

January 3, 2012

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 Whalen  
Councilman Hughes  
Councilman Romano  
Councilwoman Walowit  
Supervisor Barrett  
Town Clerk O'Donnell

Also Present: Town Attorney McCarthy  
Mark Heggen, Comptroller  
Myla Kramer, Director of Parks, Recreation and Community Affairs  
Richard Kukuk, Superintendent of Highways  
Barbara McHugh, Director of Community Development  
John Scavo, Director of Planning  
Walter Smead, Assessor

MOTION BY Councilman Hughes, seconded by Councilman Romano, to approve the minutes of the December 19, 2011 meeting as presented.

**ROLL CALL VOTE**

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

Abstain: Councilman Whalen

Noes: None

**MOTION CARRIED**

**ANNOUNCEMENTS AND COMMUNICATIONS**

Supervisor Barrett announced County Waste will be picking up Christmas trees left on the curb or residents can bring trees to the Transfer Station, permit not required and there is no fee.

Supervisor Barrett reported two RFPs have been received regarding a cell tower on the Clifton Common. An in-house committee, consisting of Director of Planning Scavo, Councilman Hughes, Councilman-elect Whalen, Director of Parks and Recreation Kramer and baseball representative Bill Butler, was formed to score the RFPs. Mr. Scavo will review the RFPs at the January 9<sup>th</sup> Town Board meeting. Comments will be received. The apparatus will be placed adjacent to the baseball fields in proximity to the basketball courts. If accepted, the applicant will need to go through the Planning Board process.

Councilman Hughes announced Stewardship Walks for 2012 are on [cliftonpark.org](http://cliftonpark.org).

**PUBLIC PRIVILEGE ON RESOLUTIONS**

No one wished to be heard.

Resolution No. 2 of 2012, a resolution honoring Kyle Douglas Albagli for attaining the rank of Eagle Scout.

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

WHEREAS, Kyle Douglas Albagli, 1 Queensbury Ct., Clifton Park, of Boy Scout Troop 6, has attained the rank of Eagle Scout, and

WHEREAS, for his Eagle Scout Project, Kyle marked a bike path in Clifton Park from Park Lane Estates to Four Leaf Manor with distance measurements on the path noted every one-tenth of a mile with a line and a picture of a walker and a biker spray painted on the ground, and

WHEREAS, signs were placed at street entrances and are two-sided so they can be read from both directions identifying the path as a bike path, and

WHEREAS, the project will benefit the town because the users of the path will have an easy way to measure the distance they have traveled on the path, which will help with exercise programs, good fitness and recreation; now, therefore, be it be it

RESOLVED, that the Town Board recognizes and honors Kyle Douglas Albagli of Boy Scout Troop 6, Jonesville, for attaining the rank of Eagle Scout.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 3 of 2012, a resolution scheduling a public hearing to consider an application for the Conservation Easement (Historic Preservation) program.

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

WHEREAS, the Town's Historic Preservation Easement program requires public comment on properties proposed to be included in the program, and

WHEREAS, David Monk and Anna Fisher, 341 Riverview Road, Rexford (SBL 287.16-1-32), have requested inclusion in the program; now, therefore, be it

RESOLVED, that a public hearing is scheduled for February 6, 2012 at 7:10 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, to consider the property owned by David Monk and Anna Fisher (SBL 287.16-1-32), for inclusion in the Historic Preservation Easement program, and be it further

RESOLVED, that the property owner give notice to all adjacent property owners and other entities, as provided in the Town's Historic Preservation Easement legislation, in advance of the public hearing and submit receipts of mailing to the Town Clerk's office prior to the date of the public hearing; and be it further

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

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 4 of 2012, a resolution scheduling a public hearing to consider adoption of a local law to update the process for holders of existing term Conservation Easements under Section 125-10 Conservation Easements, Duration, of the Town Code.

