

April 16, 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

Absent: Town Attorney McCarthy

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

MOTION BY Councilman Romano, seconded by Councilman Hughes, to approve the minutes of the April 2, 2012 meeting as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett expressed condolences to the family of Councilwoman Carol Drambour on her death. Ms. Drambour served the residents of the Town of Clifton Park from 1980 through 1987.

Supervisor Barrett announced Operation Canal Clean Sweep on April 21st from 9:00 a.m. to 12:00 p.m.

Supervisor Barrett announced a town sponsored Shredding Day will be held April 28th at the mall parking lots stating proof of residency is required. There is a limit of four boxes or bags.

The Historic House Tour is scheduled for May 20th from noon to 5:00 p.m.

Councilman Hughes announced a summer camp for children on the autism spectrum will be held again this year. This camp is for Clifton Park residents entering Kindergarten through 6th grade in the fall at a fee of \$50 per week. Camp is half day at Collins Park scheduled for July 16–20 and July 23-27.

Supervisor Barrett announced the Seconds Count Program, sponsored by Councilwoman Walowit, has been publicized to bring awareness to homeowners that the house numbers need to be clearly displayed.

PRESENTATION BY SARATOGA COUNTY SUPERVISORS

Chairman of the County Board of Supervisors, Tom Wood, and Charlton Supervisor and Budget Committee Chair, Alan Grattidge, updated the Town Board and residents on the fiscal status of

the county. Supervisor Wood noted this is the fifth county forum to meet with residents. He reviewed issues at the county level – the nursing home, landfill and sales tax that had been contemplated in 2011. He noted the nursing home has lost \$10 million dollars every year for the last four years. He said the County Board proposed increasing the county sales tax from three to four percent but the state legislature did not support the Home Rule Law request so the Board had no choice but to increase property taxes by eight cents a thousand. Supervisor Wood stated taxes went up due to unfunded state mandates and 100 percent of property taxes are paying for unfunded state mandates.

Supervisor Grattidge said he anticipates 2013 to be another difficult budget year. He stated the operation of Maplewood Manor will have to change in some fashion but this process will not be done in time impact the 2013 budget so the county will continue to supplement the nursing home. He reported an RFP is being released regarding the landfill and this will not impact the 2013 budget either.

Supervisor Wood said sales tax did rise in December and reported the state matched funding for the nursing home in 2011; however, there is still a \$4 million loss.

Supervisor Barrett said raising the property taxes eight to ten cents per thousand is relatively small dollars, however, raising sales tax one percent costs a homeowner much more and that is why the Town Board was so adamantly opposed to raising the sales tax. He noted the county has a competitive advantage with a seven percent sales tax and raising it will drive people to shop elsewhere as well as on the internet.

Supervisor Wood said unless there is a change regarding legislative approval, he doesn't anticipate a sales tax increase; however it is always an option.

Councilman Whalen asked Supervisors Wood and Grattidge their thoughts on the Association of Counties advocating a bill that would permit counties to raise sales tax without requiring legislative approval. Supervisor Wood stated personally, he would support it. He noted only five out of 62 counties have a seven percent sales tax; the rest having eight percent or more.

Councilman Hughes said an increase in taxes is the wrong approach and focus should be on cost containment. He referred to Town Board Resolution No. 280 of 2011 in opposition to a sales tax increase which was unanimously supported by the Town Board. Councilman Hughes said the issue of the nursing home needs to be addressed in the 2013 budget in order to avoid another \$10 million loss, noting time is at a premium.

Supervisor Wood reported Harris Beach has been hired to review the nursing home situation and a report to be issued in July or August at best. He said the actual loss in 2011 is \$ 4 or 5 million due to the receipt of state money.

County Supervisor Daly said she isn't sure an increase in sales tax means the county will lose its competitiveness, citing the time that gas tax was temporarily rescinded.

Residents in attendance at the meeting spoke at great length and emphatically requested that there be no sales tax increase, stating Saratoga County's three percent for a total 7 percent sales tax is an incentive for people to buy in the county. Residents also insisted that the nursing home and landfill situations be brought forward quickly so as to be part of the 2013 budget in order to stop the losses. Speakers recommended the County Board of Supervisors sell the attributes of Saratoga County in order to bring more business into the county. Speaker said it is important to stay within the tax cap.

Supervisors Wood and Grattidge stated they did not say they were raising sales tax at this evening's presentation.

Councilman Whalen encouraged Supervisors Wood and Grattidge to abandon the idea of a sales tax increase and find other solutions.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 101 of 2012, a resolution reaffirming the Town of Clifton Park's commitment to annually recognize May 1st as "Silver Star Banner Day", the permanent and official day to honor the wounded and ill soldiers of the Town of Clifton Park.

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

WHEREAS, Resolution No. 96 of 2010 was adopted by the Town Board of the Town of Clifton Park proclaiming May 1st as "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, 2012 as "Silver Star Banner Day", the official day to honor the wounded and ill soldiers of the Town of Clifton Park.

