph Taluto as the 52<sup>nd</sup> Adjutant General of the New York Army and Air National Guard, and

WHEREAS, Brigadier General Patrick Murphy, a native of Iowa, spent twenty years in his home state's Army National Guard in a variety of command and staff positions, and

WHEREAS, while serving a three-year deployment in Kuwait, Brigadier General Patrick Murphy served as Assistant Chief of Staff for National Guard Affairs for the U.S. Third Army Camp at Camp Arifjan, and

WHEREAS, in 2007 Brigadier General Patrick Murphy was recruited by Major General Taluto to come to New York to head up the New York State National Guard's emergency preparedness and homeland security missions because of experience gained in those areas while serving in several key positions at United States Northern Command and the Army's Forces Command after the September 11, 2001 terrorist attacks, and

WHEREAS, as the 52<sup>nd</sup> Adjutant General, Brigadier General Patrick Murphy will be responsible for approximately sixteen thousand members of the New York Army and Air National Guard and will also oversee the twenty-five hundred members of the New York Naval Militia and the seven hundred strong New York Guard, a state volunteer force, and

WHEREAS, in addition to keeping staffing levels up, another major goal for Brigadier General Murphy will be to continue helping soldiers' families during deployment and increasing resources for those returning from overseas, including housing programs, health care and counseling services offered through the state's Yellow Ribbon program, which was established to provide reintegration services for soldiers and their families and preparedness programs for soldiers and their families prior to deployment; now, therefore, be it

RESOLVED, that the Town Board pause in its deliberations to honor Brigadier General Patrick Murphy, newly appointed 52<sup>nd</sup> Adjutant General of the New York Army and Air National Guard.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,  
Councilwoman Walowit, Supervisor Barrett  
Noes: None

DECLARED ADOPTED

Resolution No. 66 of 2010, a resolution extending the hours of the Town Transfer Station for the annual spring Clean Up/Green Up.

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

WHEREAS, a request has been made by Jeffrey Vedder, Transfer Station Supervisor, for authorization to extend the hours of the Convenience Transfer Station for the annual spring Clean Up/Green Up to include Sundays, April 18<sup>th</sup> and 25<sup>th</sup>, 2010, and

WHEREAS, authorization for overtime costs for the extended hours is required; now, therefore, be it

RESOLVED, that the Transfer Station Supervisor is hereby authorized to extend the hours of the Convenience Transfer Station for the annual spring Clean Up/Green Up to include Sundays April 18<sup>th</sup> and April 25<sup>th</sup>, 2010 with the extended hours to be as set forth in the attached Schedule A; and be it further

RESOLVED, that the Sunday hours will be for the collection of leaves and brush only while all other items will be taken during the regular hours from Tuesday through Saturday and authorization is further granted for the overtime requirements to be paid as budgeted in A8160-074 (Convenience Transfer Station-Overtime).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,  
Councilwoman Walowit, Supervisor Barrett  
Noes: None

DECLARED ADOPTED

Resolution No. 67 of 2010, a resolution authorizing the hiring of a part-time summer laborer for the Convenience Transfer Station.

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

WHEREAS, a need exists for a part-time summer laborer at the Convenience Transfer Station, and

WHEREAS, Jeffrey Vedder, Transfer Station Supervisor, has recommended that Jared Benway, 705 Carlton Road, Clifton Park, be hired to fill the position; now, therefore, be it

RESOLVED, that authorization is hereby given to hire Jared Benway, Clifton Park, as a part-time summer laborer at \$8.50 per hour, effective immediately, to be paid from A-8160-E-4000, (Transfer Station-Part-Time Summer Laborers).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 68 of 2010, a resolution authorizing two employees in the Clifton Park Sewer District to attend the 2010 Excavator Safety Seminar in Cobleskill, New York.

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

WHEREAS, Michael O'Brien has requested that Tom Ziobrowski and Robert Van Buskirk be authorized to attend the 2010 Excavator Safety Seminar to be held March 24, 2010, at SUNY Cobleskill, and

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 Tom Ziobrowski and Robert Van Buskirk are hereby authorized to attend the 2010 Excavator Safety Seminar in Cobleskill, New York on March 24, 2010; and be it further

RESOLVED, that attendance at the above referenced seminar will have no budget impact.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 69 of 2010, a resolution authorizing Steven Myers to attend a course on the Design and Regulation of Earthen Dams, on April 30, 2010, in Fishkill, New York.

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

WHEREAS, seminars such as this are designed to provide the needed hours to maintain the twelve hour requirement for in service education per year, for all professional engineers to maintain their certification, and

WHEREAS, New York State has limited opportunities for such training locally and traveling to obtain the required credits has become necessary, and

WHEREAS, attendance at these seminars would provide a benefit to the residents of the Town since the Town will own and maintain a regulated dam in the near future at the Vischers Landing Subdivision and will need to provide oversight of the required maintenance, which may require the use of Town Staff, as well as outside expertise; now, therefore, be it

RESOLVED, that the Building Department is authorized to send Steven Myers to the Design Principles and Regulatory Requirements for Earthen Dams seminar in Fishkill, NY, at a total cost not to exceed \$425 including incidentals, as budgeted from A-3620-001 (Training and Conferences).

