

April 18, 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 Hughes
Councilman Romano
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Absent Councilman Paolucci

Also Present: Town Attorney McCarthy
Richard Kukuk, Superintendent of Highways
Mark Heggen, Comptroller

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett reported about \$1800 received in Barney Road Golf Course revenues for the first few days.

PRESENTATIONS

Sue Malinoski, Executive Director of CAPTAIN, introduced Andy Gelpin, Program Director, and thanked the Town Board for their continuous support of CAPTAIN. She reviewed various projects and how money is being spent.

Ann Schwanda reviewed events for the upcoming June 10-11 Relay for Life and introduced Andria Scarchilli of the American Cancer Society.

Councilman Hughes announced "Casual for a Cause" will be held every Friday at Town Hall and employees will have the option to dress down and donate to support a charity. The first charity for the next 7 weeks will be Relay for Life. Councilman Hughes made a personal donation of \$250 and Supervisor Barrett \$100, hoping for a total donation of \$750 by the end of the 7 weeks.

**PUBLIC HEARING, 7:10 PM
TO CONSIDER A LOCAL LAW AMENDING
SECTION 208-7 DEFINITION OF FAMILY**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on April 15, 2011.

Supervisor Barrett said the proposed language is based on the latest case law. He said residents came to an earlier Town Board meeting with concerns that a home in the neighborhood might be used as a boarding house and though it is felt that the current code would not allow it, it is appropriate to update the law with stronger language based on the latest case law. Additional language has been upheld at the Appellate Division. He noted this legislation could be approved this evening based on residents' and Town Board's comments and asked Town Attorney McCarthy to be prepared with resolutions.

Town Attorney McCarthy reviewed main changes to the definition noting that four or more unrelated persons living in a single family house, not related by blood, marriage or adoption, are not the functional equivalent of a family. He referred to the Appellate Division upholding the City of Poughkeepsie's definition of "family". Information for the proposed legislation came from NYS Office of the General Counsel Legal Memorandum LU05, Definition of "Family" in Zoning Law and Building Codes. Mr. McCarthy thanked residents for bringing this information to his attention.

Supervisor Barrett said people who have invested money in the Town of Clifton Park are shareholders of the town and it is important to do to protect their investment. The only way the Town Board would be aware of multiple people living in a home would be by a formal complaint from nearby residents. The Supervisor said there is an appeals process.

Mr. McCarthy said this applies to all residential zones.

Councilman Hughes stated he supports moving forward with this legislation this evening.

The Town Clerk read the proposed legislation.

The public hearing was opened for comments from the audience at 7:40 p.m.

Diane Miciotta, Carlton Road, expressed appreciation for the time and effort put in the proposed legislation.

Councilwoman Walowit supported adopting this legislation this evening.

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 7:41 p.m.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 127 of 2011, a resolution authorizing the issuance of a Mass Gathering Permit to the Kiwanis Club of Wilton to sponsor a carnival at Clifton Park Center.

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

WHEREAS, the Kiwanis Club of Wilton has requested that the Town issue a Mass Gathering Permit for the purpose of sponsoring a carnival at Clifton Park Center in front of the Center from Tuesday, May 3, 2011 to Sunday, May 8, 2011, and

WHEREAS, the event is a fundraiser for the Kiwanis Club, which uses one hundred per cent of the proceeds for community service projects throughout Saratoga County, and

WHEREAS, the Town has been provided with information concerning this activity, and

WHEREAS, the Town has been named as an additional insured on the required insurance policy; now, therefore, be it

RESOLVED, that the Town Board is satisfied with the information provided and that the potential effect of the proposed public assemblage will have minimal effect upon the public health, safety and welfare of the people and property of the Town of Clifton Park; and be it further

RESOLVED, that the Town Board hereby directs that a permit be issued to the Kiwanis Club of Wilton for a public assemblage to be held in the front of Clifton Park Center, from Tuesday, May 3, 2011 through Sunday, May 8, 2011, for the sole purpose of sponsoring a carnival.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 128 of 2011, a resolution authorizing the Southern Saratoga YMCA to use town roadways for the 18th annual “Anyone Can Tri” Triathlon.

