

March 12, 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  
Michael Montague, Environmental Specialist  
Steven Myers, Director of Building and Zoning  
John Scavo, Director of Planning

MOTION BY Councilman Romano, seconded by Councilman Hughes, to approve the minutes of the February 27 and March 5, 2012 meetings as presented.

Councilwoman Walowit is voting on the March 5, 2012 minutes only as she was not in attendance at the February 27, 2012 meeting.

**ROLL CALL VOTE**

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

Noes: None

**MOTION CARRIED**

**ANNOUNCEMENTS AND COMMUNICATIONS**

Supervisor Barrett announced the Parks and Recreation spring and summer brochure has been mailed and registrations are being taken.

**PRESENTATION TO THE BOARD**

Allan Atwell, representing members of VFW Post 1498, spoke of the World War II Monument located on Route 146 in Rexford that lists the names of twelve veterans from Clifton Park who died in service to our country. He distributed a photo of the monument. Mr. Atwell thanked Charles Goody for his help in researching descendants of those named on the monument. It is hoped this monument can be moved from its current location to Garnsey Park where people can view it. Mr. Atwell read an excerpt from page 134 of "Bits of Clifton Park History" by John L. Scherer, Town Historian, regarding the monument. He reported in 2006 the VFW Post elected to adopt the monument and clean and maintain it. Mr. Atwell said Troop 246 has a Scout interested in the move to Garnsey Park as an Eagle Scout project. It is hoped a flag can be erected behind the monument, contingent upon the town providing power for illumination. Mr. Atwell said he and Mr. Goody have contacted relatives of six of the twelve veterans and they agree with moving the monument. Mr. Atwell asked for the Town Board's consideration in moving the monument to Garnsey Park. He added the VFW Post will continue to maintain the monument and area.

Supervisor Barrett noted he has spoken with one relative and she agrees with the move and it is right to keep the monument in Rexford. He said this will add a great deal of character to the park and give people an opportunity to view and appreciate the monument much more than at its

current location. The Supervisor thanked the members of the VFW Post 1498 for making this happen.

PRESENTATION OF THE KEY TO THE TOWN OF CLIFTON PARK

Resolution No. 60 of 2012, a resolution honoring Clifton Park resident Allan Atwell.

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

WHEREAS, the Town Board wishes to honor and recognize Allan Atwell for a lifetime of dedicated service to his country and his community, and

WHEREAS, Mr. Atwell joined the United States Army in 1943 shortly after his 18<sup>th</sup> birthday and graduation from high school, and

WHEREAS, Mr. Atwell served his country attached to the 28<sup>th</sup> Division, which participated in the pivotal Battle of the Bulge in France in 1944, and

WHEREAS, Allan Atwell was in combat numerous times during World War II and also served as a military policeman, and

WHEREAS, Mr. Atwell has been honored by the French Government and been named a Knight of the French Legion of Honor for participating in the liberation of France from Nazi occupation, and

WHEREAS, Mr. Atwell moved to Clifton Park in 1969 and has been a resident ever since, and

WHEREAS, Mr. Atwell has been a member of the Jonesville Volunteer Fire Department since December 1970 and has won many awards in his four decades of service to the fire department, including the Chief's Award, Dedication Award and President's Award, and

WHEREAS, Allan Atwell remains on duty with the Jonesville Volunteer Fire Department as a Special Services Firefighter, serving as department photographer, and

WHEREAS, Mr. Atwell is a former Grand Exalted Ruler of the Clifton Park Elks Lodge No. 2466 and is also an active member of the Clifton Park-Halfmoon Memorial VFW Post 1498, among other community groups, and

WHEREAS, Mr. Atwell has served Clifton Park as a valuable member of the Emergency Services Advisory Board since 1998, and is currently the Chairman of that Board; now, therefore, be it

RESOLVED, the Town Board pauses in its deliberations to honor Allan Atwell for his commitment to his country and community, and be it further

RESOLVED, the Key to the Town of Clifton Park is hereby bestowed to Mr. Allan Atwell as a token of community appreciation for his service at home and abroad.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Supervisor Barrett presented Allan Atwell with the above resolution and the Key to the Town of Clifton Park in recognition of his outstanding dedication to his country and community. He noted

Mr. Atwell has touched a lot of lives and given assistance to the town on various veterans' issues.

