

January 17, 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 Romano
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Absent: Councilman Hughes

Also Present: Town Attorney McCarthy
Mark Heggen, Comptroller
Richard Kukuk, Superintendent of Highways
Steven Myers, Director of Building and Zoning
John Scavo, Director of Planning
Walter Smead, Assessor

MOTION BY Councilwoman Walowit, seconded by Councilman Whalen, to approve the minutes of the January 3, 2012 organizational and regular meetings as presented.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

None

PUBLIC FORUM ON PROPOSED CELLULAR EQUIPMENT AT THE CLIFTON COMMON

Supervisor Barrett reported the committee consisting of Director of Planning Scavo, Director of Parks and Recreation Kramer, Councilmen Hughes and Whalen, and Bill Baker, representing the baseball league, reviewed and scored the two proposals. The proposal of John Stevens of Independent Towers Holdings, LLC was selected by the committee.

John Stevens distributed a map of the overall site plan and proposed location of the cell tower. He reviewed the proposal, noting there has been a need in the Common area and the Routes 146/146A area for a number of years to provide better coverage, particularly when the Common is crowded, noting phones today are being used differently. Mr. Stevens said the town regulations require a 500-foot setback from any residential property line. He pointed to an area on the map near the basketball courts and baseball fields that meets the setback requirements. Mr. Stevens reported he focused on the existing 70-75 foot light poles at the ball fields and proposed replacing the pole with a 100-foot pole, placing lights at the 70 foot level and the next 30 feet add one to three carriers on top. He said the plan gives the top spot to the town in order to improve communications. He noted there is the possibility of replacing two poles. Mr. Stevens said the ancillary equipment would be placed near the wooded area near the brush pile.

Supervisor Barrett explained a pole would not be added to the Common and the construction of the pole and ancillary equipment would be at no cost to the town. Some revenue would be derived through leasing the property. He said it is important the lighting for the ball fields remain the same.

Superintendent of Highways Kukuk said public agencies are going to have to do to a narrow band frequency and highway has an antiquated system. He has been looking at replacing the base station and using a relay or booster site, perhaps the Knoll Top water tower already used by Buildings and Grounds. The proposed site would also help in addition to Knoll Top.

Mr. Stevens explained 60 percent of network traffic is data, not voice as previously designed. He said 71 percent of all 911 calls are wireless. He reported the town will share in the revenue stream and there will be a contribution to the Common in general.

Supervisor Barrett stated revenue from the lease, if it were to happen, will be put toward ongoing improvements on the Clifton Common. He said the next step would be for Independent Towers Holdings to go through the Planning Board process.

Councilwoman Walowit asked how the generator noise will be suppressed. Mr. Stevens said this is a site plan issue but generators will be muffled and only operate during emergency times, e.g. power outages, however, they are tested once a week for approximately 15 minutes. Mr. Stevens explained the ancillary equipment will be at one location in a 30 by 50 foot fenced area.

Director of Planning Scavo said the town is looking at a monthly lease amount of approximately \$1750 starting out which will escalate three percent annually over a potential of thirty years and for each co-locate an 18 percent profit share of the lease agreement for \$2000 each per month.

In response to Councilman Romano's question, Mr. Stevens said construction would take about six weeks. Councilman Romano said it is important to work around the baseball schedule.

Question from floor: Will carriers all be on one pole. Supervisor Barrett said depending on number of carriers, definitely one pole but want a provision for a second pole.

Question from floor: Does Mr. Stevens initially work with ATT. Mr. Stevens said ATT has been the predominant tenant; however, he has built for all companies. Mr. Stevens stated he will do the marketing.

Question from floor: Has the Board looked into potential health impacts. Mr. Stevens responded the Planning Board will ask him to do an in depth study to calculate levels of energy and they have to conform to an FCC standard. Supervisor Barrett asked if any studies have been done that were government sanctioned. Mr. Stevens said studies are ongoing by some government bodies and medical groups and studies have come back fine.

Mr. Stevens said, if approved, he hopes to have the first carrier committed by midsummer and be to the Planning Board at that time.

Supervisor Barrett said this plan appears to be the best he has seen since becoming supervisor.

