

April 12, 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
Mark Heggen, Comptroller
Myla Kramer, Director of Parks and Recreation
Steven Myers, Director of Building and Development
Michael O'Brien, Collection System Manager
Sheryl Reed, Chief of the Bureau of Fire Prevention

Absent: Town Administrator Shahan

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Hughes reminded residents of the Shredding Day scheduled for April 18th.

Supervisor Barrett announced sign ups are being held for the town summer camps.

REPORT TO THE BOARD

Town Historian, John Scherer, presented his Annual Report to the Board, attached. He noted this is his 31st Annual Report. Plans are being made to have historic house photos and information on cliftonpark.org.

**PUBLIC HEARING, 7:10 PM
TO CONSIDER A LOCAL LAW REPLACING ENTIRE SECTION 80
OF THE TOWN CODE, ENTITLED BURNING**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on April 8, 2010.

Chief of the Bureau of Fire Prevention Reed summarized the proposed local law explaining this will incorporate the new changes from DEC that affect municipalities. She stated there is no open burning allowed in town unless certain exceptions are met. She noted one of the exceptions is burning is allowed in agricultural districts for landowners of five or more acres that fall within the allowable zones. The permit duration is three months and the fee is \$10.00. Mrs. Reed noted one area that had been problematic for enforcement is nuisance open burning; e.g. people who may not have been aware of the law. Under the proposed legislation definitions, dimensions and regulations of camp fire and cooking fire are detailed. Mrs. Reed noted Code Enforcement focuses on education of the public.

Councilman Hughes said the proposed legislation will in no way prohibit fire pits.

Mrs. Reed stated a small camp or cooking fire in a contained area, with no high vegetation around it, meeting the dimensions in the legislation, and not creating a nuisance is allowed.

Supervisor Barrett said residents in the agriculture districts are aware of and follow the regulations and it is important not to put an additional burden on them.

Town Attorney McCarthy explained in order to make sure that the enforcement stays in the Code Enforcement office for these types he has spoken with both Mrs. Reed and Mr. Shahan about adding Section 80-6b, Penalties, stating this chapter shall be enforced by Code Enforcement Office. He recommended that because the legislation prohibits any burning on public land, language be added that security staff shall enforce this chapter with respect to all parks, preserves, open spaces and other publicly owned land. Mr. McCarthy further recommended under the camp fire definition that "contained area" be added.

Mrs. Reed said positive feedback has been received from all the fire departments and they are happy to see additional guidelines in place.

The public hearing was opened for comments from the audience at 7:28 p.m.

Frank Berlin, Main Street, Jonesville, asked if there is language that water be accessible. Mrs. Reed responded that there is language that the fire is not left unattended until extinguished.

Pam Marshall, Fairlawn Court, approves of the "no burning on town land" language since there are very few water sources in most of the nature preserves.

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 7:39 p.m.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 89 of 2010, a resolution awarding the contract for fireworks for the Town of Clifton Park's 4th of July Celebration and authorizing the Supervisor to sign the agreement for same.

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

WHEREAS, bids were solicited for the annual Fourth of July Fireworks display, and

WHEREAS, Alonzo Fireworks, 12 County Road 75, Mechanicville, NY, was the sole bidder, in the amount of \$14,500, for a twenty-five minute pyrotechnic display electronically fired with music, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that due to the superior qualifications and previous experience the bid of Alonzo Fireworks in the amount of \$14,500 be accepted; now, therefore, be it

RESOLVED, that the bid for the Fourth of July Fireworks display be awarded to Alonzo Fireworks, Mechanicville, NY, at a cost not to exceed \$14,500 as budgeted from A-7550-052 (Festivals/Performing Arts-July 4th); and be it further

RESOLVED, that the Supervisor is hereby authorized to sign an agreement reflecting the above terms subject to review and approval by the Town Attorney of the agreement.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

04/12/2010

Resolution No. 90 of 2010, a resolution authorizing the hiring of the Summer Camp Specialists for the 2010 Summer Recreation Full and Half-Day Summer Camps.

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

WHEREAS, it is necessary that additional staff be hired by the Department of Parks, Recreation and Community Affairs to operate the Town of Clifton Park 2010 Summer Recreation Full and Half-Day Camps, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that the individuals listed in Schedule A, attached hereto, be hired to fill the positions of Art and Athletic Specialists; now, therefore, be it

RESOLVED, that the individual specialists listed in Schedule A, attached hereto, shall be hired to staff the Town of Clifton Park's Summer Recreation Full and Half-Day Camps, effective immediately through August 20, 2010.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 91 of 2010, a resolution authorizing Change Order No. 1 for the Clifton Country Road Sewer District Improvements

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

WHEREAS, Resolution No. 9 of 2009 authorized a contract for Clifton Country Road Sewer District Improvements with Stilsing Electric in an amount of \$53,956, and

WHEREAS, during the progress of the sewer district improvements it was determined that additional electric equipment was needed to complete the project, and

WHEREAS, the additional cost of the needed equipment was \$1,255 as outlined by McDonald Engineering, and

WHEREAS, the proposed additional improvements will result in an increase of \$1,255 from the previous contract amount of \$53,956 to \$55,211, and

WHEREAS, a change order has been prepared by McDonald Engineering to provide for the resultant increase in contract price to provide additional funds for the contract; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign Change Order No. 1 dated March 5, 2010, to Stilsing Electric, Inc. for the Clifton Country Road Sewer District Improvements increase of \$1,255 to be paid from H29-8111-200 (Capital Projects-Clifton Country Rd. Sewer Dist.-Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Trevor Gensch, Sandpiper Lane, continued to express concern that water from a drainage pipe installed ten months ago by the Highway Department continues to drain onto his property. He noted that the back 5 acres of his property is farm land. He reviewed his efforts in asking the town to find alternate drainage and stated to date nothing has been done. Mr. Gensch said for the second year it will be impossible to farm the land. He stated the drainage pipe is going to create a shallow wide pond on this property, rendering his field worthless to farm. Mr. Gensch said by his count in a 10-month period approximately 4,279,000 gallons water has drained on his property. He said trash also flows through the pipe to his property. He asked that the town do something to fix the situation.

Supervisor Barrett asked Mr. Gensch how many years he has farmed the property. Mr. Gensch replied the land has been farmed for approximately 50 years. He said he farmed half of the property last year for hay. Mr. Gensch said the town jumped the gun by solving one problem and creating another. The Supervisor said the ACOE has said the town did nothing improper. He said another meeting will be set with McDonald Engineering.

Frank Berlin, Main Street, Jonesville, explained he is speaking for the people in Jonesville regarding the many issues regarding the proposed funeral home at the intersection of MacElroy and Hatlee Roads. He has spoken with the school district and has been told that 78 school buses go through that intersection every day. He reviewed permitted uses at that location, stating the area is too small and zoning needs to be reviewed. Mr. Berlin said the area is too small for a funeral home, there is not enough room for parking, and there will be a great increase in traffic. He distributed plans that have been presented by the applicant for the funeral home, denoting parking at the Jonesville Store and sidewalks. Mr. Berlin said he has made his concerns known to the Planning Board.

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 7:39 p.m.

Patricia O'Donnell
Town Clerk