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

WHEREAS, the town initiated a term Conservation Easement Program in 1996, with term easements issued with a minimum 15 year term thereafter, and

WHEREAS, the first term conservation easements issued, pursuant to Town Code Chapter 125, will expire on the 2011 Assessment roll unless applications for renewal of terms are received, and

WHEREAS, the Town Board wishes to consider a streamlined process for holders of existing term conservation easements to re-apply for terms of their choice; now, therefore, be it

RESOLVED, the Town Board hereby schedules a public hearing on January 17, 2012 at 7:05 P.M. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, to consider adoption of a local law amending Chapter 125-10 of the Town Code to provide a streamlined process to update and renew expiring term conservation easements; and be it further

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

Councilman Hughes explained in an effort to streamline the process for residents, it is hoped a single public hearing will be held annually and bundle all the applications for that year together. He said the renewal application fee will be \$10.00 which will be deposited into the Open Space Capital Reserve Account.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 5 of 2012, a resolution authorizing the Supervisor to sign the attached Preservation and License Agreement providing for annual maintenance and verification visits for appropriate town staff and indemnification to the homeowner against liability associated therewith.

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

WHEREAS, Section 291 of the New York State Town Law provides towns with jurisdiction to provide for the preservation of private burial grounds in certain circumstances, and

WHEREAS, Section 291 also provides towns with jurisdiction to assure the basic maintenance of burial grounds under certain circumstances, and

WHEREAS, town records show a small burial ground containing human remains on residential property at 155 Vischer Ferry Road, Rexford, identified as the Nanning Vischer Cemetery, and

WHEREAS, town records indicate that the current owner of the property has no familial or ancestral connection to the decedents interred at the site, and

WHEREAS, the homeowner has agreed to fence the burial ground to prevent damage to the ground or headstones and to keep the ground free from fallen limbs and branches, and

WHEREAS, the homeowner has also agreed to provide a license to the town to enter upon the property annually to provide additional maintenance and potential cleaning and repair to existing headstones; now, therefore, be it

RESOLVED, the Town Supervisor is authorized to sign the attached Preservation and License Agreement providing for annual maintenance and verification visits for appropriate town staff and indemnification to the homeowner against liability associated therewith.

Town Attorney McCarthy reported he and Councilman Hughes met with members of the Historic Preservation Commission to discuss small private burial grounds. He said the burial ground in the resolution is for a documented Revolutionary War soldier and is situated against the Latham Water District property with no access or vision from the road. Mr. McCarthy said the homeowner has installed a fence, cleaned the area up a bit and gave the Historic Preservation members the ability to go on once a year. Homeowner wanted to make sure if town people came on his property there would be no liability on his part. Councilman Hughes thanked all involved in bringing this forward. Supervisor Barrett feels an honor should be bestowed upon the resident that worked in cooperation with the town to insure this hallowed ground is not destroyed and will always be remembered and protected. He asked Chairman of Historic Preservation Commission Kazmierczak to look into this and see what the homeowner would be comfortable with.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 6 of 2012, a resolution scheduling a public hearing to consider adoption of a local law amending Chapter 77, Unsafe Buildings Law of the Town of Clifton Park, Sections 1, 3, and 4 (a), (b), (c), Section 7, (a), Section 9 (a), Section 10 (a) and (b).

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

WHEREAS, it has been recommended that Chapter 77, Unsafe Buildings Law, be amended to address unkempt properties and abandoned pools as a result of foreclosure, and

WHEREAS, the Town Board wishes to schedule a public hearing to obtain input regarding the proposed changes; now, therefore, be it

RESOLVED, the Town Board hereby schedules a public hearing on January 17, 2012 at 7:10 P.M. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, to consider adoption of a local law amending Chapter 77, Unsafe Buildings Law of the Town Code, and be it further

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

Supervisor Barrett stated this is an aesthetic and public safety issue that may affect neighbors. The cost of the remedy will automatically be placed on the tax bill. Councilman Hughes said this

can affect property values. Town Attorney McCarthy stressed this is for abandoned or foreclosed situations.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 7 of 2012, a resolution scheduling a public hearing to consider adoption of a local law amending Chapter 176, Streets and Sidewalks of the Town Code.

