

February 10, 2014

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
Councilwoman Standaert
Councilman Romano
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Also Present: Town Attorney McCarthy
Richard Kukuk, Superintendent of Highways
Mark Heggen, Comptroller
Dahn Bull, Director of Communications and Technology
Michael Handerman, Supervisor of Buildings and Grounds
John Scavo, Director of Planning

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett reported on a very successful WinterFest.

Supervisor Barrett noted Ray Bowman's contributions to the town, community, his church and fire department.

Resolution No. 31 of 2014, a resolution recognizing Raymond K. Bowman for his service to the Town of Clifton Park.

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

WHEREAS, on January 30, 2014, the Town of Clifton Park lost a pioneer in the field of fire safety, and

WHEREAS, Ray Bowman was employed by the Town of Clifton Park from February 1, 1977 to September of 1993, as Chief of the Bureau of Fire Prevention, and

WHEREAS, Ray Bowman was the first Chief of the Bureau and helped form the Emergency Services Advisory Board as well as the Fire Code Appeals Board, and

WHEREAS, Mr. Bowman also helped write the first Fire Prevention Code of the Town of Clifton Park which is still referred to as "The Red Book", and

WHEREAS, Ray Bowman was a pioneer in the fire prevention field paving the road for proper code enforcement and educating the public on proper fire safety techniques, and

WHEREAS, Mr. Bowman was a former Assistant Chief, Commissioner and life member of the Vischer Ferry Fire District, and

WHEREAS, Ray Bowman owned and operated Bowman Orchards for fifty-two years from 1952 until 2004 when his son Kevin took over the business, maintaining and growing the farm and agriculture in the town throughout its growth as a community, and

WHEREAS, Mr. Bowman also served as the chairman of the Saratoga County Soil and Water Conservation District, and was director of the New York and New England Apple Institute, and

WHEREAS, in 2003, he was listed in the Clifton Park Who's Who Honor Roll; now, therefore, be it

RESOLVED, that the Clifton Park Town Board pauses in its deliberations to recognize Raymond K. Bowman for his years of dedicated service and contributions to the Town of Clifton Park, and be it further

RESOLVED, that the Town Board, on behalf of the residents of the town, wish to express their condolences to the family of Raymond K. Bowman.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Supervisor Barrett recognized the members of the Vischer Ferry Fire Department in attendance this evening, including Ray Bowman's grandson. Phil Brousseau, representing the fire department, acknowledged Ray's many accomplishments and fine qualities, noting he was a man of integrity.

Sheryl Reed, Chief of the Bureau of Fire Prevention, reported Ray Bowman served as the first Chief of the Fire Prevention Bureau, noting he was instrumental in writing and implementing the first Fire Prevention Code, helped establish the Emergency Services Advisory Board and Fire Code Appeals Board. Ms. Reed stated he was a man of principle and will live on in the town of Clifton Park through the current Fire Prevention Code and fire safety programs.

Supervisor Barrett said the Emergency Services Advisory Board plays a vital role in researching and reviewing the town code. He stated Ray Bowman has left a long and far reaching legacy in the town.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 32 of 2014, a resolution hiring summer help for the Clifton Knolls/ Mill Creek Park District.

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

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

WHEREAS, Michael Handerhan, Buildings and Grounds Supervisor, has recommended that Kyle Hughes, 409 Vischer Ferry Road, Clifton Park, and Trevor Bobrow, 10 Wilshire Drive, Clifton Park, be hired to fill the positions; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Clifton Knolls Park District, hereby authorizes the hiring of Kyle Hughes, 409 Vischer Ferry Road, Clifton Park, at \$8.50 per hour and Trevor Bobrow, 10 Wilshire Drive, Clifton Park, at \$8.00 per hour to do light landscaping work for the Clifton Knolls Park District, effective immediately, to be paid from SP37131-24 (Clifton Knolls Park District-Maintenance).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 33 of 2014, a resolution authorizing the rehiring of Kathleen Bogucki as groundskeeper at the Barney Road Golf Course for the 2014 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 Buildings and Grounds 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 2014 season at an hourly rate of \$13 to be paid from A-7190-24, effective immediately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 34 of 2014, 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 Whalen, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, Bryon Backenson, President of the Clifton Knolls/Mill Creek Civic Association has requested permission to serve alcoholic beverages on March 1, 2014 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 1, 2014 from 7:00-11:00 pm, at an adults only civic association event being held at the Locust Lane Clubhouse, contingent upon 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 is hereby waived.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 35 of 2014, a resolution awarding a contract for landscape work for the Sherwood Forest Park District which includes the subdivisions of Sherwood Forest, Emerson and Sterling Heights.