PUBLIC HEARING, 7:05 PM
TO CONSIDER AMENDING CHAPTER 125-10 REGARDING EXPIRING TERMS FOR
CONSERVATION EASEMENTS

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on January 9, 2012.

Supervisor Barrett reported there are currently 1919.97 acres under the Conservation Easement Program with 27 up for renewal this year. He explained the proposed legislation is to make it easier for the applicant and staff, therefore, this will allow one public hearing in April for all renewals. The town will work with the landowners to assist them through the process as at this time there are heirs to some properties and different family members than the town was working with 15 years ago. It is anticipated this will make the process much more efficient.

Town Assessor Smead said this program was created in 1996 and the easements have 15 years up to 25 years but there is no procedure for renewing in the original law. He said some landowners have sold their property or are deceased and new landowners or family members need education on the Conservation Easement law. Mr. Smead said out of the 27 that need to renew only two have been submitted.

Town Attorney McCarthy said the primary component was that there is one Town Board action with a public hearing.

The public hearing was opened for comments from the audience at 7:45 p.m.

Councilman Romano said the town's Open Space Committee is very supportive of this program.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 7:46 pm.

PUBLIC HEARING, 7:10 PM
TO CONSIDER A LOCAL LAW AMENDING CHAPTER 77 UNSAFE BUILDINGS

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on January 9, 2012.

Supervisor Barrett said the town hasn't had a wide spread issue with foreclosures or with foreclosed properties that have been a maintenance issue, however, action has been taken on a few occasions with problem properties. He explained the proposed amendments are for foreclosed or abandoned properties and will give the town additional abilities to react quickly when necessary to remedy a public safety issue, particularly when there is a pool on the property.

Town Attorney McCarthy stated this is for extreme situations.

Director of Building and Zoning Myers said in the past year there have been about 10-12 complaints of unsafe building. This legislation will give him a vehicle to address the situation correctly and to make sure the town is not absorbing the cost of the problem. Mr. Myers asked if the proposed law would allow him to come before the Town Board once a year and give a list of properties where action was taken rather than coming before the Board for each property. Mr. McCarthy will be advised of every incident.

Mr. McCarthy suggested the Town Board take the verbiage in this proposed amendment to Section 77-4 (b) (c) and put it below existing Section 77-5 so that the Director of Building and Zoning has the authority to determine that an unsafe condition exists and can issue the notice, provide proper due process to the owner or mortgagee and allow a period of time of comment, absent an emergency. Mr. McCarthy said near the end of the year a report be given to the Board about actions taken and if anyone wanted to object to the cost going on the tax bill, they would have the opportunity to do so.

Councilman Whalen, noting that many mortgages are sold, suggested extending the language to read "any mortgagees or assignee of the mortgage". He said the requirement of personal service could be cumbersome and/or expensive if dealing with a mortgagee out of the area and service by mail would be more cost effective.

Mr. McCarthy said he will review existing Section 77 (a) regarding the County Clerk accepting notice.

The public hearing was opened for comments from the audience at 7:57 p.m.

Kathy Casazza, Longkill Rd, reported she lives next to a property at 43 Longkill Road that has been abandoned since November 2010 - utilities are off, refrigerator is open and there is no furniture in the home. She is trying to find out who owns the property as the former owner lives in Florida. Ms. Casazza said she has spent over \$500 to mow, plow and have leaves removed from the abandoned

property as they share a roadway and this affects her property. She stated according to the tax rolls the homeowner still owns the property.

Mr. Myers said he has driven on the property but the lawn had been maintained enough where he didn't see any issues. He will take another look at the house and see if there is something the town needs to do.

Mr. Smead said he believes he was contacted by the owner not too long ago and has more information. He will get this information to Mr. McCarthy.

Ms. Casazza feels the bank should be maintaining the property, not the town.

Mr. McCarthy said the intent of the legislation is to be able to write to the bank stating if the bank doesn't get this to its property maintenance division and get the property maintained, then the town, in an extreme case, will do it for them and cost will go on tax bill for the following year.

