

5/17/2010

May 17, 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 Shahen, Town Administrator
Mark Heggen, Comptroller
Myla Kramer, Director of Parks and Recreation
John Scavo, Director of Planning

MOTION BY Councilman Hughes, seconded by Councilwoman Walowit, to approve the minutes of the May 3, 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

Supervisor Barrett reported over 350 people attended the Historic House Tour. Councilman Hughes thanked everyone for coming out; noting thousands of dollars have been raised for continued restoration of Grooms Tavern.

Mark Kazmierczak, Chair of the Historic Preservation Commission, said it was very successful and thanked all the property owners for opening their homes, noting approximately \$3800 was raised. He reported there are about 315 historic homes in town. Mr. Kazmierczak said Town Historian Scherer and staff from town departments were a great help in preparing for the house tour.

Councilman Hughes said the Historic Preservation website will be updated to include the many historic homes in town.

Supervisor Barrett announced the town is holding a pilot summer camp during the weeks of June 28th and August 16th for children with autism. He reported the town is working with Senator Roy McDonald. This will be a half-day camp with a fee of \$25 per week. It is believed Clifton Park is the first town in the capital region to offer this program. Councilman Hughes explained this will offer students entering 1st through 6th grades a chance to be part of the summer program. Mike Smith and Steve Szalowski spoke on the importance of this camp and the economics of autism. Councilman Hughes, noting this is a pilot program this year, hopes it can be expanded next year. He said camp staff will have specialized training working with Messrs. Smith and Szalowski. Applications are available in the Office of Parks and Recreation, as well as on line. The camp is open to Clifton Park residents with registration running through June 11th.

5/17/2010

PRESENTATION

John McKenna, father of Captain John McKenna IV, killed in Iraq, reported on the Courtesy Room at the Albany Airport created and named in his son's memory. This room is a respite for soldiers having a layover at Albany Airport and is manned 8:00 a.m. to 8:00 p.m. Mr. McKenna said volunteers are always needed to man the Courtesy Room. Captain McKenna was also a NYS Trooper.

REPORTS TO THE BOARD

Not held this evening.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 124 of 2010, a resolution authorizing the Supervisor to sign Change Order No. 1 for the Grange Roof Replacement Project.

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

WHEREAS, Resolution No. 327 of 2009 authorized a contract for the Grange Roof Replacement in an amount of \$59,937, and

WHEREAS, Change Order No. 1 was prepared by John M. McDonald Engineering, P.C. in an amount of \$59,701.76 which provides for a decrease in the contract price from \$59,737 to a new contract amount of \$59,701.76, a decrease of \$235.24; now, therefore, be it

RESOLVED, that Supervisor Barrett is hereby authorized to sign Change Order No. 1 dated April 20, 2010 to S&L Roofing and Sheet Metal, Inc., Voorheesville; and be it further

RESOLVED, that the decrease amount of \$235.34 be released from encumbrances in A-1628-200 (Grange).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 125 of 2010, a resolution scheduling a public hearing to consider an application for the Historic Conservation Easement program.

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

WHEREAS, the Town's Historic Conservation Easement program requires public comment on properties proposed to be included in the program, and

WHEREAS, Joanne and Paul Coons, 359 Riverview Road, Rexford, have requested inclusion in the program; now, therefore, be it

RESOLVED, that a public hearing is scheduled for June 7, 2010 at 7:20 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York, to consider the property at 359 Riverview Road, Rexford, (SBL 287.16.-1-29.2), owned by Joanne and Paul Coons, for inclusion in the Historic Conservation Easement program, and be it further

5/17/2010

RESOLVED, that the property owner give notice to all adjacent property owners and other entities as provided in the Town's Historic Conservation Easement legislation in advance of the public hearing and submit receipts of mailing to the Town Clerk's office prior to the date of the public hearing; 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. 126 of 2010, a resolution approving an Agreement for Quiet Title for secondary access to Stony Creek Park.

