

6/14/2010

June 14, 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 Romano
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Absent: Councilman Hughes

Also Present: Town Attorney McCarthy
Michael Shahan, Town Administrator
Richard Kukuk, Superintendent of Highways
Mark Heggen, Comptroller
Myla Kramer, Director of Parks and Recreation

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett reviewed the schedule of Performing Arts at the Common.

Supervisor Barrett presented Resolution No. 135 adopted June 7, 2010 to Eagle Scout Douglas Eberle who then reviewed his project of rehabilitating a pond at Gowana Middle School to be used for environmental education.

**PUBLIC HEARING, 7:10 PM
TO CONSIDER A LOCAL LAW AMENDING
CHAPTER 208-111, PENALTIES FOR OFFENSES AND 121(B) AND CHAPTER 179
SUBDIVISION REGULATIONS BY ADDING SPECIAL CONDITIONS REGARDING
PRESERVATION**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on June 10, 2010.

Supervisor Barrett summarized the proposed local law explaining the proposed legislation is meant to clarify and strengthen the current code. He stated he doesn't see this as an infringement on property rights of citizens but just common sense measures to protect the history of the town. He noted tax incentives are offered through the Conservation Easement Program for people to maintain or improve an historic structure.

The public hearing was opened for comments from the audience at 7:15 p.m.

Jim Baisley, Barkwood Lane, said Town Historian Scherer's articles in the Community News show the historic value of the Town of Clifton Park. He reviewed the issue of the demolition of the house on Fire Road, noting it was a "wake up call" and a lesson was learned. Mr. Baisley said the Planning Department gives out a kit that contains information for applicants and developers. He suggested adding a letter of understanding of the historical properties in town.

Pam Marshall, Fairlawn Court, said she agrees with the language in the proposed legislation and stated the action is necessary.

Councilman Paolucci thinks the legislation needs more weight. He asked if the proposed fines could be considered arbitrary and capricious at some point in time when a fine is levied or is there a precedent for what is being proposed.

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Town Attorney McCarthy responded the number is based upon what is recommended as an effective deterrent. There will be a determination either by Town Board or Code Enforcement or Planning and ratified by the Town Board and then civil action in Supreme Court. Mr. McCarthy said there is not a lot of similar legislation. He stated the record of the house demolished on Fire Road would be a precedent and would be part of a future record on appeal.

Councilman Paolucci said he thinks the intent and direction of the legislation is right but he would hate to find an attorney that could find it was not within our rights to do this.

Mr. McCarthy reported the legislation is written up to \$250,000.

Lyndon Jones, Evergreen Ave, spoke in favor of the proposed legislation, noting it is an important issue.

Gail Winters, Main St, Jonesville, member of Historic Preservation Commission, said over the years she has seen the Town Board being tremendously supportive of historic preservation and this is another good move.

Supervisor Barrett said he will have an idea by early July if the Town Board is moving forward with this draft legislation.

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 7:35 p.m.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 145 of 2010, a resolution appointing Louise King as an Associate Member of the Environmental Conservation Commission.

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

WHEREAS, an opening exists for an Associate Member for the Environmental Conservation Commission, and

WHEREAS, Louise King, 24 Ashley Drive, Ballston Lake, has been recommended to fill the position, and

WHEREAS, the appointment of Louise King would confer a benefit to the Environmental Conservation Commission; now, therefore, be it

RESOLVED, that Louise King is hereby appointed as an Associate Member of the Environmental Conservation Commission for a two year term, term to expire December 31, 2011.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

6/14/2010

Resolution No. 146 of 2010, a resolution authorizing the Supervisor to sign Change Order No. 1 for Rivercrest Sewer District Extension No.1, Contract No.2-Flow Meter.

