

June 7, 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
Michael Montague, Environmental Specialist
John Scavo, Director of Planning

MOTION BY Councilman Romano, seconded by Councilwoman Walowit, to approve the minutes of the May 10 and 17, 2010 meetings 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 referred to a letter from the Mohawk Towpath Scenic Byway Coalition, Inc., requesting financial support in the amount of \$550.

Councilman Paolucci, speaking with regard to Garnsey Park, reported DOT approval has been received and NYS Historic Preservation has not commented on the application. However, he has received a letter from a Town Board member expressing concern with the expenditure at this time and since feedback from the Town Board recommends holding off on going out to bid, he will not bring this forward. He believes it is a good plan and has the community wishes in mind. He hopes this will move forward in the future as a lot of work has gone into this project.

PRESENTATION TO THE BOARD

Teresa Brobston, Deputy Town Clerk and President of the Board of To Love A Child, a not for profit caring for children in Haiti and Zimbabwe, reported on her trip to Haiti after the earthquake and the living conditions of children of an orphanage the organization has adopted. Supervisor Barrett said information regarding To Love A Child can be put on the website.

In conjunction with the G.R.E.E.N. Committee, Councilman Hughes introduced the Saia family who reported on the savings they have seen in reducing their home carbon footprint by changing light bulbs to CFLs, installing a programmable thermostat, and putting everything on power strips. Councilman Hughes asked members of the Saia family to consider joining the town G.r.e.e.n Committee.

Supervisor Barrett asked that the public hearing scheduled for 7:20 p.m. be held first.

PUBLIC HEARING, 7:20 PM
TO CONSIDER AN HISTORIC CONSERVATION EASEMENT APPLICATION
FOR 359 RIVERVIEW ROAD, REXFORD

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The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on May 27, 2010.

The public hearing was opened for comments from the audience at 7:34 p.m.

Everyone was given an opportunity to speak in favor of or against the proposed application and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 7:35 p.m.

PUBLIC HEARING, 7:10 PM
TO CONSIDER A LOCAL LAW AMENDING ARTICLE VB
OPEN SPACE INCENTIVE ZONING

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on May 27, 2010.

Councilman Romano reported the Open Space Committee looked at this matter in 2008 and there was the consensus that this is the right way to go and would offer some relief of the scheduled payments from developers.

Supervisor Barrett noted the projects that would be affected by this legislation have been on hold for the last few years, however, a couple of the projects are coming to fruition so it is important to consider these changes. He said spreading the payments out is a fair and equitable way to ensure the funds are received in a timely manner but at the same time to make sure it is done judiciously and properly. The Supervisor, noting just under 1000 acres of open space has been preserved, stated these funds will be used to preserve open space in the future.

Director of Planning Scavo explained the significance of the final payment at the 80 percent threshold is the point in time that the code allows the dedication of the infrastructure to the town. He continued up until that point the developer is responsible for maintaining the water, sewer and roadway system which includes plowing and salting. Mr. Scavo stated the project has to be completed within 60 months.

The Supervisor reviewed the proposed legislation.

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

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 7:46.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard

Resolution No. 135 of 2010, a resolution honoring Douglas Eberle for attaining the rank of Eagle Scout.

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

WHEREAS, Douglas Eberle, 3 Newport Drive, Clifton Park, of Boy Scout Troop 6 has attained the rank of Eagle Scout, and

WHEREAS, for his Eagle Scout Project, Douglas took on the task of rehabilitating a pond at Gowana Middle School used for environmental education, and

WHEREAS, to accomplish his Eagle Scout Project, Douglas added a new liner, pump, new landscaping and a bench/table to the courtyard where the pond sits, and

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WHEREAS, the rehabilitation project will extend the useful life of the pond, ensuring those future generations of students will have the same hands-on learning opportunities that our middle school children do today; now, therefore, be it

RESOLVED, that the Clifton Park Town Board recognizes and honors Douglas Eberle of Boy Scout Troop 6 for having attained the rank of Eagle Scout.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 136 of 2010, a resolution honoring Nathan J. Elacqua for attaining the rank of Eagle Scout.

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

WHEREAS, Nathan J. Elacqua, 5 Towline Lane, Clifton Park, of Boy Scout Troop 45 has attained the rank of Eagle Scout, and

WHEREAS, for his Eagle Scout Project, Nathan took on the task of constructing a memory garden at the East Line Union Cemetery in honor of his cousin, and

WHEREAS, to accomplish his Eagle Scout Project Nathan organized the paving, sidewalk edging, planting and other tasks associated with the construction of the memory garden, and

WHEREAS, the memory garden will provide a quiet place for cemetery visitors to reflect on their loved ones; now, therefore, be it

RESOLVED, that the Clifton Park Town Board recognizes and honors Nathan J. Elacqua of Boy Scout Troop 45 for having attained the rank of Eagle Scout.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 137 of 2010, a resolution establishing the summer schedule for Town Board Meetings.