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

WHEREAS, Phase I of the Countryman Estate subdivision was built in the 1980's, and

WHEREAS, during Phase I of the subdivision development the residential home at 7 Thoroughbred Way was constructed with driveway access through an adjacent stub street, constructed as part of the original subdivision, and

WHEREAS, in February of 2007, the Town received Title to the twenty-four (24) acre parcel of land for the planned Stony Creek Park, and

WHEREAS, Stony Creek Park District No. 1 was authorized by Resolution No. 31 of 2010 to prepare bid specifications and documents to develop certain trails and park facilities on 41± acres of parkland deeded over to the Town of Clifton Park in 2006, and

WHEREAS, Mr. Alfred Williams, current owner of 7 Thoroughbred Way, has asserted continued rights to the existing driveway access through the stub street created in the 1980's, and

WHEREAS, the Town disputes those rights but wishes to Quiet Title to the 60 feet by 135 feet stub street, which is located immediately west of 7 Thoroughbred Way, and

WHEREAS, the Town Board finds that the Town has no municipal purpose in maintaining the stub street as is and determines that the easterly 40 foot strip described in Exhibit A to be surplus property, and

WHEREAS, Mr. Alfred Williams has agreed to perform all excavation, landscaping, and restoration on the westerly 20 foot strip described in Exhibit A and to release any and all claims to title on the westerly 20 foot strip, and

WHEREAS, said excavation, landscaping and restoration of the westerly portion will serve a municipal purpose by preparing this area for pedestrian and bicycle access to the proposed Stony Creek Park, and

WHEREAS, the Town agrees to convey and release all claims to the easterly 40 foot strip as described in Exhibit A; now, therefore, be it

RESOLVED, that the Town Board authorizes the Supervisor to sign the attached Agreement to Quiet Title to the existing stub street; and be it further

RESOLVED, that this resolution is subject to permissive referendum pursuant to Town Law Section 64 (2).

5/17/2010

Town Attorney McCarthy explained it is not clear when title to the stub road itself was passed to the town, whether it was in the early 1980s or in 2005. Mr. Williams asserted a right to that driveway access by adverse possession. This arrangement will quiet the dispute by equitable division, giving Mr. Williams fee title to the part he needs for his driveway and he will release claims to the part needed by the park district for the secondary pedestrian and bicycle path. Mr. McCarthy emphasized the town is not excavating the stub road, planting the landscaping or maintaining the shrubbery. He said Mr. Williams will do all the work on the ground that is required and the final landscaping design requires Paul Olund of Environmental Design Partnership to sign off on behalf of the park district. With this agreement, the town will get a return to natural state for the trail and the homeowner will retain his only access to his driveway without having to build a new one. Mr. McCarthy stated this is the best compromise for both parties.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 127 of 2010, a resolution scheduling a public hearing to consider a local law amending Local Law No. 5 of 2005, Chapter 208, Article VB, Open Space Incentive Zoning.

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

WHEREAS, on May 9, 2005, the Town Board adopted Local Law No. 5 of 2005 establishing Open Space Incentive Zoning, a tool to achieve additional open space conservation in the western Clifton Park, as part of a greater comprehensive plan and set of zoning policies, and

WHEREAS, the incentive zoning was initiated to provide some relief to landowners who were subject to a zoning change and to provide a source of funds for the Town to protect additional open space in the western Clifton Park, and

WHEREAS, the Town Board wishes to solicit public comment on a proposal for a more defined and practicable fee schedule for Incentive Zoning fees which considers the points of income generation for residential development projects, and

WHEREAS, Planning Department staff has recommended amendments to the Space and Bulk Standards of the Conservation Residential Zone to eliminate inconsistencies within the Town Code; now, therefore, be it

RESOLVED, that a public hearing is scheduled for June 7, 2010 at 7:10 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York, to consider a local law amending Local Law No. 5 of 2005, Article VB, Open Space Incentive Zoning; 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

5/17/2010

Resolution No. 128 of 2010, a resolution authorizing the Supervisor to sign a Memorandum of Understanding with Wartburg Lutheran Services for the expansion of existing senior housing facilities at Coburg Village.