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

WHEREAS, quotes were received by the Town Board, as Commissioners of the Sherwood Forest Park District, for landscape work for the district, and

WHEREAS, the lowest conforming quote for the work to be done, which includes removal and disposal of debris at various entrances and weeding the planting areas around the entrance signs to Sherwood Forest Park District, was submitted by Cliffside Services Inc. in an amount not to exceed \$3095; now, therefore, be it

RESOLVED, that the Town Board, as Commissioners of the Sherwood Forest Park District, hereby awards the contract to Cliffside Services Inc., for landscape work at the Sherwood Forest Park District, at a cost not to exceed \$3,095 for the 2014 season, to be budgeted from SP87125-24 (Sherwood Forest Park District-Maintenance).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 36 of 2014, a resolution hiring Wild Goose Chase, New Lebanon, New York, to rid the Clifton Knolls ponds of Canada Geese.

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

WHEREAS, the Canada Geese continue to be a problem in the Clifton Knolls ponds, and

WHEREAS, the Town Board, as Commissioners of the Clifton Knolls/Mill Creek Park District, has received a request from the park district to authorize the hiring of Wild Goose Chase to chase the geese away before they lay their eggs, and

WHEREAS, the company utilizes border collies to herd and harass the birds until they leave, and

WHEREAS, the Clifton Knolls/Mill Creek Park District has been pleased with the service and commitment of Wild Goose Chase to Clifton Knolls and their results in keeping the ponds clear of Canada Geese; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Clifton Knolls Mill Creek Park District, hereby authorizes the hiring of Wild Goose Chase, New Lebanon, New York, to reduce the Canada Geese from taking root in the Clifton Knolls ponds at a cost not to exceed \$7,000 for the season, to be paid from SP37131-24 (Clifton Knolls Park District).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 37 of 2014, a resolution awarding a contract for landscape work for Clifton Knolls/Mill Creek Park District.

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

WHEREAS, quotes were received by the Town Board, as Commissioners of the Clifton Knolls Park District, for landscape work for the district; and

WHEREAS, the lowest conforming quote for the work to be done, which includes maintaining all trees, shrubs and benches at Locust Lane park, Barney Road park and Beechwood park as well as at the Mill Creek sign, was submitted by A to Z Property, Ballston Lake, in an amount not to exceed \$2,900; now, therefore, be it

RESOLVED, that the Town Board, as Commissioners of the Clifton Knolls/Mill Creek Park District, hereby awards the contract to A to Z Property for landscape work at the Clifton Knolls Park District, at a cost not to exceed \$2,900 for 2014 through 2017 if all parties agree, to be budgeted from SP37131-24 (Clifton Knolls/Mill Creek Park District-Maintenance).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 38 of 2014, a resolution awarding the bid for lawn care services for town wide parks and various park districts.

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

WHEREAS, sealed bids were received and opened on December 2, 2013 for lawn care services for various areas throughout the town, and

WHEREAS, Vinmar Solutions LLC, Ballston Spa, submitted the lowest bid for lawn care services for town wide parks, various park districts and other areas of the town requiring lawn care services and was the sole bidder for \$27,286, and

WHEREAS, the Town Board, acting as Commissioners of the Park Districts, accepts the bid of Vinmar Solutions LLC for lawn care services for town wide parks and various park districts per the following:

Clifton Common	A7112-24	\$8,860
Town Hall	A1620-24	\$ 375
Veterans Park	A7024-24	\$1,220
Parkside Trails-Soccer Fields	A7026-24	\$2,775
Barney Road Pool	A7150-45	\$ 525
Locust Lane Pool	A7152-45	\$ 250
Wyncrest Development	SP117140-24	\$1,625
Spirit Park	A7030-24	\$ 186
Meadow	SP127142-24	\$ 640
Addison	SP127148-24	\$ 200
Parklane	SP07120-24	\$ 800
Longkill I	SP57123-24	\$6,000
Burning Bush Pool	SP57151-45	\$1,000
Exit 8 Sign Areas	A8510-90	\$ 360

Exit 9 Sign Areas	A8510-90	\$ 280
Exit 10 Sign Areas	A8510-90	\$ 720
		\$25,816
<u>Sherwood Forest SP87125-24</u>		
Nottingham Way Round Up		\$ 140
Sterling Heights drive Round Up		\$ 130
Nottingham Way Tree Sprays		\$ 100
Nottingham Way Lawn		\$ 480
Sterling Heights Drive Lawn		\$ 300
Marlboro Drive Entrance		\$ 80
Stratford Drive Entrance Lawn		\$ 80
Kinns Road Entrance Lawn		\$ 80
Dawson Lane Entrance Lawn		\$ 80
		\$1,470

and be it further

RESOLVED, if all parties agree, the contract can be extended for 2015, 2016 and 2017 at a cost not to exceed the 2014 cost.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 39 of 2014, a resolution authorizing the hiring of summer staff for the Buildings and Grounds Department as per Schedule A.

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

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 2014, effective immediately, to be paid from A7110-E4000 (Buildings & Grounds-summer staff).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 40 of 2014, a resolution referring an application for a Planned Development District to the Planning Board for review.