PUBLIC PRIVILEGE ON RESOLUTIONS

Question from the floor regarding the proposed resolution certifying retirement days for the Town Health Officer. Supervisor Barrett said requirements have come down from the State Comptroller's office that appointed and elected officials need to document time. Comptroller Heggen explained any individuals in the NYS Retirement System that do not fill out a regular time sheet are required to complete a calendar of activities for a three-month period, which then has to be approved by the Town Board to be sent to NYS Retirement for reporting purposes. Mr. Heggen noted Dr. Buckley is already a member of the NYS Retirement System.

Resolution No. 61 of 2012, a resolution authorizing the purchase of a 2012 Chevrolet Colorado Work Truck for use by the Building and Zoning Department.

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

WHEREAS, Steven Myers, Director of Building and Zoning, has identified a need for a new vehicle for the use of the Building & Development Department, and

WHEREAS, Mr. Myers has requested authorization to purchase a Model Year 2012 Chevrolet Colorado Work Truck under state contract, as described in Schedule A; now, therefore, be it

RESOLVED, that Steven Myers, Director of Building and Zoning, is hereby authorized to purchase a Model Year 2012 Chevrolet Colorado Work Truck under State Contract No. PC 65066, from Emerling Chevrolet, Inc., 9000 Boston State Road, Boston, New York, as described in Schedule A, at a cost not to exceed \$18,985.58, to be paid from A-3620-200 (Building-Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 62 of 2012, a resolution authorizing the Comptroller to satisfy \$529.90 in delinquent taxes due on a parcel of vacant land located on Settler's Lane.

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

WHEREAS, the Town owns sewer district improvements and infrastructures on a parcel of vacant land on Settler's Lane identified as SBL 258.12-1-41.2, and

WHEREAS, the parcel identified above has been placed on the county auction for delinquent taxes in the amount of \$529.90, and

WHEREAS, the Clifton Park Sewer Department is required to access the sewer district improvements on the parcel from time to time for maintenance and operation of sewer infrastructure for the Dutch Meadow Sewer District, and

WHEREAS, the Town Board wishes to acquire the parcel identified as SBL 258.12-1-41.2 for the purpose of access to municipal sanitary sewer infrastructure; now, therefore, be it

RESOLVED, the Town Board offers to purchase SBL 258.12-1-41.2 from the County of Saratoga for the sum of \$529.90, and be further

RESOLVED, that the Comptroller is authorized to satisfy \$5.14 in outstanding taxes for 2012; and be it further

RESOLVED, that the amount of \$535.04 (\$529.90 for delinquent taxes and \$5.14 for 2012 taxes) be paid with a transfer of \$535.04 from G5-8111-24 (Dutch Meadow Sewer District-Maintenance) to G5-8111-131 (Dutch Meadow Sewer District-Assessment of Town Property).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 63 of 2012, 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 Romano, who moved its adoption, seconded by Councilwoman Walowit.

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 2012, 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 Town Board of the Town of Clifton Park, 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.

Environmental Specialist Montague reported Household Hazardous Waste Day is scheduled for September 8, 2012.

Supervisor Barrett feels electronics should be accepted this year, but the Town Board needs to decide whether or not to accept electronics at future Hazardous Waste Days since they can be

dropped off at the Transfer Station. Mr. Montague reported the Town of Halfmoon has already expressed interest in participating and they don't have an electronic recycling program.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 64 of 2012 a resolution authorizing the hiring of Adventure Challenge Staff per Schedule A.

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

WHEREAS, it is necessary that Adventure Challenge Staff be hired to conduct the 2012 Project Adventure Program within the Department of Parks, Recreation and Community Affairs; now, therefore, be it

RESOLVED, that the individuals on the annexed Schedule A are appointed to said positions, effective April 1, 2012 through October 31, 2012, at the salary amounts listed, to be paid from A-7621-E2360 (Project Adventure Staff) and A7621-E2350 (Project Adventure Coordinator).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 65 of 2012, a resolution hiring returning Lifeguards, Head Guards and Water Safety Instructors for the 2012 Season.