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

WHEREAS, the Town Board wishes to set the summer meeting schedule at two meetings per month consistent with past practice; now, therefore, be it

RESOLVED, that the Town Board hereby establishes the following summer schedule for July and August 2010:

Tuesday	July 6, 2010
Monday	July 19, 2010
Monday	August 2, 2010
Monday	August 16, 2010

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 138 of 2010, a resolution creating a capital projects fund and budget for Mohawk Towpath kiosks.

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

WHEREAS, by Resolution No. 300 of 2007 the Town Board approved a project for the Mohawk Towpath National Scenic Byway: Byway Informational Kiosks Improvements Project, and

WHEREAS, said Project was eligible for funding under Title 23 of the U.S. Code that called for the apportionment of the costs, such program to be borne at the ratio of 80% Federal funds (\$31,670) and 20% non-federal funds (\$7,930), and

WHEREAS, the Town Board wishes to create a capital projects fund and budget for the Mohawk Towpath kiosks; now, therefore, be it

RESOLVED, that the Comptroller is authorized to create a capital projects fund and budget for Mohawk Towpath kiosks (H31), per Schedule "A", in an amount of \$39,600, \$31,670 from Federal Aid (H-31-4089) and \$7,930 as approved by Resolution No. 300 of 2007.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 139 of 2010, a resolution scheduling a public hearing to consider a local law amending Local Law No. 4 of 2005, Section 208-111, Penalties for offenses, regarding Civil Penalties for unlawful destruction of structures in contra of a zoning or site plan special condition.

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

WHEREAS, Section 208-111 is the provision of the Town Code which provides fines and penalties for offenses for violations of Town Building and Fire Codes, as well as violations of Zoning and Planning Departments directives, including provisions for cumulative fines for continuing violations, and

WHEREAS, the Town Board wishes to consider a provision for additional Civil Penalties for specific violations where an owner or contractor allows the demolition of any structure in violation of any special condition or directive arising out of site plan approvals, zoning variances, or similar land use determinations by the Planning Board, Zoning Board of Appeals or other Town Board with jurisdiction; now, therefore, be it

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RESOLVED, that a public hearing is scheduled for June 14, 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. 4 of 2005, Section 208-111 of the Town Code; and be it further

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

Supervisor Barrett said this is a first draft of a new local law that will take into account the historic building that was taken down without permission. With regard to the destruction of the historic building, Town Attorney McCarthy explained in researching the authorities the town has under existing state and town law, the town was able to use a section of town code under post occupancy remedies for the Planning Board. He thinks under state law the town is authorized to adopt a more specific civil penalty provision and, with the proposed legislation, a much more significant civil penalty can be levied through the courts. Supervisor Barrett said, with fine tuning, the town will end up with a local law that will clarify language for the Town Board as well as the courts. Councilman Hughes expressed appreciation to Mr. McCarthy for his research and work on this legislation.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 140 of 2010, a resolution hiring summer help for the Clifton Gardens Park District.

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

WHEREAS, a need has been identified for summer help for the Clifton Gardens Park District to do light maintenance, and

WHEREAS, Michael Stanley, 42 Esopus Drive, Clifton Park, has been recommended to fill this position; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Clifton Gardens Park District, hereby authorizes the hiring of Michael Stanley to do light maintenance for the Clifton Gardens Park District at \$7.50 per hour, not to exceed \$2,000 for the season, effective immediately, to be paid from SP27121-24 (Clifton Gardens Park District-Maintenance).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 141 of 2010, a resolution to accept a proposal for the electronics portion of the Special Collection Day.

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

WHEREAS, proposals have been received for the disposal of the electronics to be collected at the Sixteenth Annual Special Collection Day to be conducted on September 25, 2010, and

WHEREAS, the electronics portion of the Special Collection Day has grown significantly, and

WHEREAS, after reviewing the proposals received for such professional services, Environmental Specialist Michael Montague has recommended the proposal of Regional Computer Recycling, 7318 Victor-Mendon, Victor, New York, in an amount of \$1,000 for labor and set-up and at \$.10 per pound for the disposal of the electronics collected; now, therefore, be it

RESOLVED, that the proposal to perform professional services related to the disposal of the electronics to be collected at the Town of Clifton Park's Sixteenth Annual Special Collection Day on September 25, 2010 is hereby awarded to Regional Computer Recycling, Victor, New York, at a cost of \$.10 per pound for disposal of electronics collected and \$1,000 for labor and set-up.

Environmental Specialist Montague reported registration will be available on line beginning June 25th, as well forms available at the town hall, library, and transfer station. The electronics vendor is new this year and their rates are approximately half of what was paid in previous years. Councilman Hughes asked if the company has been able to handle other projects of this scope and size. Mr. Montague said he has checked references and they seem to be very experienced. It was noted that only oil based paints will be accepted, no latex.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 142 of 2010, a resolution authorizing the transfer of funds to cover the cost of controlling aquatic vegetation in the Clifton Knolls Ponds.

