

February 13, 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
Michael Handerman, Supervisor of Buildings and Grounds
Richard Kukuk, Superintendent of Highways
Steven Myers, Director of Building and Zoning
Jeffrey Vedder, Supervisor of Convenience Transfer Station

Town Clerk O'Donnell reported the January 3, 2012 Organization Meeting minutes read "Veterans Day will be time off for union employees, however, non-union personnel will be expected to work". The minutes need to be corrected to read Election Day.

MOTION BY Supervisor Barrett, seconded by Councilman Hughes, to amend the minutes of the January 3, 2012 Organization Meeting to read "Election Day and half day New Years Eve will be time off for union employees, however, non-union personnel will be expected to work".

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Hughes reviewed exhibits at the Shen Inventors that were part of Winterfest.

Supervisor Barrett congratulated the winners of the Clifton Park Idol Contest. He reported Peddlers Bistro won the soup contest, Ravenswood was second, and The Prime, third.

Councilman Romano gave an update of the Garnsey Park Walking Tour, noting the path and benches put in by the Eagle Scout, and recommended residents visit the park.

PRESENTATION TO CAPTAIN YOUTH AND FAMILY SERVICES

Supervisor Barrett presented the following resolution to Sue Malinowski, Executive Director of CAPTAIN in recognition of the organization's 35th Anniversary.

Resolution No. 42 of 2012, a resolution recognizing the 35th Anniversary of CAPTAIN Youth and Family Services.

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

WHEREAS, CAPTAIN Youth and Family Services was formed in 1977 when a group of concerned Clifton Park parents came together to create a grassroots organization to help troubled teens, and

WHEREAS, CAPTAIN has developed into one of the most recognized and highly respected volunteer-driven organizations, serving the principal, social, educational and prevention needs of youths and families in Southern Saratoga County and beyond, and

WHEREAS, CAPTAIN'S programs and services address the core issues facing society today: youth homelessness, poverty, youth violence, underage drinking and drug use, academic failure and family dysfunction, and

WHEREAS, these issues are addressed with programs such as elementary and adolescent help phone lines, bike works, a runaway and homeless emergency youth shelter, a community outreach and drop-in center at Cheryl's Lodge and much more, and

WHEREAS, the Town of Clifton Park is proud to support CAPTAIN with an annual contribution and regularly partners with the organization on numerous projects, with recent examples including the Shenendehowa Community Coalition, annual American Red Cross Babysitting Courses and a Bicycle Safety Education Program, and

WHEREAS, the Clifton Park Town Board wishes to pause in its deliberations to recognize and honor CAPTAIN Youth and Family Services for its distinguished record of serving the underprivileged and disadvantaged within the Clifton Park community; now, therefore, be it

RESOLVED, that the Town Board recognizes and honors CAPTAIN Youth and Family Services for 35 years of service to the Clifton Park community and wishes the organization many more successful years to come.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Susan Malinowski, Executive Director of CAPTAIN, expressed appreciation to the Town Board for their support. She reviewed highlights of the 2011 Annual Report, attached. Ms. Malinowski introduced Claire Brown, President of the CAPTAIN Board.

PUBLIC HEARING, 7:10 (7:17) PM
TO CONSIDER A LOCAL LAW AMENDING
ARTICLE I CONVENIENCE TRANSFER STATION
SECTION 97.3 PERMIT FEES

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

Supervisor Barrett summarized the proposed local law explaining the fees have not been raised since 2002. He noted that bulk items can be brought to the Transfer Station without a permit. The fees for bulk items have never been increased. He reviewed the rates for disposal of tires. The Supervisor said it was anticipated that the permits would cover 50 percent of the operating cost of the facility. He said it is hovering at about 50 percent right now but this does not include the \$50,000 received from County Waste as part of the composting operation, or the new electronic recycling revenue estimated to be \$12,000 for the year. Supervisor Barrett estimated the permit increases to bring \$15,000 to \$20,000 in additional revenue. He noted the private hauler fee runs about \$30-\$35 per month. He said it is important to reduce the subsidy that the town general fund provides to the facility.

Jeffrey Vedder, Transfer Station Supervisor, reported mulch is ready for residents to pick up. He said furniture fees have never been raised.

Councilman Romano said he reviewed other municipalities' fees and the Clifton Park's fees are a very good deal.

The public hearing was opened for comments from the audience at 7:30 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 closed at 7:30 pm.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 43 of 2012, a resolution hiring summer help for the Dwaaskill Park District.