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

WHEREAS, it has been recommended that Chapter 176, Streets and Sidewalks, be amended to require a permit from the Superintendent of Highways before any pavements are removed on streets, alleys, curbs or public place in the Town of Clifton Park, and

WHEREAS, the Town Board wishes to schedule a public hearing to obtain input regarding the proposed changes; now, therefore, be it

RESOLVED, the Town Board hereby schedules a public hearing on January 17, 2012 at 7:15 P.M. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, to consider adoption of a local law amending Chapter 176, Streets and Sidewalks by adding Sections 176- 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, of the Town Code, and be it further

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

Town Attorney McCarthy explained occasionally a contractor or utility company needs to cut open a street to get at underground lines and this will make sure there is a proper paper trail, an ability of the Highway Department to be sure the excavations are repaired properly, that there be a sign-off on the work and puts in a nominal fee to take care of town response to the request for a permit. Highway Superintendent Kukuk said the town would like to know ahead of time of any excavations but understands there are emergency situations and need recourse that repair is done properly and in a timely manner. Councilman Romano recommended placing a time limit of ninety days on the permit and if not used in ninety days, company needs to refile. Supervisor Barrett asked that this the ninety days expiration be added to the legislation this evening.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 8 of 2012, a resolution adopting a revised Town of Clifton Park Recreational Facility Use Policy.

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

WHEREAS, the Town Board previously adopted written policies for use of town facilities by town residents, town based not-for-profit groups and businesses, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended revisions be made to Part I, Parks and Fields, Part II, Buildings, Part III, Historic Grooms Tavern and the 2012 Special Alcohol Use Permit Request, per the attached schedule "A",

WHEREAS, these policies have been revised due to increased requests for use of town facilities; now, therefore, be it

RESOLVED, that the Town of Clifton Park Recreational Facility Use Policy, as revised, a copy of which is attached hereto as schedule "A" is hereby adopted.

Director of Parks and Recreation Kramer said more specific information is needed in the Facility Use Policies and a more formal request for alcohol use at town facilities. She explained Buildings and Grounds oversees rentals of buildings with the exception of Grooms Tavern.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 9 of 2012, a resolution approving the 2012 Salary Matrix for pool and summer camp staff.

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

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has prepared a 2012 Summer Recreation Salary Matrix, per Schedule A; now, therefore, be it

RESOLVED, that the Town Board hereby adopts the 2012 Salary Matrix for pool and summer camp staff, per Schedule A.

Director of Parks and Recreation Kramer said Jack Fitzpatrick is stepping down as Pool Director, however, will continue with Learn to Swim and Lifeguard training.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 10 of 2012, a resolution authorizing the hiring of Camp Site Directors for the full day camp and five half days camps, per Schedule A.

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

WHEREAS, it is necessary that staff be hired by the Department of Parks and Recreation to operate the Town of Clifton Park 2012 summer recreation programs, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that the individuals listed in Schedule A, attached hereto, be hired for such purpose; now, therefore, be it

RESOLVED, that the individual Camp Site Directors, listed in Schedule A, attached hereto, shall be hired to staff the Town of Clifton Park's summer recreation programs; and be it further

RESOLVED, that all hires are effective with start dates and ending dates as per Schedule A.

Director of Parks and Recreation Kramer reported all are returning directors. Job fairs are being planned.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 11 of 2012, a resolution authorizing the Supervisor to sign contracts with new 2012 Summer Recreation Independent Contractors, per Schedule "A".

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

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has requested that the Town Board authorize certain updated contracts for certain summer recreation programs, and

WHEREAS, the Town Board supports continuation of the listed summer recreation programs with the subcontractors listed on the attached Schedule "A"; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign contracts with new 2012 Summer Recreation Independent Contractors, per Schedule "A".

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 12 of 2012, a resolution authorizing the Supervisor to sign contracts with 2012 returning Summer Recreation Independent Contractors, per Schedule "A".

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

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has requested that the Town Board authorize certain updated contracts for certain summer recreation programs, and

WHEREAS, the Town Board supports continuation of the listed summer recreation programs with the subcontractors listed on the attached Schedule "A"; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign contracts with 2012 returning Summer Recreation Independent Contractors, per Schedule "A".

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Frank Berlin, Main Street, Jonesville, said he is impressed with the number of volunteers on town committees. He reported there is a graveyard on Van Patten Drive that may need to be looked at. He spoke in favor of the proposed conservation easement legislation.

Supervisor Barrett thanked town staff and all volunteers.

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 8:25 p.m.

Patricia O'Donnell  
Town Clerk