

July 6, 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 Shahan, Town Administrator
Michael O'Brien, Collection Systems Manager
John Scavo, Director of Planning

MOTION BY Councilman Hughes, seconded by Councilman Paolucci, to approve the minutes of the June 14 and 21, 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 thanked all involved with the 4th of July celebration.

Supervisor Barrett announced the Not So Common Players production of Once Upon A Mattress will be presented for seven performances in July.

The Supervisor reported he has spoken with Councilwoman Walowit about the current heat conditions and residents on the RUOK list have been contacted.

Speaking with regard to the 4th of July, Town Administrator Shahan expressed concern about candy being thrown from parade vehicles. He said the parking lots on the Common were cleared in just less than an hour.

PUBLIC HEARING, 7:10 PM
TO CONSIDER A CONSERVATION EASEMENT APPLICATION
FOR 1401 ROUTE 146, REXFORD

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on June 26, 2010.

Supervisor Barrett said a letter has been received from the Planning Board Chair Bulger noting Director of Planning Scavo agrees that this easement would be a good use for the property and the Planning Board concurs.

The public hearing was opened for comments from the audience at 7:10 p.m.

Everyone was given an opportunity to speak in favor of or against the application and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 7:11 p.m.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 173 of 2010, a resolution authorizing the purchase of playground equipment for the Stoney Creek Park District No. 1 under New York State Contract.

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

WHEREAS, the Stoney Creek Park District has identified a need for playground equipment for the Shirewood-Stoney Creek Park District and has requested authorization to purchase a Rocky Mountain Climber under New York State Contract, as described in Schedule A; now, therefore, be it

RESOLVED, that the Town Board, as Commissioners of the Stoney Creek Park District, authorizes the purchase of a Rocky Mountain Climber under New York State Contract from The PlayPro, 5 Krey Boulevard, Rensselaer, New York, 12144, as described in Schedule A, at a cost not to exceed \$5,232.78, includes installation; to be paid from SP9-7117-200 (Shirewood-Stoney Creek Park District No.1-Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 174 of 2010, a resolution appointing Susan White as Secretary to the Zoning Board of Appeals.

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

WHEREAS, due to the resignation of Jessica McCarthy an opening exists for a Secretary to the Zoning Board of Appeals, and

WHEREAS, Susan White, 24 Hearthside Drive, Ballston Lake, has been recommended to fill the position; now, therefore, be it

RESOLVED, that Susan White, 24 Hearthside Drive, Ballston Lake, is hereby appointed as Secretary to the Zoning Board of Appeals, effective immediately, at a salary as budgeted, to be paid in equal monthly installments.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 175 of 2010, a resolution establishing hook-up fees for new users to the Route 9 Fire Road Water District No. 1.

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

WHEREAS, the Route 9 Fire Road Water District No. 1 was formed in September of 2000, and

WHEREAS, the Town Board wishes to set outside user connection charges for residential customers of Route 9 Fire Road Water District No. 1 more consistent with fees established for the Rexford Water District by Resolution No. 208 of 2005; now, therefore, be it

RESOLVED, that the Clifton Park Town Board hereby establishes the following hook-up fees for new users to the Route 9 Fire Road Water District No. 1 as follows:

Residential (Outside Users) \$500

Commercial (Outside Users) \$2,000

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 176 of 2010, a resolution approving an amended outside user connection to the Route 9 Fire Road Water District No. 1 for 13 Old Plank Road.

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

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 inside the legal boundaries of the Water District and currently has private water, and

WHEREAS, the existing house has not been serviced by public water but requires connection to the Route 9 Fire Road Water District No. 1 for public health purposes; 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 and authorizes the Supervisor to sign the amended Outside User Agreement, attached.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 177 of 2010, a resolution in connection with a block party to be held in the Country Knolls South Subdivision.

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

WHEREAS, the residents of Country Knolls South wish to conduct a block party within the subdivision on Saturday July 10, 2010, between the hours of 4:00 pm and 9:00 pm and have requested permission to use Whispering Hills Drive for their party activities; now, therefore, be it

RESOLVED, that the residents of Country Knolls South, with the approval and advice of the Town Highway Superintendent, have permission to use Whispering Hills Drive, July 10, 2010 from 4:00 - 9:00 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 and 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. 178 of 2010, a resolution moving Election District 6 from the Jonesville Fire Main Station to the Jonesville Methodist Church and Election District 24 from Okte School to the King of Kings Church.