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

WHEREAS, the Southern Saratoga YMCA has requested the use of the town roadways, as specified in the attachment hereto, for the purpose of holding an “Anyone Can Tri” Triathlon on May 1, 2011 starting at 7:00 AM to finish, and

WHEREAS, the event has the approval of the town’s Highway Superintendent; now therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby authorizes the YMCA to use town roadways as specified in the attachment hereto, May 1, 2011 at 7:00 AM, for the purpose of holding an “Anyone Can Tri” Triathlon, and be it further

RESOLVED, that this approval is expressly conditioned upon receipt prior to May 1, 2011, in the Office of the Town Clerk of an insurance certificate in the amount of \$1,000,000 naming the Town of Clifton Park as an additional insured; and be it further

RESOLVED, that this approval is expressly conditioned upon the roads not being closed but members of the YMCA are permitted to temporarily stop traffic at each end of the course in the event both a vehicle and a triathlon participant arrive at the same time.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 129 of 2011, a resolution authorizing the Northeastern New York Chapter of Cystic Fibrosis Foundation to hold its Clifton Park Great Strides Walk on May 1, 2011 using town roads.

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

WHEREAS, the Cystic Fibrosis Foundation has requested approval to hold its Clifton Park Great Strides Walk on Sunday May 1, 2011, and

WHEREAS, the Great Strides Walk will commence at Okte Elementary School using town roadways into Crescent Estates subdivision as specified in the attachment hereto; now therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby authorizes the Cystic Fibrosis Foundation to use town roadways as specified in the attachment hereto, Sunday May 1, 2011, beginning at 11:00 AM, for the purpose of holding a Great Strides Walk, and be it further

RESOLVED, that this approval is expressly conditioned upon receipt prior to May 1, 2011, in the Office of the Town Clerk of an insurance certificate in the amount of \$1,000,000 naming the Town of Clifton Park as an additional insured; and be it further

RESOLVED, that this approval is expressly conditioned upon the roads not being closed but members of the Foundation are permitted to temporarily stop traffic at each end of the course in the event both a vehicle and a walker arrive at the same time.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 130 of 2011, a resolution appointing Kristyn Ganim as a Marriage Officer in the Town of Clifton Park for one day, August 20, 2011.

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

WHEREAS, the State Domestic Relations Law, Section 11-c authorizes Town Boards to appoint Marriage Officers who shall have the authority to solemnize marriages within the town, and

WHEREAS, town resident Kristyn Ganim of 12B Spyglass Hill wishes to serve as a Marriage Officer in the town pursuant to the New York State Domestic Relations Law for one day Saturday, August 20, 2011, and for one ceremony, that being for the marriage of Susan Gerardi and William Carson; now, therefore, be it

RESOLVED, that Kristyn Ganim, 12 B Spyglass Hill, Clifton Park, is hereby appointed as a Marriage Officer in the Town of Clifton Park pursuant to New York State Domestic Relations Law Section 11-c for one day, August 20, 2011, and for one ceremony, that being for the marriage of Susan Gerardi and William Carson.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 131 of 2011, a resolution authorizing the Supervisor to retain Public Sector HR Consultants for human resource needs.

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

WHEREAS, the Town Board wishes to review and update the Town's Personnel Policies and Procedures Employee Handbook, and provide benefits administration support to the Comptroller's Office, and

WHEREAS, the Town Board wishes to review overall compliance with state and federal labor regulations without creating additional administrative positions in the area of human resource management, and

WHEREAS, the professional Human Resource Consultants at Public Sector HR Consultants LLC (PSHR) are known to both the Association of Towns and Government Finance Officers Association as teachers and lecturers in the areas of human resources and benefits administration, and

WHEREAS, PSHR provides outsourced human resource department functions and support to a wide variety of municipalities and school districts, and

WHEREAS, PSHR is capable of providing cost effective services and expertise in areas of personnel management, employee recruitment and training, record keeping and benefits administration; now, therefore, be it

RESOLVED, that the Supervisor is authorized to execute a retainer agreement consistent with the attached proposal, at the rate of \$1150.00 per month, to be paid with a transfer of \$9400.00 for balance of 2011 from A-1220-E691 (Supervisor-Town Administrator) to A-1220-15 (Supervisor-Other Contractual); and be it further

RESOLVED, that the Comptroller is authorized to disburse \$1150.00 per month to Public Sector HR Consultants LLC, 14 Knollwood Drive, Glenville, New York 12302, effective May 1, 2011.