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

WHEREAS, Resolution No. 340 of 2009 authorized a contract for Rivercrest Sewer District Extension No.1, Contract No. 2-Flow Meter Installation with Pollard Excavation in an amount of \$34,604, and

WHEREAS, the Town of Glenville required the flow meter unit be changed to one that had a built-in long life battery backup, and

WHEREAS, the pipe connection fittings were changed to ensure there would be no groundwater infiltration, and

WHEREAS, a riser ring was added to the flow meter structure to meet existing grade, and

WHEREAS, a change order was prepared by McDonald Engineering which provides for the increase in contract price from \$34,604 to \$38,249 and a twenty-nine day decrease in contract times, and

WHEREAS, the additional cost of the additional work was \$3,645 and a twenty-nine day decrease as outlined by McDonald Engineering; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign Change Order No. 1 dated May 6, 2010 to Pollard Excavation for the Rivercrest Sewer District Extension No.1, Contract No. 2-Flow Meter Installation for an increase of \$3,645, to be paid from H30-8111-200 (Rivercrest Sewer District Extension No. 1, Contract No. 2-Flow Meter Installation).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 147 of 2010, a resolution reducing the Dog Park Permit rate from \$30 to \$15, effective July 1 - December 31, 2010.

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

WHEREAS, requests have been received by the Town Clerk's Office regarding prorating the Dog Park Permit rate through December 31, 2010, and

WHEREAS, Town Clerk Patricia O'Donnell has recommended that the Dog Park Permit rate be reduced from \$30 to \$15, effective July 1 - December 31, 2010; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Town Clerk to reduce the Dog Park Permit rate from \$30 to \$15, effective July 1 - December 31, 2010.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

6/14/2010

Resolution No. 148 of 2010, a resolution in connection with a block party to be held in the Windsor Pointe Subdivision.

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

WHEREAS, the residents of Windsor Pointe wish to conduct a block party within the subdivision on June 19, 2010, between the hours of 12:00 pm and 8:00 pm and have requested permission to use a portion of Birch Hill Road between the intersection of Castlegate and Beresford Roads 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 a portion of Birch Hill Road between the intersection of Castlegate and Beresford Roads, June 19, 2010 from 12:00 pm - 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 Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 149 of 2010, a resolution authorizing the Supervisor to sign a Service Agreement with CTA (California Transit Authority) Band to perform at the Town of Clifton Park's Annual July 4th Celebration on the Clifton Common.

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

WHEREAS, the Town of Clifton Park will once again be holding a July 4th Celebration on the Clifton Common complete with musical entertainment, and

WHEREAS, California Transit Authority is an ensemble band formed among former members of "Chicago," "Emerson, Lake and Palmer" and other well known national music acts, and

WHEREAS, the Town Board wishes to contract with CTA to provide musical entertainment for the celebration; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign a Service Agreement with CTA Band to perform on July 4, 2010 on the Clifton Common from 8:00 - 9:30 p.m.

Supervisor Barrett reported the town will be spending \$4000 of the total cost. He stated typically the town pays for lighting, sound system and sound engineer but that will be part of the cost that will be picked up by the sponsor, County Waste.

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ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 150 of 2010, a resolution approving an outside user connection to the Route 9 Fire Road Water District No. 1 for 13 Old Plank Road.

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

WHEREAS, the Route 9 Fire Road Water District No. 1 has been approved by the New York State Comptroller's Department of Audit and Control, and

WHEREAS, a request has been received by the Town Board, acting as Commissioners of the Route 9 Fire Road Water District, to approve an outside user connection for property at 13 Old Plank Road (SBL 272.9-1-32), per the attached agreements, and

WHEREAS, the said property is located outside the legal boundaries of the Water District and currently has private water; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Route 9 Fire Road Water District No. 1, hereby approves an outside user connection to the District's facilities for a parcel of land at 13 Old Plank Road.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 151 of 2010, a resolution adopting the budget for the 2010 Autism program within the Full Day Summer Recreation Camp.

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

WHEREAS, the Town of Clifton Park will be hosting two one-week sessions within the full day summer camp at the Clifton Common for children who are diagnosed along the Autism spectrum, and

WHEREAS, children who attend the program will participate in the same activities as all of the campers, and

WHEREAS, the Town will hire additional staff to accommodate the pilot program and all staff will have additional specialized training; now, therefore, be it

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RESOLVED, that the Director of Parks and Recreation is authorized to establish a program, as identified in this resolution, and to collect registration fees and other aid to offset the budgeted cost of the program up to \$5,350; and be it further

RESOLVED, that a budget of \$5,350 be established for the Autism program to be conducted as part of the Full Day Summer Recreation Camp.