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

WHEREAS, due to the state's requirement of new voting machines, consisting of two sections and a separate handicap voting machine, more space is required for Election Districts 6 & 24, and

WHEREAS, the space at the Okte School is not sufficient for these machines, and

WHEREAS, there will be a benefit in reducing the number of districts at the Jonesville Fire Main Station from three to two, and

WHEREAS, both King of Kings Church, Crescent Road, and Jonesville Methodist Church, Main Street, have been polling places for many years, and

WHEREAS, the Pastors of both churches have been notified of the proposed change and have raised no objection; now, therefore, be it

RESOLVED, that Election District 6 will now be located in the Jonesville Methodist Church at 963 Main Street, Jonesville, and Election District 24 will be located in the King of Kings Church at 1593 Crescent Road.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 179 of 2010, a resolution awarding the Clifton Park Sewer District No. 1-
Contract No. 1-Sewer Camera bid.

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

WHEREAS, on June 3, 2010, bids were received for the above referenced Contract No.
1-Sewer Camera for use by Clifton Park Sewer District No. 1, and

WHEREAS, McDonald Engineering reviewed the equipment of the two responding
bidders including field observation of both units at other municipalities and found the equipment
available from Joe Johnson Equipment responsive to specifications required by the bid
documents, and

WHEREAS, Michael O'Brien, Collection Systems Manager, recommends that the Sewer
Camera bid by Joe Johnson Equipment will best suit the needs of the Sewer Department, and

WHEREAS, the opinions of McDonald Engineering and Michael O'Brien are based on a
careful review of the available equipment, reference checks and field observation, and

WHEREAS, Town Administrator Michael Shahan has reviewed the bids and has
recommended that the second bid for the Rover unit from Envirosight/Joe Johnson Equipment
Inc., in an amount of \$77,032 be accepted; now, therefore, be it

RESOLVED, that the Town Board hereby awards the sewer camera bid to Joe Johnson
Equipment, Inc. in the amount of \$77,032, to be paid as budgeted in the 2010 Budget from G7-
811-200 (Clifton Park Sewer District No. 1-Equipment and Building).

Collection Systems Manager O'Brien explained this camera is controlled from a vehicle and is
inserted into manholes, finds problems and often times the problem can be fixed without having
to dig up. He stated this equipment, which in the past has been contracted out, will allow the
contract for this year to be cut in half which will save the Clifton Park Sewer District a budgeted
number of \$30,000 and will pay for itself very quickly. Mr. O'Brien said this camera will also be
used by the Highway Department when televising of pipes is required.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 180 of 2010, a resolution authorizing the Supervisor to sign a Flex-Tech
application to retain L&S Energy Services to analyze the Landfill Thin Film Solar Project and to
appropriate \$22,328, the Town's share for a local match from NYSERDA.

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

WHEREAS, in May 2010, the Town received a feasibility study it had commissioned from Energenics Systems, LLC, and

WHEREAS, the focus of the study was to evaluate potential application of a PV and distributed generation system at the Town landfill, and

WHEREAS, the Town of Clifton Park has requested that L&S Energy Services complete an independent market analysis of the Energenics study and proposal for implementation of components contained within the study, and

WHEREAS, the New York State Energy Research and Development Authority has indicated that funding for the L&S analysis is available through the Flex-Tech Program, and

WHEREAS, L&S Energy Services have prepared energy audits of the Town in the past and as a result are familiar with the Town’s energy use, practices, patterns and facilities, and

WHEREAS, the total time and materials cost estimate for this project is \$44,656 which cost will be shared between NYSERDA and the Town of Clifton Park on a 50/50 basis (\$22,328 each); now, therefore, be it

RESOLVED, that authorization is hereby given to the Town Supervisor to sign a Flex-Tech application to retain L&S Energy Services to analyze the Landfill Thin Film Solar Project from a market and implementation perspective and to authorize the Comptroller to transfer \$22,328 from Undesignated Fund Balance to A-1440-15 (General Fund-Engineering-Other Contractual) for the Town’s shared cost of the project with NYSERDA.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 181 of 2010, a resolution certifying the standard work days for elected and appointed officials.