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

WHEREAS, a need has been identified for summer help at the Dwaaskill Park District to do light landscaping, and

WHEREAS, William Williams, 714 Bruno Road, Clifton Park and Marcus Brown, 714A Bruno Road, Clifton Park, have been recommended to be hired for this position; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Dwaaskill Park District, hereby authorizes the hiring of William Williams to do light landscaping for the Dwaaskill Park District at \$10.00 per hour, and Marcus Brown at \$7.50 per hour, effective immediately, to be paid from SP47135-24 (Dwaaskill Park District-Maintenance).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 44 of 2012, a resolution authorizing the Clifton Knolls Mill Creek Civic Association to serve alcoholic beverages at the annual association sponsored Wine and Cheese Party at the Locust Lane Clubhouse.

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

WHEREAS, Chris Zinsley, President of the Clifton Knolls/Mill Creek Civic Association, has requested permission to serve alcoholic beverages on March 3, 2012 at a Wine and Cheese Party to be held at the Locust Lane Clubhouse, and

WHEREAS, it is the Town's policy to require the using group to monitor the consumption of alcohol and be responsible for the group's activities; now, therefore, be it

RESOLVED, that the Clifton Knolls Mill Creek Civic Association is authorized to serve alcoholic beverages on March 3, 2012, from 7 pm - 11 pm, at an adults only, civic association event being held at the Locust Lane Clubhouse, contingent upon the execution of an indemnification and a hold harmless agreement in favor of the town and the provision of a

certificate of liability insurance naming the town as an additional insured and in a coverage amount acceptable to the town; and be it further

RESOLVED, that the special alcohol use permit fee of \$25.00 is hereby waived.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 45 of 2012, a resolution authorizing the hiring of summer staff for the Buildings and Grounds Department, as per Schedule A.

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

WHEREAS, a need exists for summer workers in the Buildings and Grounds Department. and

WHEREAS, Michael Handerhan, Buildings and Grounds Supervisor, has recommended that the individuals listed in Schedule A be hired to fill these positions, and

WHEREAS, the wages to be paid to the hired individuals are listed in Schedule A, as budgeted; now, therefore, be it

RESOLVED, that the individuals listed in Schedule A, attached hereto, be hired as part of the summer Buildings and Grounds staff for the summer of 2012, effective immediately, to be paid from A7110-E4000 (Buildings & Grounds-Summer Labor).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 46 of 2012, a resolution extending the contract with Mater's through 2012, for seasonal restroom cleaning during sports league play in town parks.

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

WHEREAS, Resolution No. 71 of 2009 awarded the contract for the seasonal cleaning of the restrooms at Clifton Common, Collins Park and Veteran's Park to Mater's for \$9,900, and

WHEREAS, the Town Board wishes at this time to extend the contract with Mater's for seasonal restroom cleaning during sports league play from April 1, 2012, through October 31, 2012, and

WHEREAS, the cost for the seasonal cleaning will remain the same as for the last three years; now, therefore, be it

RESOLVED, that the Town Board extends the contract with Mater's, 601 London Square Drive, Clifton Park, to provide janitorial services at town parks through the completion of sports league play, at a cost not to exceed \$9,900 for the 2012 season; and be it further

RESOLVED, that the cost of \$9,900 is to be paid as budgeted, \$7,425 from A-7112-23 (Clifton Common Cleaning), \$1,980 from A-7113-23 (Collins Park Cleaning) and \$495 from A-7024-23 (Veteran's Park Cleaning) for the 2012 Season.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 47 of 2012, a resolution awarding a contract for the maintenance of the gardens in the Clifton Knolls Park District.

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

WHEREAS, quotes were received by the Town Board, as Commissioners of the Clifton Knolls Park District, for the maintenance of the gardens in the Clifton Knolls neighborhood, and

WHEREAS, the lowest conforming quote for the work to be done which includes weeding, plantings, mulching, weed whack, fertilize, and general care for the season was submitted by A Cut Above, 81 Pleasant Avenue, Schaghticoke, New York, in an amount not to exceed \$5,500; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Clifton Knolls Park District, hereby awards the contract to A Cut Above, for an amount not to exceed \$5,500, to be budgeted from SP37131-24 (Clifton Knolls Park District).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 48 of 2012, a resolution declaring a public emergency pursuant to General Municipal Law Section 103(4), retroactive to September 30, 2011, requiring the repair of Valdepenas Lane storm sewer as a result of Hurricanes Irene and Lee, and transferring funds from Highway Fund Balance to Highway Fund-General Repairs- Emergency Repairs.