Anton Salecker, Crestmont Drive, said he has almost the same situation at 11 Crestmont Drive and thinks a financial institution is the real owner. Neighbors have been mowing the lawn. The house has been abandoned for almost two years and the side door of the garage is being eaten or rotting away.

Supervisor Barrett asked Mr. Myers to look at this property as well. He said the town wants to work with the owner and if there are similar situations in other neighborhoods he asked that residents contact him.

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 8:11 pm.

PUBLIC HEARING, 7:10 PM
TO CONSIDER A LOCAL LAW AMENDING CHAPTER 176 - STREETS AND
SIDEWALKS

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on January 9, 2012.

Supervisor Barrett explained this is targeted toward utilities that are cutting town roads and will give the town more oversight.

Superintendent of Highways Kukuk said the town wants to be aware of any contractor or other utility that would be digging in a town roadway. It is important this is being done safely according to OCHA and when work is done the backfill and repair is to town standards. The town needs to have some recourse in order to protect and maintain roads properly.

Supervisor Barrett said the proposed legislation has a permit fee and an additional cost per feet of roadway that is being cut. This proposed legislation has been sent to utility companies. He said there might be some room to increase the actual permit fee and either significantly reduce or eliminate the per foot charge.

Highway Superintendent Kukuk said this wasn't intended to be cost prohibited but enough to cover town costs. Town Attorney McCarthy noted those costs involve administering paperwork and inspections.

Supervisor Barrett said this is being done in other communities.

Councilman Romano asked if restoration is defined. Mr. Kukuk said standards will be provided.

Town Attorney McCarthy said further discussion was held on adding an emergency procedure to the legislation allowing time to apply for a permit, particularly over a weekend. He further suggested a one year time frame for ongoing maintenance obligation. Mr. McCarthy reported the Clifton Park Water Authority has asked to be exempt from the insurance obligation provision but he will have discussions with the Authority and Town Board regarding this request. Mr. McCarthy

said notice of this public hearing was sent to Verizon, Time Warner, National Grid and Clifton Park Water Authority.

The public hearing was opened for comments from the audience at 8:22 p.m.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one wished to be heard. **Supervisor Barrett declared the public hearing left open through February 6, 2012.**

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard

Resolution No. 17 of 2012, a resolution honoring Louis J. Pasquarell, Sr. for 75 years of service to the Jonesville Fire Department.

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

WHEREAS, Louis J. Pasquarell, Sr. is 97 years old and has been a member of the Jonesville Fire Department since April of 1936 and has a long and honorable record, and

WHEREAS, Mr. Pasquarell has served as Lieutenant and Captain, has received the Fire Company Dedication Award in the past and also served on the Jonesville Volunteer Fire Company Board of Directors, and

WHEREAS, in his 75 years of service Mr. Pasquarell has accompanied more than 2,500 fire calls, responded to medical emergencies, pumped flooded cellars, climbed trees to remove adventurous cats, and once even removed a horse from mud, and

WHEREAS, under Mr. Pasquarell's leadership in 1995, the Jonesville Fire Police placed the area's first fire police vehicle into service, and

WHEREAS, in 2003 the Rotary Club of Shenendehowa selected Louis J. Pasquarell, Sr. as 2003 Citizen of the Year stating that he best characterizes the Rotary motto of "Service Above Self", and

WHEREAS, in 1996 the Town of Clifton Park presented Mr. Pasquarell with a key to the town and in 2006 presented him with a plaque recognizing him for 70 years of service to the Jonesville Fire Department, and

WHEREAS, Louis Pasquarell, Sr. is perhaps best known around town for building a miniature fire truck out of a tractor, a fire truck that bears the name of LFT-3 which stands for Little Fire Truck and the 3 is in honor of Lou's badge number; now, therefore, be it

RESOLVED, that the Town Board pauses in its deliberations to honor Louis Pasquarell, Sr., a great volunteer, for 75 years of service to the Jonesville Fire Department, and especially for his service to the residents of the Town of Clifton Park who have benefited from his volunteerism.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 18 of 2012, a resolution honoring Thomas Garabedian for attaining the rank of Eagle Scout.