Supervisor Barrett explained this is a one year pilot program and the town will look to expand it in the future. He said this may be the only program of this type in the capital district. Supervisor Barrett said this program is partnering with the parents and relying on the state for guidance, noting Senator MacDonald's office has been very supportive. He thanked Councilman Hughes for bringing this forward. Director of Parks, Recreation and Community Affairs Kramer noted the response has been great and parents seem to be very appreciative of the town taking this step.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 152 of 2010, a resolution approving a salary matrix for the 2010 Autism program within the Full Day Summer Recreation Camp.

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

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has prepared a 2010 salary matrix for the pilot autism program within the Full Day Summer Recreation Camp, per Schedule A; now, therefore, be it

RESOLVED, that the Town Board hereby adopts the Salary Matrix for the 2010 Autism program within the Full Day Summer Recreation Camp, per Schedule A.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 153 of 2010, a resolution authorizing the hiring of specialized staff for the 2010 Autism program within the Full Day Summer Recreation Camp.

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

WHEREAS, the Town of Clifton Park will be hosting two one-week sessions within the full day summer camp at the Clifton Common for children who are diagnosed along the autism spectrum, and

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WHEREAS, the Town will be hiring one specialist and five additional staff to accommodate the pilot program; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the hiring of specialized staff for the 2010 Autism program within the Full Day Summer Recreation Camp, per Schedule "A".

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 154 of 2010, a resolution authorizing the promotion of Colin Fleming and Kate Beidl to Head Lifeguard and adjusting the salaries of all head guards to include a pay raise for when they are "acting manager."

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

WHEREAS, the Director of Parks and Recreation has identified a need for head lifeguards at the Barney Road and Country Knolls Pools, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that current lifeguards Colin Fleming, 10 Eagle Trace, Ballston Lake and Kate Beidl, 1 Valencia Lane, Clifton Park, be promoted to fill the positions, and

WHEREAS, Myla Kramer has also recommended that the salaries of all head guards be adjusted to include a pay rate for when they are "acting manager," to be applied when pool managers are not on site, per schedule "A"; now, therefore, be it

RESOLVED, that the Town Board authorizes the promotion of Colin Fleming and Kate Beidl to Head Lifeguards and authorizes the salaries of all head guards to be adjusted to include a pay rate for when they are "acting manager," to be applied when pool managers are not on site, per schedule "A", effective June 7, 2010.

Supervisor Barrett reported he has met with all pool managers and Glenn Valle of the Country Knolls Park District. They have asked that the town take an in depth study on salaries of the lifeguards, head lifeguards and pool managers, as it is felt there are areas for improvement. The Supervisor feels this should be studied as part of the 2011 budget and to come up with a plan for the future to consider areas where salaries can be improved.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

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Resolution No. 155 of 2010, a resolution authorizing the hiring of current lifeguards as Water Safety Instructors.

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

WHEREAS, it is necessary to hire water safety instructors for the Town of Clifton Park 2010 Learn to Swim Program, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that current lifeguards, identified per Schedule "A", be hired for such purpose; now, therefore, be it

RESOLVED, that authorization is hereby given to hire current lifeguards, as identified on Schedule "A", as Water Safety Instructors, to be paid from A-7310-E4575 (Summer Recreation Programs-Swim Lesson Program).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 156 of 2010, a resolution authorizing the Supervisor to sign a lease agreement with de lage landen for a Lanier LD 320D Digital Copier for use by the Highway Department.

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

WHEREAS, the Highway Department has requested that a new Lanier LD 320D digital copier be leased for use by their office, and

WHEREAS, the proposed cost for leasing the copier is \$68 per month; now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to enter into a lease agreement with de lage landen for a Lanier LD 320D copier for thirty-six (36) months at a cost of \$68 per month, and \$.0104 per copy, to be paid from A05010-0003 (Highway-Copier).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 157 of 2010, a resolution authorizing the promotion of Donald Springel from Laborer to the position of MEO in the Highway Department

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

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WHEREAS, Highway Superintendent Rick Kukuk recommends that Donald Springel be promoted from Laborer to MEO in the Highway Department, and

WHEREAS, the above referenced employee has met the requirements for this position; now, therefore, be it

RESOLVED, that effective immediately, Donald Springel is hereby appointed to the position of MEO, Grade 5, Step 3, Year 1 (\$37,730), additional \$835.20 needed through balance of 2010 to be paid with \$633.60 from DA-051110-00074 (Highway-Construction) and \$201.60 from DA-05142-00074 (Highway-employee).