Supervisor Barrett said this hire will immediately increase the expertise of the town's management team. He explained the company will assist in updating various policies, employee handbook, etc. and will also be on call if needed. The Supervisor said the company will also be able to give immediate support to the Comptroller's office. He further explained the Town Administrator's budget line for 2011 was \$103,000 and with the decision not to fill the position, there is money in the budget for this service. Supervisor Barrett reviewed services available.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 132 of 2011, a resolution appointing Albert E. Karoly and Craig Masterson as Co-Chairmen of the Town of Clifton Park Highway Safety Committee.

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

WHEREAS, due to the resignations of James Fitzgerald and Thomas Werner as Co-Chairmen of the Town of Clifton Park Highway Safety Committee a need exists to appoint Co-Chairmen for the Committee, and

WHEREAS, Albert E. Karoly and Craig Masterson, current members of the Committee have been recommended to fill the positions, and

WHEREAS, appointing Mr. Karoly and Mr. Masterson as Co-Chairmen of the Committee would confer a benefit to the Committee and to the residents of the Town of Clifton Park; now, therefore, be it

RESOLVED, that Albert E. Karoly and Craig Masterson are hereby appointed as Co-Chairmen of the Town of Clifton Park Highway Safety Committee to fill the unexpired terms of James Fitzgerald and Thomas Werner, term to expire December 31, 2011; and be it further

RESOLVED, that James Fitzgerald and Thomas Werner will continue to serve as members of the Town of Clifton Park Highway Safety Committee.

Supervisor Barrett thanked Messrs. Werner and Fitzgerald for their efforts as Chairs of the Committee.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 133 of 2011, a resolution appointing a member to the Deferred Compensation Committee.

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

WHEREAS, an opening exists on the Deferred Compensation Committee; and

WHEREAS, Janice Semanek, Assistant Comptroller, has been recommended to fill this position on the Deferred Compensation Committee; now, therefore, be it

RESOLVED, that Janice Semanek, Assistant Comptroller, is hereby appointed to the Deferred Compensation Committee to fill the unexpired term of Michael Shahan, term to expire December 31, 2011.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 134 of 2011, a resolution authorizing the Supervisor to sign a Letter of Agreement between the Town of Clifton Park and the Center for Initiatives in Pre-College Education of Rensselaer Polytechnic Institute, for joint sponsorship of a program to provide an educational opportunity in the field of Robotics.

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

WHEREAS, The Town recognizes that the field of Robotics provides an excellent educational environment which helps to introduce young minds to fields encompassing science and engineering, and

WHEREAS, The Center is a pre-eminent educational institute with particular expertise and experience in these fields, with nationally recognized robotics teams and competitors, and

WHEREAS, the Town and the Center wish to cooperate in a program which provides an opportunity for students ages 8-11 to learn in a unique environment which enables them to

interact with and learn from College level mentors and facilitators in the field of advanced LEGO Robotics and Gaming/Animation; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign a Letter of Agreement between the Town of Clifton Park and the Center for Initiatives in Pre-College Education of Rensselaer Polytechnic Institute for joint sponsorship of a program to provide an educational opportunity in the field of Robotics and LEGO Robotics and Gaming/Animation.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 135 of 2011, a resolution adopting the budget for the LEGO Robotics & Animation activities program to be offered to students ages eight through eleven.

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

WHEREAS, the Town Board has approved an agreement with the Center for Initiatives in Pre-College Education for a program in LEGO Robotics and Gaming and Animation to be offered as part of the Summer Recreation Program, August 8-19, 2011, and

WHEREAS, the Agreement provides for a total budget for the LEGO Robotics/Animation program of \$10,000, to be completely offset by registration fees; now, therefore, be it

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 sponsorships sufficient to completely offset the budgeted cost of the program up to \$10,000; and be it further

RESOLVED, that a budget of \$10,000 be established by Revenue Line 02043-00-085(Summer Rec.-RPI Initiative) and expected expenditures of up to \$10,000 to be paid from A-7310-072 (Summer Recreation-Subcontractor), per Schedule A.