ROLL CALL VOTE

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

Noes: None

## DECLARED ADOPTED

Resolution No. 70 of 2010, a resolution authorizing John Scherer, Town Historian, to attend the Association of Public Historians Conference.

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

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that John Scherer, Town Historian, be authorized to attend the Association of Public Historians Conference in Buffalo, New York, April 18-20, 2010, and

WHEREAS, John Scherer's attendance at the Association of Public Historian's Conference would confer a benefit to the Town; now, therefore, be it

RESOLVED, that John Scherer is authorized to attend the Association of Public Historians Conference in Buffalo, New York, April 18–20, 2010 at a cost not to exceed \$472 for registration, meals and mileage, to be paid from budget line item A7510-001 (Historian-Training/Conference).

ROLL CALL VOTE

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

Noes: None

## DECLARED ADOPTED

Resolution No. 71 of 2010, a resolution awarding the bid for pool chemicals for the Barney Road, Locust Lane and Burning Bush pools for the 2010 Season.

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

WHEREAS, on March 10, 2010, bids were received for the above referenced contract, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has reviewed the bids and has recommended that the bid for pool chemicals for the three Town pools be awarded to Surpass Chemical Co., Albany, New York, for the following amounts:

- |                       |                  |                          |
|-----------------------|------------------|--------------------------|
| • Sodium Hypochlorite | small bulk       | \$0.823/gallon           |
| • Muriatic Acid       | 15 gallon delboy | \$2.05 gallon            |
|                       | delboy deposit   | \$40.00 ea. (refundable) |

now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced bid to Surpass Chemical Co., Albany, New York, in an amount as previously stated, to be paid from A-7150-045 (Barney Road Pool-Supplies), A7152-045 (Locust Lane Pool-Supplies) and SP5-7151-045 (Country Knolls Pool-Supplies), in accordance with the amount used at each pool.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 72 of 2010, a resolution hiring returning seasonal employees for the 2010 season, per Schedules A-D.

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

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that the positions for Counselors be filled per the attached Schedule A, Lifeguards per Schedule B, Comic Book Project Coordinator, per schedule C, Adventure Challenge Staff, per Schedule D and Action Park Attendants, per Schedule E; now, therefore, be it

RESOLVED, that authorization is hereby given to hire returning seasonal employees for the 2010 season, per the attached Schedules A-D.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 73 of 2010, a resolution authorizing the Town to submit a “Google” Request for Information (RFI) regarding a planned experiment by Google to build and test an ultra-high speed broadband network.

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

WHEREAS, “Google” the internet search company has announced plans to launch an experiment intended to make internet downloads better and faster, and

WHEREAS, as part of the process Google plans to test ultra-high speed broadband networks in one or more trial locations across the country and is soliciting information from local governments to help identify interested communities, and

WHEREAS, Google anticipates that their networks will deliver internet speeds more than 100 times faster than what most Americans have access to today, and

WHEREAS, as a first step, Google has prepared a Request for Information (RFI) asking local governments and residents to express their interest in Google’s fiber optic trial by providing information about their communities by completing the (RFI), and

WHEREAS, information provided via the (RFI) will be used to determine where to build the network; now, therefore, be it

RESOLVED, that authorization is hereby granted for the Town to submit a response to Request for Information (RFI) by “Google” by March 26, 2010 expressing interest in participating in a planned experiment to build and test an ultra- high broadband network.



Jude Hazard, Information Specialist, explained the program is called Google Fiber for Communities. The company is reaching out to communities interested in a trial for ultra-high speed broadband network. Submitting our community information does not bind the Town or Google to a commitment.

Councilman Hughes stated if the Town is fortunate enough to be chosen by Google for this program it will be very beneficial to our young people in the area. He stated technology in the community is very important for economic development. It would also give residents opportunity to be more entrepreneurial in their own homes.

Councilman Paolucci explained he is currently employed in the communications industry and will abstain from this vote to maintain no conflicts of interest.

ROLL CALL VOTE

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

Noes: None

Abstained: Councilman Paolucci

DECLARED ADOPTED

PUBLIC PRIVILEGE

Pam Marshall, Fairlawn Ct., expressed concern with the address the Census Bureau used on her forms. She explained the form had Burnt Hills instead of Ballston Lake in the address. However, it did have the zip of Ballston Lake. She questioned if the form information would be counted in Clifton Park, Saratoga County and Shenendehowa School District.

MOTION by Councilman Paolucci, 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 8:32 p.m.

Teresa Brobston  
Deputy Town Clerk