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

BE IT RESOLVED, that the Town of Clifton Park hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	SS #	Reg. #	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer’s Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Elected Officials							
Supervisor	Philip C. Barrett			6/day	1/1/2010 – 12/31/2011	N	21.36
Town	Lynda			6/day	1/1/2010 –	N	8.76

Council	Walowit				12/31/2013		
Town Council	James Romano			6/day	1/1/2010 – 12/31/2013	N	(1)
Highway Superintendent	Richard Kukuk			6/day	1/1/2010 - 12/31/2011	N	21.67
Town Clerk	Patricia O'Donnell			6/day	1/1/2010 – 12/31/2011	N	21.67
Town Justice	James Hughes			6/day	1/1/2010 – 12/31/2013	N	(1)
Chair Planning Board	Steve Bulger			6/day	1/1/2010 – 12/31/2010	N	.83
Health Officer	Gayle Buckley			6/day	1/1/2010 – 12/31/2010	N	
ZBA Secretary	Jessica McCarthy			6/day	1/1/2010 – 6/30/2010	N	4.14

(1) – Employee not enrolled in NYS Retirement Plan

(Clerk's Note: Resolution containing social security numbers and town registration numbers is confidential and on file in the town clerk's office)

Supervisor Barrett said this is required every eight years.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 182 of 2010, a resolution appointing Kimberly Robertor-Parsons as a permanent part-time Animal Control Officer per Civil Service Certification.

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

WHEREAS, a vacancy exists for a part-time Animal Control Officer, and

WHEREAS, William Lehman, Animal Control Officer, has recommended that Kimberly Robertor-Parsons, 21 Windmill Court, Ballston Lake, be appointed as a permanent part-time Animal Control Officer; now, therefore, be it

RESOLVED, that Kimberly Robertor-Parsons, 21 Windmill Court, Ballston Lake, is hereby appointed as a permanent part-time Animal Control Officer for the Town of Clifton Park, per Civil Service Certification, at Grade 3, Step 3 (\$15.70 per hour) as budgeted, effective immediately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 183 of 2010, a resolution awarding a contract for the Clifton Common Baseball Field Drainage Improvements.

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

WHEREAS, on July 2, 2010, formal price quotes were received for the above referenced contract, and

WHEREAS, the low quote for the Clifton Common Baseball Field Drainage Improvements was submitted by Tom Kubricky Company, Inc. in the amount of \$21,686, and

WHEREAS, as per letter from McDonald Engineering dated July 2, 2010, McDonald Engineering has reviewed the price quotes and has recommended to the Town Supervisor that the quote from Tom Kubricky Company, Inc. be accepted; now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced bid in the amount of \$21,686 to Tom Kubricky Company, Inc to be paid from A7112-200 (Parks-Clifton Common-Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 184 of 2010, a resolution in connection with a block party to be held on Tipperary Way.

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

WHEREAS, the residents of Tipperary Way wish to conduct a block party on Saturday, July 17, 2010 between the hours of 2:00 p.m. to 9:00 p.m. and have requested permission to use Tipperary Way 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 Tipperary Way on July 17, 2010 from 2:00 p.m. to 9:00 p.m. for their party activities, but must not block off the roadway 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

PUBLIC PRIVILEGE

Willard Sproat, Route 146, Rexford, read a statement expressing disappointment that development of Garnsey Park hasn't been started and feels it has been put on the "back burner". He said it is totally unusable as it currently stands and is a jungle. Mr. Sproat said residents want to see a passive recreation park take place there soon. He reviewed the history of the park since the town's purchase. He believes human and financial resources have been wasted. He suggested the Town Board meet with the planning team and talk about an acceptable, scaled down plan. He stated the planning team did not envision the grandiose plan that resulted. He recommended a dialogue be opened with the Town Board and residents attending tonight. He asked what project has appeared that puts Garnsey Park on hold.

Fran Gordon, Wing Road, said she is dismayed at the reversal of support for Garnsey Park. She thanked the Town Board for pursuing the grant and hopes the Board will continue with the planning committee as the community is anxious to utilize the park. Ms. Gordon asked when the town might hear the outcome of the grant proposal.

Supervisor Barrett said he has not heard the Board say they don't support the project.

Councilman Paolucci said he heard from three Town Board members that they did not want to go out to bid on the project.

Supervisor Barrett said this is a big project and a large investment in very difficult economic times and the Town Board will be careful moving forward. He said the Town Board would love to see this project move forward and has not lost support of this project. He noted a grant application has been submitted to NYS. The Supervisor said the Barney Road Golf Course needs to be considered as that property is not protected and that land could be developed if the town doesn't take a serious look at purchasing the property. He said the Board appreciates all the work the volunteers and staff have done but, at this point in time, will be cautious.

Councilman Hughes said he doesn't know of anyone on the Board who is not in support of Garnsey Park. He noted with the economic conditions of the state and country, these are perilous times. He said it would not be fiscally responsible to rush forward on this project, noting the cost of the work on the park could be millions of dollars. Councilman Hughes said the work of the volunteers is appreciated but it is important to get a better picture of what mortgage tax receipts and sales tax revenues are going to be before going forward. He stated no one is saying this project stops but it is important to be cautious at this time. Councilman Hughes further stated Garnsey Park is now protected open space.