Superintendent of Highways Kukuk said Mr. Springel has met the qualifications by obtaining his CDL driver's license, has demonstrated his proficiency in operating equipment and is deserving of the promotion. He noted Mr. Springel has recently been elected Vice President of the CSEA unit.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 158 of 2010, a resolution declaring a public emergency pursuant to General Municipal Law Section 103(4), retroactive to March 13, 2010, and authorizing the transfer of \$58,764.70 from Undesignated Fund Balance to cover the cost of the repairs at 25 Glenwood Drive.

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

WHEREAS, General Municipal Law Section 103(4) permits the Town of Clifton Park to enter into contract for the work needed to be done without competitive bidding where the Town Board declares the situation to be a public emergency, and

WHEREAS, Highway Superintendent Richard Kukuk determined that a large sink hole that developed behind 25 Glenwood Drive was due to the failure of storm sewer facilities at that location, and

WHEREAS, the condition had the potential to deteriorate rapidly and to cause further danger to the slope toward the Longkill Creek, and

WHEREAS, Tom Kubricky Company, Inc. is an authorized emergency contractor for the Town of Clifton Park, pursuant to Resolution No. 60 of 2010, and

WHEREAS, bid rates as awarded by the Clifton Park Sewer District were used for equipment and labor, and

WHEREAS, Richard Kukuk accepted the quote of Tom Kubricky Company, Inc., based on emergency circumstances, necessary to repair the storm sewer facilities and prevent further damage to the existing slope and has determined that the charges submitted, pursuant to the quote, were appropriate for the work that was required; now, therefore, be it

RESOLVED, that the Town Board hereby declares the potential damage threatened by the large sink hole at 25 Glenwood Drive to be a public emergency requiring immediate action which cannot await competitive bidding; and be it further

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RESOLVED, that payment is authorized to Tom Kubricky Company, Inc. for \$58,764.70 for repairs to a large sink hole, to be paid with a transfer of \$58,764.70, from DA-909 (Undesignated Fund Balance) to DA05110-00024 (Repairs and Maintenance).

Superintendent of Highways Kukuk explained this portion of the Ashley section was developed in the late 1970s. He reviewed the situation requiring the repairs. Councilman Romano asked if there is a preventative process. Superintendent Kukuk said he and McDonald Engineering are looking at areas, including Terrace Court.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 159 of 2010, a resolution in connection with a block party to be held in the Heritage Green Subdivision.

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

WHEREAS, the residents of Heritage Green wish to conduct a block party within the subdivision on Saturday, September 11, 2010, between the hours of 3:00 pm and 8:00 pm and have requested permission to use the end of Spruce Street 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 the end of Spruce Street, September 11, 2010 from 3:00 - 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 Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 160 of 2010, a resolution appointing John Scherer to the Community Arts and Culture Commission.

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

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WHEREAS, due to the resignation of Alexandra Verrigni a vacancy exists on the Commission, and

WHEREAS, John Scherer, 113 Vischer Ferry Rd., Rexford, has been recommended to fill the vacancy, and

WHEREAS, John Scherer's membership on the Commission would confer a benefit to the residents of the Town; now, therefore, be it

RESOLVED, that John Scherer is hereby appointed to fill the unexpired term of Alexandra Verrigni, term to expire December 31, 2011 on the Community Arts and Culture Commission.

Supervisor Barrett thanked Ms. Verrigni for her service on the Commission.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

PUBLIC PRIVILEGE

Anton Salecker, Crestmont Drive, read his letter to DOT Commissioner Stanley Gee, attached, requesting a sidewalk on the north side of Route 146.

Supervisor Barrett agreed the sidewalk would be well used and a nice addition to the town but the reality is the town has been lobbying the state to get paving and better pedestrian markings done at the Route 146 and Clifton Country Road intersection with no success.

MOTION by Councilman Paolucci, seconded by Councilwoman Walowit, to adjourn the meeting to the next regular meeting or any other meeting necessary for the conduct of Town business.

Motion carried at 8:30 p.m.

Patricia O'Donnell
Town Clerk