Supervisor Barrett thanked all involved in honoring John J. McKenna IV at the street dedication/naming.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 102 of 2012, a resolution appointing Kristyn Ganim as a Town of Clifton Park Marriage Officer for one day, June 9, 2012 in the Town of Clifton Park.

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

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, 12B Spyglass Hill, Clifton Park, wishes to serve as a Town Marriage Officer pursuant to the New York State Domestic Relations Law for one day Saturday, June 9, 2012 and for one ceremony, that being for the marriage of Susan Gerardi and William Carson; now, therefore, be it

RESOLVED, that Kristyn Ganim, 12B 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 June 9, 2012, and for one ceremony, that being for the marriage of Susan Gerardi and William Carson at no salary.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 103 of 2012, a resolution honoring Nicholas William Ringelberg III for attaining the rank of Eagle Scout.

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

WHEREAS, Nicholas William Ringelberg III, 14 Appletree Court, Clifton Park, of Boy Scout Troop 42 has attained the rank of Eagle Scout, and

WHEREAS, for his Eagle Scout Project, Nicholas planned, fundraised and executed a garage renovation project for the Ronald McDonald House in Albany, and

WHEREAS, under Nicholas' leadership volunteers removed all the items from the garage and installed a shelving/cabinet system that was designed by Nicholas, and

WHEREAS, Nicholas' project allows Ronald McDonald House to more efficiently utilize its available space for storing signage and lawn equipment; now, therefore, be it

RESOLVED, that the Town Board recognizes and honors Nicholas William Ringelberg, III, of Boy Scout Troop 42, Clifton Park, 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. 104 of 2012, a resolution authorizing 2011 final budget adjustments as specified in Exhibit A.

Introduced by Councilman Hughes, 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 Whalen, Councilman Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 105 of 2012, a resolution determining that action to organize the Ballston Lake Water District and acquire, construct and install improvements to the water system will not have a significant effect on the environment.

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

WHEREAS, the Town Board of the Town of Clifton Park, Saratoga County, New York (the "Town") proposes to establish a water district in the Town to be known as Ballston Lake Water District (the "District") and also proposes to acquire, construct and install a water supply and distribution system in the District, including (a) construction and installation of water transmission mains and lines and related facilities, (b) acquisition of furnishings, equipment, machinery or apparatus required in connection therewith, and (c) acquisition of land or rights in land, all as more particularly described in the report of John M. McDonald Engineering, P.C. which is on file in the office of the Town Clerk (the "Project"), and

WHEREAS, pursuant to Article 8 of the Environmental Conservation law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations"), the Town Board desires to determine whether the Project may have a "significant effect on the environment" (as said quoted term is defined in the SEQR Act and the Regulations) and therefore require the preparation of an environmental impact statement, and

WHEREAS, to aid the Town Board in determining whether the Project may have a significant effect upon the environment, an environmental assessment form (the "EAF") has been presented to and reviewed by the Town Board, copies of which EAF are on file in the office of the Town Clerk, and

WHEREAS, pursuant to the Regulations, the Town Board has examined the EAF in order to make a determination as to the potential environmental significance of the Project, and

WHEREAS, the Project does not appear to constitute a "Type I Action" (as said quoted term is defined in the Regulations); now, therefore, be it

RESOLVED, by the members of the Town Board of the Town of Clifton Park as follows:

(1) Based upon an examination of the EAF, and based further upon the Town Board's knowledge of the area surrounding the proposed District and such further investigation of the Project and its environmental effects as the Town Board has deemed appropriate, the Town Board makes the following findings with respect to the Project:

(A) The Project consists of the organization of the District and the acquisition, construction and installation of a new water system in the District, including (i) construction and installation of water transmission mains and lines and related facilities, (ii) acquisition of furnishings, equipment, machinery or apparatus required in connection therewith, and (iii) acquisition of land or rights in land, all as more particularly described in the report of John M. McDonald Engineering P.C. which is on file in the office of the Town Clerk.

(B) No potentially significant impacts on the environment are noted in the EAF, and none are known to the Town Board.

(2) Based upon the foregoing investigation of the potential environmental impacts of the Project and considering both the magnitude and importance of each environmental impact therein indicated, the Town Board makes the following findings and determinations with respect to the Project:

(A) The Project constitutes an "Unlisted Action" (as said quoted term is defined in the Regulations);

(B) The Project will result in no major impacts and, therefore, is one which will not cause significant damage to the environment. Therefore, the Town Board hereby determines that the Project will not have a significant effect on the environment, and the Town Board will not require the preparation of an environmental impact statement with respect to the Project; and

(C) As a consequence of the foregoing, the Town Board has prepared a negative declaration with respect to the Project.

(3) The Town Supervisor is hereby directed to file with the Town Clerk a negative declaration with respect to the Project, which shall be available for public inspection during regular business hours.

(4) This resolution shall take effect immediately.