Director of Planning Scavo reported an application will be submitted on July 12th to NYS Parks and Recreation for a \$400,000 grant which the town will match. He has received letters of support from the community and other organizations. He explained the town can leverage, as part of the match, monies spent over the last three years that were not for acquisition; e.g. professional services. He continued the application should rate high with NYS as the park is a shovel ready and C.T. Male has advanced it to the point of getting state and federal permits and signoffs with different agencies which is a valuable asset. Mr. Scavo said funding announcements vary from year to year but can take as long as twelve months or as quickly as three to four months.

Supervisor Barrett asked what the engineer's projections would be if it were to go out to bid. Mr. Scavo responded probably would be a \$1.5 million project for everything. If the add alternates were phased in, road with water infrastructure, single pavilion and trail, approximately \$800,000.

Councilman Paolucci said the Board has taken the time to review this project as a community and in every step of the way he has talked with the Town Board asking should we press on. He said the estimate from Clough, Harbor states the whole project can be done for \$1.5 million but that is not what he suggested the town do. He suggested the project be broken up into smaller pieces called add alternates and look at the bids. He said contractors are hungry and bids are coming in lower than engineers' estimates, but by breaking the project up the town has options to say whether something is too expensive at this time or can go forward and the town doesn't have that option unless we go out to bid. He said there is a lot of support from the community, it is a very good plan

and feels something can be done at this time. Councilman Paolucci stated he doesn't believe the Board is acting recklessly or that the project could cost millions.

Maria Berman, Wing Road, fears that over the years a different interest group can come in and say "we need those 20 soccer fields in Garnsey Park" and land designation can change. She asked if the Board is staying with the passive designation. Supervisor Barrett responded yes.

Fareed Munir, Wing Road, said the residents received information in the beginning but have received limited information since which has led to these concerns. He asked if the project is too large, is it possible to do something in a scaled down form. He said a promise was placed before the planning committee and the promise has been pulled back. He asked can the process continue even if it means a scaled down version.

Councilman Hughes stated since the parcel was purchased and saved, economics in state and the country have changed dramatically so it would be reckless on the Town Board's part to simply move forward without looking at the town's financial situation. He said looking at a scaled back model may be workable but it is right and proper for the Board to take a good hard look and do it the right way.

Councilman Paolucci said approvals were received from DOT and SHIPO about 45 days ago and we are at a point where further action could be taken.

Supervisor Barrett said approvals have just come in and, as far as pulling back, this is not the case.

Councilwoman Walowit noted the Dwaas Kill Park project has also been put off for this year. She said the Board has been listening to the residents but the Town Board has said all along that there may come a time when they will have to be cautious. She the Town Board was not expecting to be offered a golf course but the Board may want to take that opportunity. Councilwoman Walowit said she appreciates the comments and the project is not being put off forever.

Art Glaud, Riverview Road, said the residents of Rexford feel like "orphans of Clifton Park"; there are no parks, very little sewers and feels this project should be considered. He said any allocation towards the park at this time would go towards the town's part of the grant. Mr. Glaud said future Town Boards could change the land designation. He asked that the Board consider the residents of Rexford.

Supervisor Barrett stated no projects of this size happen overnight.

Councilman Romano said he chaired the Open Space Committee for ten years. He said there is an inventory of 16 or 17 projects on the docket right now. He stated he is committed to Garnsey Park but the town has to do its due diligence to make sure the right projects are put forward.

Councilman Hughes said the town has accomplished a great deal in preserving open space over the last few years and Garnsey Park will be part of that narrative. He noted this has all been done without a town tax; the town is debt free, with no bond levies. He reviewed projects being considered; e.g. the Stony Creek Reservoir, the golf course, Garnsey Park, Dwaas Kill Nature Preserve.

Julianne Sproat, Route 146, Rexford, asked if anyone has considered the cost of maintaining a golf course. She said the town has a piece of property that cost millions and nothing is being done with it. Ms. Sproat said it is her understanding the entire Board was polled as to where the Board was going with the project and there was one other Councilman that supported Councilman Paolucci. She stated four years ago the Board was ready to "spend millions to destroy" the property and turn it into a flat field.

Chris Grossman, Nott Road, said her main concern is that the property remains a natural area and home for wildlife perhaps with a small parking lot and trails.

Councilman Paolucci said he plans on getting together with Buildings and Grounds Supervisor Handerhan to see if there is something that can be done on a small scale to get people in there safely.

Youseff Ballout, Torrero Drive, said the Board agreed to a passive park, money is dedicated to that project and the Board has no choice but to act on it.

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

Motion carried at 8:34 p.m.

Patricia O'Donnell
Town Clerk