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

WHEREAS, Resolution No. 132 of 2009 awarded the contract for aquatic vegetation control of the three town-owned ponds in Clifton Knolls to Aquatic Control Technology, Sutton, Massachusetts, and

WHEREAS, Aquatic Control Technology included a proposal for \$22,390 for 2010 and a proposal for 2011 for the control of aquatic vegetation in the Clifton Knolls Ponds renewable at the option of the town; now, therefore, be it

RESOLVED, that the Town Board, as Commissioners of the Clifton Knolls Park District, hereby authorizes the transfer of \$18,000 from SP3-909 (Unreserved Undesignated Fund Balance) to SP3-7131-24 (Clifton Knolls Park District-general maintenance) to cover the cost of controlling aquatic vegetation in the Clifton Knolls ponds as authorized by Resolution No. 132 of 2009.

Environmental Specialist Montague explained the cost is higher as a sonar treatment is being used.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

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Resolution No. 143 of 2010, a resolution in connection with a block party to be held in the Clifton Knolls Subdivision.

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

WHEREAS, the residents of Clifton Knolls wish to conduct a block party within the subdivision on Saturday June 12, 2010, between the hours of 2:00 - 8:00 pm and have requested permission to use El Dorado Drive from Belmonte Drive down to Broadleaf Drive for their party activities; now, therefore, be it

RESOLVED, that the residents, with the approval and advice of the Town Highway Superintendent, have permission to use El Dorado Drive from Belmonte Drive down to Broadleaf Drive, June 12, 2010 from 2:00 - 8:00 pm for their party activities, but must not block off the street and make sure emergency vehicles can gain access to the street if needed; and be it further

RESOLVED, that the residents shall be responsible for all clean-up activities on Town property or on the street right-of-way resulting from the social activity, and be it further

RESOLVED, that a copy of this resolution be sent to the applicable Fire Department, the Ambulance Corps., the Sheriff's Department and the State Police.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 144 of 2010, a resolution authorizing the Supervisor to sign Change Order No. 1 for Rivercrest Sewer District Extension No.1, Contract No.1-Niskayuna Central School District Sanitary Sewer.

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

WHEREAS, Resolution No. 246 of 2009 authorized a contract for Rivercrest Sewer District Extension No.1, Contract No. 1-Niskayuna Central School District Sanitary Sewer, with Jablonski Excavating in an amount of \$367,800, and

WHEREAS, the Intermunicipal Agreement between the Town of Clifton Park and Niskayuna School District (NSCD) provides that the School District reimburse the Town for costs and construction of the sewer facilities necessary to connect Glenville Elementary School to Rivercrest Sewer District Extension No. 1, and

WHEREAS, McDonald Engineering has submitted a change order with Jablonski Engineering to complete driveway restoration work negotiated by NCSD pursuant to Paragraph 4 of the Intermunicipal Agreement dated June 8, 2009, and

WHEREAS, the additional cost of the additional work was \$84,966.08 as outlined by McDonald Engineering, and

WHEREAS, the additional sewer easement will result in an increase of \$84,966.08 from the previous contract amount of \$367,800 to \$452,766.08, and

WHEREAS, NCSD will reimburse the town in the amount of the change order pursuant to the Intermunicipal Agreement for the project; now, therefore, be it

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RESOLVED, that the Town Supervisor is hereby authorized to sign Change Order No. 1 dated June 1, 2010 to Jablonski Excavating for the Rivercrest Sewer District Extension No.1, Contract No. 1-Niskayuna Central School District Sanitary Sewer, for an increase of \$84,966.08, to be paid from H30-8111-200 (Capital Projects Rivercrest Sewer District No. 1 Extension No. 1 Sewer Contractual Equipment); and be it further

RESOLVED, that the change order work will be reimbursed to the Town of Clifton Park by the Niskayuna Central School District increasing H30-01289 (Other Government Revenues) by \$84,966.08.

Supervisor Barrett said this is for restoration on several residential easements and it is important that properties be restored to its prior condition. He expressed appreciation to the Niskayuna School District and the Town of Glenville for their cooperation on this project.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Bill White, Lace Lane, asked when Lace Lane will be paved. Supervisor Barrett said the town's allotment of CHIPS money may not be coming for some time so consideration may be given to fronting the money out of the general fund. Mr. White said, in the meantime, there is a section that is very noisy at night due to the stones where a pipe had been laid.

Beverly Czub, Rexford, asked who will maintain the sidewalk on Clifton Park Center Road in the winter. Director of Planning Scavo responded this will be worked out when the sidewalk is dedicated. She further asked what determines an historic structure. Supervisor Barrett said generally it comes down to age, type of architecture and certain guidelines. Town Attorney McCarthy said there is no landmark commission that decrees everyone must preserve everything on their property.

Ron Streeter, Glenwood Drive, spoke on the 7th Annual Relay for Life to be held June 11-12, 2010 at the Shenendehowa track. He asked members of the Town Board to present medals to the cancer survivors.

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 8:32 p.m.

Patricia O'Donnell
Town Clerk