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

WHEREAS, Thomas Garabedian, 35 Denkers Drive, Ballston Lake, of Boy Scout Troop 6 has attained the rank of Eagle Scout, and

WHEREAS, for his Eagle Scout Project, Thomas constructed a new trail from Pierce Road to a fishing access on the north side of the Dwaas Kill, placing wood chips in the wet areas, and

WHEREAS, a kiosk was constructed and placed at the trail head and two benches constructed and placed along the trail, and

WHEREAS, the project will benefit the residents of the Town of Clifton Park by providing an informational kiosk, resting areas with benches, and improved trails; now, therefore, be it

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

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 19 of 2012, a resolution honoring Robert Garabedian for attaining the rank of Eagle Scout.

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

WHEREAS, Robert Garabedian, 35 Denkers Drive, Ballston Lake, of Boy Scout Troop 6 has attained the rank of Eagle Scout, and

WHEREAS, for his Eagle Scout Project, Robert planted a friendship tree and a peace tree at the Shatekon Elementary School playground creating an area of shade on the playground, and

WHEREAS, four benches were constructed and placed around each of the two trees creating a place for teachers and students of the school to sit, as well as enhance the landscaping of the school; now, therefore, be it be it

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

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 20 of 2012, a resolution scheduling a public hearing to consider adoption of a local law amending Section 103-16 of the Town Code, Building Permit Fees.

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

WHEREAS; Steven Myers, Director of Building and Zoning, has recommended amending Section 103-16 Building Permit fees, and

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

RESOLVED, that a public hearing is scheduled for February 6, 2012 at 7:20 P.M. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, to consider adoption of a local law amending Section 103-16 of the Town Code, Building Permit Fees; and be it further

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

Supervisor Barrett noted Building Permit Fees have not been raised since 1998. He said the proposed increase puts the Town of Clifton Park comparable but still below some of the neighboring towns.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 21 of 2012, a resolution authorizing Samuel Chase, Robert Adams and Patrick Jarosz from the Building and Development Department to attend the 17th Annual Northern Adirondack Continuing Education Conference to be held in Lake Placid, New York, March 5 - 8, 2012.

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

WHEREAS, conferences are designed to give their members the needed hours to complete the New York State twenty-four hours requirement for in service education for all Code Enforcement Officers per year, in order to maintain their certification, and

WHEREAS, New York State has eliminated several of their instructor positions reducing the availability of courses locally, and substantially reducing the availability of building officials courses offered without charge, and fewer courses are being given at no charge, and

WHEREAS, reduced availability of such courses locally has increased the necessity of traveling to obtain required credits, and

WHEREAS, attendance at these seminars would provide a benefit to the residents of the town and is necessary to maintain building officials credentials; now, therefore, be it

RESOLVED, that the Building and Development Department is authorized to send Patrick Jarosz, Samuel Chase and Robert Adams to the 17th Annual Northern Adirondack Continuing Education Conference from March 5 - 8, 2012 at Lake Placid, at a total cost for three attendees not to exceed \$2,400, as budgeted from A-3620-001(Training and Conferences).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 22 of 2012, a resolution authorizing Derek Miller, Mark Kazmierczak and Wade Schoenborn from the Building and Development Department to attend the New York State Building Officials Conference April 3-6, 2012, in Liverpool, New York.

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

WHEREAS, conferences are designed to give their members the needed hours to complete the New York State twenty-four hours requirement for in service education for all Code Enforcement Officers per year, in order to maintain their certification, and

WHEREAS, the April 2012 conference sponsored by the New York State Building Officials Chapter is necessary for the acquisition of needed credits by building department officials, and

WHEREAS, attendance at these seminars would provide a benefit to the residents of the town and is necessary to maintain building officials credentials; now, therefore, be it

RESOLVED, that the Building and Development Department is authorized to send Derek Miller, Mark Kazmierczak and Wade Schoenborn to the New York State Building Officials Conference from April 3 - 6, 2012 in Liverpool, New York, at a total cost not to exceed \$2,700 for three attendees, as budgeted from A-3620-001 (Training and Conferences).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

PUBLIC PRIVILEGE

No one wished to be heard.

MOTION by Councilwoman Walowit, seconded by Councilman Whalen, 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