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

WHEREAS, it is necessary that returning staff be rehired by the Department of Parks, Recreation and Community Affairs for the Country Knolls, Barney Road and Locust Lane pools, and

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

RESOLVED, that the individuals listed in Schedule A, attached hereto, shall be rehired as Lifeguards, Head Guards and Water Safety Instructors for the Country Knolls, Barney Road and Locust Lane pools, effective April 6, 2012 through September 23, 2012, to be paid per attached Schedule A.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 66 of 2012, a resolution hiring returning Camp Counselors for the 2012 full day and half day Summer Day Camp Program.

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

WHEREAS, it is necessary that additional returning staff be rehired by the Office of Parks, Recreation and Community Affairs for the Town of Clifton Park Summer Day Camp Program, and

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

RESOLVED, that the individuals listed in the attached Schedule A be rehired as staff for the Town's 2012 Day Camp Program, effective June 9, 2012 through August 17, 2012; and be it further

RESOLVED, that the returning Camp Counselors be paid as indicated on Schedule A.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 67 of 2012, a resolution authorizing the hiring of a Pool Manager for Locust Lane pool for the 2012 season.

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 summer recreation programs, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that Bruce Sutphin, 5 Granada Drive, Clifton Park, be hired for such purpose; now, therefore, be it

RESOLVED, that Bruce Sutphin is hired as the Locust Lane Pool Manager for the 2012 season at the rate of \$18 per hour, to be paid from A-7152-E4680 (Locust Lane Pool-Manager), effective immediately through September 23, 2012.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 68 of 2012, a resolution hiring Seasonal Staff for the Barney Road Golf Course.

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

WHEREAS, openings exist for staff for the Barney Road Golf Course, and

WHEREAS, Myla Kramer, Director of the Office of Parks, Recreation and Community Affairs, has recommended that the individuals listed in the attached Schedule A be hired to fill the positions; now, therefore, be it

RESOLVED, that authorization is hereby given to hire the individuals listed on the attached Schedule A as staff for the Barney Road Golf Course, effective immediately at a salary as indicated on Schedule A.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 69 of 2012, a resolution authorizing the hiring of Art and Athletic Specialists for the 2012 Summer Recreation Full and Half-Day Summer Camps.

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

WHEREAS, it is necessary that additional staff be hired by the Department of Parks and Recreation to operate the Town of Clifton Park 2012 Summer Recreation Full and Half-Day Camps, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that the individuals listed in Schedule A, attached hereto, be hired to fill the positions of Art and Athletic Specialists; now, therefore, be it

RESOLVED, that the individual specialists listed in Schedule A, attached hereto, shall be hired to staff the Town of Clifton Park's Summer Recreation Full and Half-Day Camps, effective March 26, 2012 through August 17, 2012, at a salary as indicated on Schedule A.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 70 of 2012, a resolution authorizing the hiring of Attendants for the Clifton Park Action Park.

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

WHEREAS, openings exist for attendants for the Clifton Park Action Park, and

WHEREAS, Myla Kramer, Director of the Office of Parks, Recreation and Community Affairs has recommended that the individuals listed in the attached Schedule A be hired to fill the positions; now, therefore, be it

RESOLVED, that authorization is hereby given to hire the individuals listed on attached Schedule A as attendants for the Clifton Park Action Park, effective March 24, 2012 through October 31, 2012, at a salary as indicated on Schedule A.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 71 of 2012, a resolution authorizing the hiring of Kenneth Angeliu as summer staff for the Buildings and Grounds Department.

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

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

WHEREAS, Michael Handerhan, Buildings and Grounds Supervisor, has recommended that Kenneth Angeliu, 10 Woods Way, Clifton Park, be hired to fill the position; now, therefore, be it

RESOLVED, that authorization is hereby given to hire Kenneth Angeliu as part of the summer Buildings and Grounds staff for the summer of 2012, effective immediately, to be paid \$8 per hour from A7110-E4000 (Buildings & Grounds-Seasonal Part Time Laborer).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 72 of 2012, a resolution authorizing the rehiring of Fred Porter as Golf Course Superintendent at the Barney Road Golf Course for the 2012 season.

