

March 14, 2011

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
Richard Kukuk, Superintendent of Highways
Mark Heggen, Comptroller
Michael Montague, Environmental Specialist
Steven Myers, Director of Building and Development
John Scavo, Director of Planning

PRESENTATION OF THE KEY TO CLIFTON PARK

Supervisor Barrett presented the Key to Clifton Park to the family of Erika Riebel in honor and recognition of her dedication to children and volunteerism for CAPTAIN, as a school board member, softball coach and to various organizations throughout the capital region. Erika's uncle, George Riebel, said she was a warm generous person who loved life. He introduced the Riebel/Trauring family. Erika was a candidate for Saratoga County Family Court Judge at the time of her sudden death on July 27, 2010.

MOTION BY Councilman Hughes, seconded by Councilwoman Walowit, to approve the minutes of the February 28, 2011 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 announced CERT training will be held March 24th to May 1st.

**PUBLIC HEARING, 7:10 PM
TO CONSIDER A LOCAL LAW AMENDING
THE ZONING CODE TO ALLOW FARM LABOR HOUSING BY SPECIAL USE PERMIT IN
THE CONSERVATION RESIDENTIAL ZONE**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on March 10, 2011.

Supervisor Barrett said the state is offering zero percent revolving line of credit for farms that construct housing for farm laborers.

Town Attorney McCarthy explained this change would not affect existing temporary structures; e.g. trailers used throughout the agricultural community, but would provide for homes with foundations on the large commercial farms with a minimum of ten acres. He said this will not affect the entire

CR zone and will not allow for “mother/daughter” housing. He reviewed the proposed definition of “Permanent Farm Labor Housing”, which reads the farm employee, including family members, must be employed on an operational commercial farm at least 51 percent of the time in the year. He recommended leaving the public hearing open in order to receive comments from NYS Agriculture and Markets.

Supervisor Barrett said this will enhance operations of the farms and help them to be successful.

Councilman Paolucci asked how many houses can be put on the site and could there be an issue by leaving this open ended. Mr. McCarthy said this will be done by Special Use Permit. Councilman Paolucci said this is an approved use under the Special Use Permit and doesn't give an opportunity to deny.

Director of Planning Scavo said there is no density standard in the proposed legislation. He said a town in New Jersey and the Town of Yates in Green County have Right to Farm laws on a county wide basis that speak to permanent farm worker housing and he believes there is density language in those laws.

Councilman Paolucci asked why a biannual review. Mr. McCarthy said one of the concerns is if the house ceases to be used that would have to be addressed. He noted it was decided to use an every other year standard since there could be a “bad” farming year.

The public hearing was opened for comments from the audience at 7:35 p.m.

Kevin Bowman, Sugar Hill Road, said he has been in a permitting process with the Town of Clifton Park since January and action needs to be taken. He explained the state has a revolving loan fund of approximately \$3 million to construct new farm worker housing in the state. Mr. Bowman said for over 20 years there have been two mobile homes on his farm, however, they are extremely difficult to maintain as they deteriorate rather quickly. He reported his farm workers are here from May 15th to November 30th, therefore, the trailers are unheated in the winter and mice come in. Mr. Bowman said some of this workers have been with him 20 years plus and he would like to give them housing to be proud of. Mr. Bowman reported Bowman Orchards has been a recipient of \$100,000 of this grant money and the state needs him to accept this money as quickly as possible or it will go to someone else. He reviewed issues he has found in the proposed legislation – under the definition of Permanent Farm Labor Housing in the Town of Clifton Park most farm worker housing will not be occupied for the entire year and questioned the word “permanent”. The Supervisor and Town Attorney noted “permanent” refers to the type of structure. Mr. Bowman said the 51 percent rule would be all right at his farm but may not on other farms where they may have workers for six to eight weeks. He said 208-16 (22)(a) needs clarification as to who is responsible to certify housing units are occupied by farm employees and perhaps this could be tied into an ag assessment form. Mr. McCarthy responded tying into the ag assessment form seems like a good idea. Director of Building and Zoning responded he thinks it would be Building Department staff doing an inspection every two years that the workers are there and a note to the file that it is still ongoing. Mr. McCarthy explained the 51 percent came from state guidelines. Mr. Scavo explained the distinction at the state level is 51 percent of the time relates to a definition for permanent farm worker housing versus migrant farm worker housing. Supervisor Barrett said a farming year is not 12 months so the 51 percent requirement will be reviewed. Mr. Bowman explained the revolving loan is at zero percent and administered by the state and started about 15 years ago to get people to update housing. He said he does not want to accept the \$100,000 grant until he has a permit in hand so time is of the essence. He expressed appreciation to the Board for their help in this endeavor.

The Public Hearing was left open for another week.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard

Resolution No. 93 of 2011, a resolution authorizing the filing of an application for state assistance from the Household Hazardous Waste (HMW) State Assistance Program and signing of the associated state contract, under the appropriate laws of New York State.