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

WHEREAS, Wartburg Lutheran Services, Mount Vernon, New York, applied to the Town Board on August 9, 2009 for an amendment to the existing Planned Development District Zoning Law for Coburg Village Senior Housing Complex, and

WHEREAS, the Town Board recognizes the historical significance of a structure known as the former Birch Tavern situated on the parcel owned by Wartburg to be affected by the proposed PDD Amendment, and

WHEREAS, the Town Board wishes to obtain some assurance for the preservation and rehabilitation of the former Birch Tavern as part of its deliberations concerning the proposed amendment to the PDD Legislation, and

WHEREAS, Wartburg has agreed to rehabilitate the former Birch Tavern as a component of the construction project for additional independent living units authorized by the proposed amendment; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign the attached Memorandum of Understanding on behalf of the Town Board.

Supervisor Barrett explained the Birch Tavern may have some historical significance and this requires Wartburg Lutheran Services to maintain and make slight improvements to the building and not to allow any further deterioration. The Memorandum of Understanding states work associated with the rehabilitation of the Birch Tavern must be completed within 60 months from the date of approval of preliminary site plan review by the Planning Board and no certificates of occupancy shall be issued for the Phase II units until the rehabilitation of the Birch Tavern is completed.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 129 of 2010, a resolution that action to consider and adopt a resolution regarding a local law amending Local Law No. 1 of 1993 providing for the creation of a Planned Unit Development District (PDD), known as PDD No. 35, Coburg Village and Lowry Commercial Complex, constitutes an Unlisted Action under SEQRA.

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

WHEREAS, the project is an Unlisted Action for the purposes of SEQRA, and

WHEREAS, the Town Board conducted a public hearing on the proposed Coburg Village PDD Amendment on December 7, 2009, and

WHEREAS, a Short Environmental Assessment Form for the proposed amendment to the Coburg Village PDD has been prepared and submitted, and

WHEREAS, the Town Board has reviewed the Environmental Assessment Form and considered each and every impact in accordance with SEQRA; now, therefore, be it

5/17/2010

RESOLVED, that the adoption of this local law will not have a negative impact on the environment, and be it further

RESOLVED, that the Town Board, as Lead Agent for the Zoning change approval, hereby issues a Negative Declaration; and be it further,

RESOLVED, that this resolution shall take effect immediately.

Director of Planning Scavo explained a separate SEQRA will look at traffic specifics, water and sewer impacts, during the Planning Board site plan approval process.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 130 of 2010, a resolution adopting Local Law No. 5 of 2010, a local law amending Local Law No. 1 of 1993, providing for the Creation of a Planned Development District (PDD) known as PDD No. 35, Coburg Village and Lowry Commercial Complex.

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

WHEREAS, an application has been presented to the Town Board for a change in the Zoning Code of the Town of Clifton Park to provide for the expansion of the senior housing facilities at Coburg Village, and

WHEREAS, on September 9, 2009, the Planning Board provided a qualified positive recommendation to the Town Board supporting the overall concept of quality family housing at this site, and

WHEREAS, on December 7, 2009, a public hearing was conducted regarding the proposed changes to the local law and all were given the opportunity to speak; now, therefore, be it

RESOLVED, that Local Law No. 5 of 2010, a local law amending Local Law No. 1 of 1993, providing for the creation of a Planned Development District (PDD) known as PDD No. 35, Coburg Village and Lowry Commercial Complex is hereby adopted, per Exhibit "A"; and be it further

RESOLVED, that the Town Clerk file said notice with the New York State Department of State as required by law.