Councilman Hughes reported there are 20 seats available for the LEGO portion of the Robotics Academy and 16 for the Animation and Gaming. He introduced Dr. Paul Schock, Garrison Lane, Director for Initiatives and Pre-College Education for RPI.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 136 of 2011, a resolution authorizing 2010 Final Budget Adjustments as specified in Exhibit A.

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

WHEREAS, the Comptroller has recommended that certain budget adjustments contained in Exhibit A be made to address the needs of all funds as well as other miscellaneous expenditures as set forth in Exhibit A; now, therefore, be it

RESOLVED, that the Budget Adjustments specified in Exhibit A be adopted per the Comptroller's recommendations.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 137 of 2011, a resolution reaffirming the Town of Clifton Park's commitment to annually recognize May 1st "Silver Star Banner Day", the permanent and official day to honor the wounded and ill soldiers of the Town of Clifton Park.

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

WHEREAS, Resolution No. 96 of 2010 was adopted by the Town Board of the Town of Clifton Park proclaiming May 1st "Silver Star Banner Day" the permanent and official day to honor the wounded and ill soldiers of the Town of Clifton Park, and

WHEREAS, the Town of Clifton Park has always honored the sacrifice of the men and women in the armed forces, and

WHEREAS, The Silver Star Families of America was formed to make sure we remember the blood sacrifice of our wounded and ill by designing and manufacturing a Silver Star (Service) Banner and Flag, and

WHEREAS, to date The Silver Star Families of America has freely given thousands of Silver Star (Service) Banners to the wounded and their families, and

WHEREAS, the members of The Silver Star Families of America have worked tirelessly to provide the wounded of this town and country with Silver Star (Service) Banners, Flags and care packages, and

WHEREAS, The Silver Star Families of America's sole mission is that every time someone sees a Silver Star (Service) Banner in a window or a Silver Star (Service) Flag flying, we remember those whose lives were sacrificed for this town, state and nation, and

WHEREAS, the people of the Town of Clifton Park wish that the sacrifice of so many in our armed forces never be forgotten; now, therefore, be it

RESOLVED, that the Town of Clifton Park does hereby reaffirm our appreciation of the Silver Star Families of America and honor their commitment to our wounded armed forces members; and be it further

RESOLVED, that the Town of Clifton Park hereby reaffirms our commitment to recognize May 1, 2011 as "Silver Star Banner Day" the official day to honor the wounded and ill soldiers of the Town of Clifton Park.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 138 of 2011, a resolution issuing a negative declaration to the proposed action adopting a local law to amend Section 208-7 Definition of Family in the Zoning Code of the Town of Clifton Park, regarding single family zoning and acknowledging that this action will not have a significant adverse environmental impact.

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

WHEREAS, this resolution is being considered pursuant to Section 617 of the NYCRR under Part 8 of the state environmental law, now, therefore, be it

RESOLVED, that the action is classified as a Type II Action pursuant to SEQRA; and be it further

RESOLVED, that the Town Board declares itself Lead Agency under SEQRA; and be it further

RESOLVED, that the Town Board issues a Negative Declaration pursuant to the State Environmental Quality Review Act.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 139 of 2011, a resolution adoption Local Law No. 10 of 2011, a local law amending Chapter 208-7 Definition of Family in the Zoning Code of the Town of Clifton Park.

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

WHEREAS, the Town Board conducted a public hearing on April 18, 2011 on a proposal to amend Section 208-7 of the Town Code regarding the number of unrelated persons living in single family dwellings under the Residential Zoning Code, and

WHEREAS, the public was given an opportunity to speak in favor or opposed to the proposal, and

WHEREAS, the Town Board has classified the action as a Type II Action under SEQRA and has issued a Negative Declaration; now, therefore, be it

RESOLVED, that Local Law No. 10 of 2011, a local law amending Section 208-7 Definition of Family in the Zoning Code is hereby adopted.

Supervisor Barrett stated this is a simple update of our current code to protect our neighborhoods.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

PUBLIC PRIVILEGE

No one wished to be heard.

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 8:19 p.m.

Patricia O'Donnell
Town Clerk