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

WHEREAS, it is necessary that returning staff be rehired by the Buildings and Grounds Department for the operation of the Barney Road Golf Course, and

WHEREAS, Michael Handerhan, Buildings and Grounds Supervisor, has recommended Frederick Porter, 42 Par Del Rio, Clifton Park, be rehired as the Golf Course Superintendent, and

WHEREAS, Mr. Porter has worked at the Barney Road Golf Course for many years and his experience would confer a benefit to the Town; now, therefore, be it

RESOLVED, that authorization is given to hire Frederick Porter as Golf Course Superintendent, effective immediately, at an hourly rate of \$20.86, to be paid from A-7190-E7500 (Barney Road Golf Course-Golf Course Superintendent).



ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 73 of 2012, a resolution authorizing the rehiring of Kathleen Bogucki as Groundskeeper at the Barney Road Golf Course for the 2012 season.

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

WHEREAS, it is necessary that returning staff be rehired by the Buildings and Grounds Department for operation of the Barney Road Golf Course, and

WHEREAS, Michael Handerhan, Buildings and Grounds Supervisor, has recommended Kathleen Bogucki, 42 Par Del Rio, Clifton Park, be rehired as Groundskeeper for the Golf Course; now, therefore, be it

RESOLVED, that authorization is hereby given to hire Kathleen Bogucki as a Golf Course Groundskeeper for the 2012 season at an hourly rate of \$12.00, to be paid from A-7190-E4000 (Barney Road Golf Course-Assistants), effective immediately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 74 of 2012, a resolution hiring summer help for the Clifton Gardens 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 Clifton Gardens Park District to do light landscaping, and

WHEREAS, Brian Stanley, 42 Esopus Drive, Clifton Park, has been recommended to be hired for this position; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Clifton Gardens Park District, hereby authorizes the hiring of Brian Stanley to do light landscaping for the Clifton Gardens Park District at \$7.50 per hour, effective immediately, to be paid from SP27121-24 (Clifton Gardens Park District-Maintenance).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 75 of 2012, a resolution certifying retirement days for Health Officer, Dr. Gayle Buckley.

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

WHEREAS, it is necessary to establish standard work days for elected and appointed officials to be reported to the New York State and Local Employees' Retirement System based on the record of activities maintained; now, therefore, be it

RESOLVED, that the Town Board hereby establishes standard work days for appointed official Dr. Gayle Buckley, per Schedule A.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 76 of 2012, a resolution authorizing notice to be served and a public hearing to be scheduled regarding the demolition and removal of the unsafe structure at 680 Bruno Road, Clifton Park (Tax Parcel 265.-2-65.11).

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

WHEREAS, Chapter 77 of the Clifton Park Town Code provides that the Town Board may order, after notice and a hearing, the demolition and removal of a building upon its finding that the building is unsafe, dangerous and incapable of being safely repaired, and

WHEREAS, Steven Myers, Director of Building and Zoning, has submitted a written report pursuant to Town Code Section 77-4, and has reported his opinion that a residential structure at 680 Bruno Road is not structurally sound and is a hazard to the public due to partial unauthorized demolition of the interior support structures, and

WHEREAS, the Town Board accepts the report of Steven Myers pursuant to Section 77-5; now, therefore, be it

RESOLVED, that the owners of 680 Bruno Road are hereby ordered to show cause at a hearing before the Town Board on April 2, 2012 at 7:10 P.M. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York, why the building at that location should not be demolished and the resulting debris removed within 30 days of service of the notice contained in Exhibit "A"; and be it further

RESOLVED, that the Town Clerk is hereby directed to serve the notice contained in Exhibit "A" not later than 5 days before the hearing in accordance with the provisions of Chapter 77 of the Town Code.

Director of Building and Zoning Myers reported this structure is rapidly deteriorating, there has been demolition work inside the building without a permit and the house is unstable. He said he found out recently that the house is in the foreclosure process and, in this regard, notice needs to be served on the bank as well. Mr. Myers stated the owner has walked away from the house and his impression from the bank is that they want to try and salvage the property.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 77 of 2012, a resolution adopting Local Law No. 5 of 2012 amending Section 103-14, Parkland Fees, of the Town Code.