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

WHEREAS, the State of New York provides financial aid for household hazardous waste programs, and

WHEREAS, the town deems it to be in the public interest and benefit to file an application for state funding for the annual Household Hazardous Waste Day for 2011, and

WHEREAS, it is necessary that a contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the TOWN be executed for such STATE Aid; now, therefore, be it

RESOLVED, by the Clifton Park Town Board that the filing of an application in the form required by the State of New York, in conformity with the applicable laws of the State of New York, including all understanding and assurances contained in said application is hereby authorized, and be it further

RESOLVED, that Michael Montague, Environmental Specialist, is directed and authorized as the official representative of the TOWN to act in connection with the application and to provide such additional information as may be required but that the Supervisor is authorized to sign the resulting contract if said application is approved by the STATE, and be it further

RESOLVED, that the TOWN agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the STATE for the state share of such costs; and be it further

RESOLVED, that five (5) certified copies of this resolution be prepared and sent to the NYSDEC together with a complete application; and be it further

RESOLVED, that this resolution shall take effect immediately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 94 of 2011, a resolution appointing Andrew Zawacki as a member of the Board of Assessment Review.

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

WHEREAS, due to the resignation of Dorothy Moreton an opening exists on the Board of Assessment Review, and

WHEREAS, Andrew Zawacki, 14 Hillcrest, Ballston Lake, has been recommended to fill the opening, and

WHEREAS, Mr. Zawacki's membership on the board would confer a benefit to the town; now, therefore, be it

RESOLVED, that Andrew Zawacki, 14 Hillcrest, Ballston Lake, is hereby appointed to the Board of Assessment Review to fill the unexpired term of Dorothy Moreton, term to expire September 30, 2014.

Supervisor Barrett thanked Dorothy Moreton for her many years of service to the Board of Assessment Review.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 95 of 2011, a resolution appointing Louise King as the Town of Clifton Park/Area 3 Representative to the Saratoga County Water Quality Coordinating Committee (SWQCC).

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

WHEREAS, the Saratoga County Water Quality Coordinating Committee is a community-based multi-disciplinary, multi-faceted body designed to encourage and promote the participation, awareness, and input of local government and other agencies, private citizens, and interested organizations regarding surface and ground water-related issues in Saratoga County, and

WHEREAS, the primary mission of the committee is to promote greater understanding of water quality issues; promote better protection and stewardship of water, and

WHEREAS, the committee engages in grant writing, sponsorship of education events and programs, internships and fostering coordination and cooperation among agencies, governments and others regarding water quality or habitat improvement projects in Saratoga County, and

WHEREAS, Blue R. Neils, Chairman of the Saratoga County Water Quality Coordinating Committee, recommended to the Town Board Louise King be considered as the Town of Clifton Park/Area 3 Representative to the Saratoga County Water Quality Coordinating Committee (SWQCC), and

WHEREAS, Ms. King is an Associate Member of the Town's Environmental Conservation Commission and has expressed an interest in appointment to the Saratoga County Water Quality Coordinating Commission, and

WHEREAS, Ms. King's appointment to the Water Quality Committee will confer a benefit to the Town of Clifton Park; now, therefore, be it

RESOLVED, that the Town Board hereby appoints Louise King as the Town of Clifton Park/Area 3 Representative to the Saratoga County Water Quality Coordinating Committee.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 96 of 2011, a resolution adopting Local law No. 8 of 2011, a local law amending Chapter 171-3, Signs, Definitions, Chapter 171 H (n), Specific Prohibitions and deleting Chapter 171 4H(2).

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

WHEREAS, with industry trends suggesting a proliferation of LEDS and animated signs as a growing percentage of the industry, the code enforcement office suggested a review of the Town Sign Law, and

WHEREAS, the Town Board conducted a public hearing on March 7, 2011 to obtain comment from the public regarding the proposed changes to Chapter 171, and

WHEREAS, the public was given the opportunity to speak in favor of or against the proposed changes to Chapter 171; now, therefore, be it

RESOLVED, that Local Law No. 8 of 2011, a local law amending Chapter 171-3, Signs, Definitions, Chapter 171 H (n), Specific Prohibitions and deleting Chapter 171 4H(2) is hereby adopted; and be it further

RESOLVED, that the Town Clerk publish notice of the same.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Councilman Hughes announced the week of March 13th is Sunshine Week, a national initiative to spotlight Open Government and Freedom of Information. He reviewed the various ways in which the Town of Clifton Park is committed to making government as transparent and accessible as possible.

PUBLIC PRIVILEGE

No one wished to be heard

MOTION BY Councilwoman Walowit, seconded by Councilman Hughes, to move into Executive Session. Motion carried at 7:58 p.m. The purpose of the Executive Session is to discuss a personnel issue.

The Town Board decided to respond with the redacted document to the FOIL Appeal received March 4, 2011.

MOTION BY Councilwoman Walowit, seconded by Councilman Paolucci, to return to the regular meeting. Unanimously carried at 8:17 p.m.

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 8:18 p.m.

Patricia O'Donnell
Town Clerk