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

WHEREAS, General Municipal Law Section 103(4) authorizes municipalities to enter into contract for the work needed to be done without competitive bidding where the Town Board declares the situation to be a public emergency, and

WHEREAS, on September 30, 2011, as a result of the two hurricanes, a large sinkhole was reported on Valdepenas Lane causing a pipe there to collapse, and

WHEREAS, Richard Kukuk, Highway Superintendent, advised that the occurrence constituted an emergency with potential impact upon health, safety and welfare without immediate action and response, and

WHEREAS, problem areas were identified by McDonald Engineering, and

WHEREAS, Tom Kubricky Company, Inc. is an authorized emergency contractor for the Town of Clifton Park pursuant to Resolution No. 60 of 2010, and

WHEREAS, bid rates, as awarded by Resolution No. 60 of 2010, were used for equipment and labor, and

WHEREAS, Superintendent Kukuk accepted the quote of Tom Kubricky Company, Inc. based on emergency circumstances necessary to repair the water main and prevent further damage to the area, in an amount of \$95,330.14 for emergency repairs at all locations and has determined that the charges submitted pursuant to the quote were appropriate for the work that was required; now, therefore, be it

RESOLVED, that the Town Board hereby declares the potential damage threatened by the damage to the Valdepenas Lane storm sewer to be a public emergency, requiring immediate action which cannot await competitive bidding; and be it further

RESOLVED, that payment is authorized to Tom Kubricky Company, Inc. for \$95,330.14 for repairs to the Valdepenas Lane storm sewer, for emergencies occurring as a result of Hurricanes Irene and Lee, to be paid with a transfer of \$95,330.14 from Highway Fund Balance DA-909 to DA-5110-21 (Highway Fund-General Repairs-Emergency Repair).

Supervisor Barrett reported there was a large sink hole in the backyard with a shed ready to fall into the sink hole; with help, the shed was saved. Highway Superintendent Kukuk referred to a letter from McDonald Engineering that recaps the situation. Superintendent Kukuk said damage was extensive and included four to five other locations where there smaller sink holes in that area. He reported this required four to five weeks on site to get work done caused by the storms. Supervisor Barrett reported a reimbursement of 87.5 percent is expected from FEMA.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 49 of 2012, a resolution awarding a contract for landscaping services for Settler's Hill Park District.

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

WHEREAS, quotes were received by the Town Board, acting as Commissioners of the Settler's Hill Park District, and

WHEREAS, the lowest conforming quote for the work to be done which includes mowing, trimming, weeding, mulch, dirt, seed, and fertilizer in the Settler's Hill Park District was submitted by Malta Asphalt, Round Lake, in an amount not to exceed \$4,250; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Settler's Hill Park District, hereby awards the contract to Malta Asphalt, Round Lake, for landscaping services at the Settler's Hill Park District at a cost not to exceed \$4,250, to be budgeted from SP137146-24 (Settlers Hill Park District-Maintenance).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 50 of 2012, a resolution accepting an application for the Conservation Easement (Historic Preservation) program.

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

WHEREAS, a public hearing was held on February 6, 2012 in order to receive public comment regarding a conservation easement application for a home located at 341 Riverview Road, Rexford (SBL 287.16-1-32) owned by David Monk and Anna Fisher, in accordance with Chapter 125 of the Town Code as amended, and

WHEREAS, the Town Board has considered the application and the comments received; now, therefore, be it

RESOLVED, that the application for a home located at 341 Riverview Road, Rexford, owned by David Monk and Anna Fisher (SBL 287.16-1-32), is hereby accepted and is granted a Conservation Easement (Historic Preservation) in accordance with the provisions of Article XIII of Chapter 208-78 of the Town Code; and be it further

RESOLVED, that said applicant whose home has been granted a historic conservation easement shall execute an agreement provided by the Town of Clifton Park.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 51 of 2012, a resolution adopting Local Law No. 3 of 2012, a local law amending Section 103-16, Building Permit Fees, of the Town Code.

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

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

WHEREAS; on February 6, 2012 the Town Board conducted a public hearing to obtain input regarding the proposed changes to Section 103-16, Building Permit Fees, of the Town Code, and

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

RESOLVED, that Local Law No. 3 of 2012, a local law amending Section 103-16, Building Permit Fees of the Town Code is hereby adopted; and be it further

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

Supervisor Barrett reviewed various fees.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Agnes Liedel, Woodside Drive, said she is planning to move into the new section of Coburg Village and was told the construction is being held up waiting for town permits. Supervisor Barrett responded plans were submitted that needed to go back for revision. Director of Building and Zoning Myers said he is currently reviewing the second submission which has been determined to be incomplete, though there are parts of the plan with which they can proceed. Supervisor Barrett said the Town Board supports the project and would like to see it finished as soon as possible.

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 7:59 p.m.

Patricia O'Donnell
Town Clerk