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

WHEREAS, it has been recommended that a revision be made to Section 103-14, Parkland Fees, of the Town Code, and

WHEREAS, on March 5, 2012 a public hearing was conducted by the Town Board to obtain input regarding the proposed changes to Section 103-14, Parkland 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, the Town Board hereby adopts Local Law No. 5 of 2012 a local law amending Section 103-14, Parkland Fees; and be it further

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

Supervisor Barrett reported this fee is lower than other communities but very competitive.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 78 of 2012, a resolution adopting Local Law No. 6 of 2012, a local law amending Chapter 176, Streets and Sidewalks, of the Town Code.

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

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 conducted a public hearing on January 17, 2012 to obtain input regarding the proposed changes to the local law, and

WHEREAS, the public was given the opportunity to speak in favor of, or against the proposed changes, and

WHEREAS, the public hearing was continued on February 6, 2012 and once again the public was given the opportunity to speak in favor of, or against the proposed changes; now, therefore, be it

RESOLVED, that Local Law No. 6 of 2012 a local law amending Chapter 176, Streets and Sidewalks, of the Town Code, by adding Sections 176- 3, 4, 5, 6, 7, 8, 9, and 10, is hereby adopted; and be it further

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

Supervisor Barrett reported draft legislation had been sent to utility companies to gain input and ideas. Adjustments were made upon hearing from the utility companies.

Town Attorney McCarthy explained a timeframe of 90 days for permit expiration from time of application was added, as well as application procedures for emergencies occurring when the Highway Department is not opened. Mr. McCarthy said under Penalties, the ticketing process is eliminated, however, in discussion with companies it was made clear that if a road was not adequately restored or repaired, the Highway Department would withhold future permits. He noted the addition of Section 176-8D. The per-foot fee structure has been eliminated. The permit fee is \$150.

Supervisor Barrett said this legislation protects the town and gives a little more oversight.

Councilman Whalen commended Mr. McCarthy on his work with the regulated community.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 79 of 2012, authorizing settlement of litigation compelling compliance with Zoning and Building Codes.

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

WHEREAS, in July of 2007 the Town Board authorized the initiation of special litigation to compel compliance with current Zoning and Building Codes at 621 Englemore Road, and

WHEREAS, the landowner has applied for and received approval for subdivision of the property pursuant to Chapter 179 of the Town Code, and

WHEREAS, the subdivision plan has been stamped and approved by the New York State Department of Health, Saratoga County Sewer Department, Clifton Park Water Authority, Town Building Department and Bureau of Fire Prevention, and

WHEREAS, the site plan includes specific commitments for the provision of public sewer and water, fire suppression, and the construction of roadways to current New York State code standards, as well as financial security instruments to ensure future repair and maintenance, and

WHEREAS, the approved site plan, which has been filed with the Saratoga County Clerk, represents an enforceable commitment which will resolve issues of compliance with all existing codes which were in dispute, and

WHEREAS, the settlement has been recommended by the Town Attorney's Office, Planning Department and Code Enforcement Officer; now, therefore, be it

RESOLVED, that the Town Attorney is authorized to execute the attached Stipulation of Settlement and submit same to the Saratoga County Supreme Court for an Order and Judgment.

Town Attorney McCarthy said the Planning Board, Zoning and Building Department were involved with this issue. He explained the property has more than one building on one tax parcel with disputes about grandfathering and applicability of building codes from different eras. He said, ultimately, to bring the landowner into compliance with all the various zoning and building codes applicable, the jurisdiction of the Supreme Court is necessary. Mr. McCarthy said once this litigation was filed, the owner made the proper application and hired consultants. The Stipulation of Settlement lays out the requirements regarding public water and sewer, roads, and fire hydrants. He stated these plans have been approved by the agencies noted in the resolution. The landowner has zoning variances with deadlines, site plan is a binding commitment and the court judgment can be enforceable at any subsequent time by application to the Supreme Court. Through this, the landowner gets a much more valuable piece of property, the town gets everything in compliance, including fire code. Mr. McCarthy noted the great amount of work done by the Planning Department to bring this to fruition.

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, distributed photographs he has taken of various locations throughout town and urged residents to take advantage of the interesting and beautiful parks and open space the town has to offer.

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 8:15 p.m.

Patricia O'Donnell  
Town Clerk