Supervisor Barrett said he wants to finalize the agreement with the Clifton Park Water Authority to take over the operation and maintenance of the proposed district as it will be more cost effective.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 106 of 2012, a resolution scheduling a public hearing regarding the establishment of Ballston Lake Water District.

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

WHEREAS, the Town of Clifton Park, Saratoga County, New York (the "Town") has negotiated an Intermunicipal Cooperation Agreement with the Town of Ballston, Saratoga County, New York (the "Intermunicipal Agreement") pursuant to which the Town and the Town of Ballston intend to enter into a water purchase agreement to provide a source of public water to properties located within a proposed Water District to be known as the Ballston Lake Water District, and the Town of Clifton Park intends to acquire, construct and install water system facilities to provide water to certain properties described below, and

WHEREAS, the boundaries of the proposed District are set forth on Exhibit A attached hereto, and

WHEREAS, as part of the Water District project, the Town proposes to acquire, construct and install a water supply and distribution system and related facilities in the District (the "Improvements"), including (a) construction and installation of water transmission mains and lines and related facilities, (b) acquisition of furnishings, equipment, machinery or apparatus required in connection therewith, and (c) acquisition of land or rights in land, all as more particularly described in the Maps and Plans prepared by John McDonald Engineering, P.C., and

WHEREAS, the maximum amount proposed to be expended for Improvements in the District is \$596,000, and

WHEREAS, the estimated cost of hook-up fees for the typical property in the District is \$ 274.00, and the cost of the proposed District to the typical property in the District is estimated to be approximately \$1220.74 per year, and

WHEREAS, the proposed method of financing the costs of the Joint Water Project, including the District Improvements, consists of the issuance of serial bonds and bond anticipation notes of the Town of Clifton Park in the total maximum principal amount of \$596,000, of which \$596,000 is attributable to Improvements in the District, to mature in annual installments over a period not exceeding 30 years, and

WHEREAS, the District will pay annual debt service on the \$596,000 indebtedness attributable to District Improvements, which shall be payable in the first instance from assessments levied on real property in the proposed District, and

WHEREAS, the cost of acquiring, constructing and installing the Improvements will be assessed among the properties in the district in proportion to the benefits derived by each property, and

WHEREAS, the Maps and Plans describing the foregoing, including a detailed explanation of how the estimated cost of the District to the typical property was computed, have been filed in the Town Clerk's office and are available for public inspection during regular business hours; now, therefore, be it

RESOLVED that the Town Board will hold a public hearing to hear all persons interested in the establishment of the District and the proposed water system Improvements, which public hearing shall be held in the Wood Memorial Room, Town Hall, One Town Hall Plaza, in the Town of Clifton Park on May 7, 2012 at 7:05 p.m.; and be it further

RESOLVED, and ordered that the Town Clerk give notice of such hearing by publishing in the official Town newspaper a copy of this resolution and by posting a copy of this resolution on the town's official sign-board not less than ten nor more than twenty days before such hearing.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 107 of 2012, a resolution authorizing the Northeastern New York Chapter of Cystic Fibrosis Foundation to hold its Clifton Park Great Strides Walk on April 29, 2012.

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

WHEREAS, the Cystic Fibrosis Foundation has requested approval to hold its Clifton Park Great Strides Walk on Sunday April 29, 2012, 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 Clifton Park Town Board hereby authorizes the Cystic Fibrosis Foundation to use town roadways as specified in the attachment hereto, Sunday April 29, 2012, 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 April 29, 2012, 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 Whalen, Councilman Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Nancy Bellamy, Eastside Drive, Ballston Lake, said the Ballston Lake Fire Department is 100 percent the Seconds Count Program.

Sanford Roth, Sweetbrier Drive, town liaison to Arts and Culture Commission, announced the Commission will be holding a Round Table discussion to be held in the Clifton Park/Halfmoon Library on May 15 at 7 pm. The Commission will be looking for input from residents as to what they would like the Arts and Culture Commission to do. Mr. Roth said the Commission is offering a grant up to \$1000 until close of business on April 30th. The Commission is holding a logo contest for their group. Mr. Roth said there are still openings on the Commission. He thanked Ric Mitchell for his service on the Commission.

Mr. Roth reported Household Hazardous Waste Day is scheduled for September 8th from 8 a.m. to 4 p.m. and electronics will also be taken.

Brian Telesh, Torrey Pines, commended the Town Board for their fiscal responsibility and encouraged the Supervisor to bring forth new ideas to the county.

Supervisor Barrett reported he did not support a sales tax increase and voted against the county budget as he saw no action toward a financial plan or work towards solving the nursing home or landfill situations. He does not support the county pursuing lobbying the state to avoid home rule legislation regarding sales tax increases.

Michael Dudick, Addison Way, said he is concerned with a two year review of the nursing home in order to find the best price, particularly since it has been losing millions of dollars every year.

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 9:13 p.m.

Patricia O'Donnell
Town Clerk