Supervisor Barrett reported with the 78 additional units, the town will collect \$5669 per unit for a total of \$442,182. These fees are part of the Vischer Ferry Corridor GEIS. In response to Councilman Romano's question about property across Grooms Road, Mr. Scavo said the nursing home is a portion of the PDD, however, that area has significant wetland constraints. It was stated that this local law does not change any zoning for the property across Grooms Road.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

5/17/2010

Resolution No. 131 of 2010, a resolution permitting Timothy Ward and “Dig Deep” to serve alcohol during a fundraising softball tournament at Veteran’s Park on July 3, 2010.

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

WHEREAS, Timothy Ward and “Dig Deep”, 42 Sweet Brier Drive, Ballston Lake, has requested a waiver of the Town’s “No Alcohol” policy for the consumption of alcohol during a charity softball tournament at Veteran’s Park on July 3, 2010, and

WHEREAS, it is the Town’s policy to require the using agency to monitor the consumption of alcohol, be responsible for the group’s activities, and to provide the Town with appropriate evidence of insurance to indemnify the Town; now, therefore, be it

RESOLVED, that Timothy Ward and “Dig Deep” is authorized to consume alcohol during a fundraising softball tournament on July 3, 2010 at Veterans Park providing that they provide the Town with a certificate of insurance in the amount of \$1,000,000, naming the Town of Clifton Park as an insured, so as to indemnify the Town for any incidents which may result with the waiver of the “no alcohol” policy for the event.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 132 of 2010, a resolution hiring Amy Price as a CPR Instructor for Summer Recreation Program staff.

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

WHEREAS, a need exists for a CPR Instructor for Summer Recreation Program staff, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that Amy Price, 11 Silver Maple Drive, Clifton Park, be hired to fill the position; now, therefore, be it

RESOLVED, that authorization is hereby granted to hire Amy Price, Clifton Park, as a CPR Instructor at Grade 5, Step 3, (\$19.28) per hour, effective immediately, to be paid from A-7320-0001 (Summer Recreation Full Day-Training/Conference) and A7310-001 (Summer Recreation-Training/Conference).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

5/17/2010

Resolution No. 133 of 2010, a resolution authorizing the hiring of a Program Coordinator and Assistant for the Tiny Hands Summer Club.

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

WHEREAS, a need exists for a Program Coordinator and an Assistant for the Tiny Hands Summer Club preschool program being presented as part of the Summer Recreation Program, and

WHEREAS, Myla Kramer, Parks, Recreation and Community Affairs Director, has recommended that Sandra DeThorne, 18 Lincoln Avenue, Clifton Park, who was the Program Assistant in 2009, be rehired as Program Coordinator and recommends that Katie Daugherty, 5 Candiwood Court, Clifton Park, be recommended to fill the Program Assistant position; now, therefore, be it

RESOLVED, that authorization is hereby given to hire Sandra DeThorne, Clifton Park, as the Program Coordinator for the Tiny Hands Summer Club, and Katie Daugherty, 5 Candiwood Court, Clifton Park, be hired as Program Assistant, effective immediately through August 18, 2010, per Schedule A., to be paid from A7310-E4520 (Summer Recreation-Other Program Salary).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 134 of 2010, a resolution authorizing the Supervisor to sign a contract with Paul Revere Life Insurance Co. for Colonial Supplemental Insurance.

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

WHEREAS, the Town of Clifton Park offers employees the opportunity to have voluntary benefits deducted from their pay, and

WHEREAS, Colonial Supplemental Life Insurance offers voluntary life insurance; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to sign a contract with Paul Revere Life Insurance Company for Colonial Supplemental Insurance; and be it further

RESOLVED, that participation in the Colonial Supplemental Insurance plan will not have any budget impact to the Town.

Town Comptroller Heggen stated 100 percent of this program is paid for by the individual.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

5/17/2010

PUBLIC PRIVILEGE

Jim Baisley, Barkwood Drive, thanked Town Attorney McCarthy for his work on behalf of the Stony Creek Park District.

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 8:25 p.m.

Patricia O'Donnell
Town Clerk