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

WHEREAS, the Town Board has received an application from Nigro Companies, Inc. to develop property at the northwest corner of Route 146 and Route 146A under the town's requirements for a Planned Development District, and

WHEREAS, the property is currently zoned HM Hamlet Mixed Use and rezoning to PDD is the preferred option for the development of the project, and

WHEREAS, the Town Board wishes to refer the application to the Planning Board for review and recommendations regarding the application's compliance with the existing long term planning goals and documents previously approved by the Town Board; now, therefore, be it

RESOLVED, that pursuant to Section 208-73 and 208-126 of the Town Code, the application for Nigro Companies Planned Development District is referred to the Planning Board for their review and recommendation, to be returned to the Town Board within sixty days.

Supervisor Barrett thanked residents for comments. He reviewed the process of a change in zoning to a Planned Development District.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Jim Smith, Sterling Heights, stated all residents in the western part of town should be concerned with this project. He reviewed the Response to Public Comment section of the Western Clifton Park FGEIS as well as the Hamlet Mixed Use zoning. He said knowing all the effort and cost associated with the preparation of the Western Clifton Park GEIS, it is disappointing to see a PUD application being reviewed by the Planning Board and feels this will set a precedent. He hopes for a negative recommendation from the Planning Board to the Town Board.

Jerry Havasy, The Vistas, noting he is a new resident, has serious concern about the amount of asphalt at that corner and doesn't want the area turned into an "asphalt jungle". He stated this project should not be built on a "greenfield site". He said he is "frustrated" that this is being sent to the Planning Board.

Supervisor Barrett explained it is the Town Board's job that the process is fair and open to all parties. He said nothing is being approved, only being referred to the Planning Board who will respond positively or negatively with 60 days.

Bob Voelker, Stratford Drive, Chairman of Sherwood Forest Park District, reported he has looked at the proposal and current zoning and hopes it will be disapproved, noting that that intersection is one of the busiest in town. He said he is also concerned with the location of proposed entrances. Mr. Voelker stated the character of the area will be dramatically changed and hopes this application will be disapproved.

Bill Hoffman, Buckingham Court, recommended improving existing real estate. He urged the Town Board to vote no on this proposal and stay with existing zoning. He stated residents don't expect a large commercial project in their backyard.

Supervisor Barrett reported 1200 acres have been permanently preserved and another 2000 are under the Conservation Easement program and there has been retail revitalization in the Exit 9 area.

Jennifer Casabonne, Sterling Heights Drive, reported there is a petition circulating opposing the Nigro proposal as well as a Facebook page in opposition. She stated this would set a precedent for continued commercial development in western Clifton Park and would erode and undermine the town's own document. She continued according to the Comprehensive Plan, the Nigro plan represents an incompatible use. She asked the Town Board to protect house values and property lines.

Kathleen Lay, Sterling Heights Drive, asked how much of a traffic study has been done by the developer. She expressed concern with traffic at the intersection and said streets in Sterling Heights would be used by people patronizing the proposed project.

John Scavo, Director of Planning, said a full traffic study has been done at this time and is part of the application that is available for review in the Town Clerk's office. He said the Planning Board is not looking at site plan analysis.

Mike Picard, Sterling Heights, noting he grew up in Clifton Park, stated he applauds the Town Board for efforts in bringing business into town but the last thing he wants to see is big business surround the hamlet he and his neighbors have chosen, noting residents chose that area after wonderful study was provided.

Therese Brander, Sterling Heights, speaking as a medical professional, said she feels there will be dangers for fire personnel to respond to a call due to traffic from the proposed project and further stated this is a potential hazard for emergency situations.

Mr. Scavo explained this application will be scheduled for an upcoming Planning Board meeting where they will look at the Comprehensive Plan and zoning laws. Within 60 days they will have the opportunity to evaluate public comments received in writing and make recommendations back to the Town Board based on their findings. Mr. Scavo said more than likely this will be on the agenda for the March 11th meeting and will be the first item under new business. The Planning Board agenda will be posted Friday before meeting on cliftonpark.org.

Supervisor Barrett noted the plan is available for review in the Town Clerk's office.

Judy Morley, Woodland Hills, said she is confused as to why the Town Board has to refer this to the Planning Board after hearing this evening's comments.

Supervisor Barrett stated this an open and fair process for all involved. The applicant has spent a great deal of time and money to get to this point and it is important for the applicant to get a fair hearing. The Supervisor said if this comes back from the Planning Board with a negative recommendation, most likely the process would end at that point; if it comes back with a positive recommendation, a public hearing would be held at the Town Board level.

Mike Drabanowski, Sheffield Drive, spoke in support of the previous comments. He asked for a straw vote on the proposal. The Town Board declined to respond.

Councilman Whalen explained the Planning Board members are appointed for seven years and is an independent board with a wealth of experience and knowledge. He further noted he feels the Planning Department and Director are the "envy of the region". He said he is eager to hear what the Planning Board has to say from a professional and technical standpoint.

MOTION by Councilwoman Walowit, seconded 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 8:12 p.m.

Patricia O'Donnell

Town Clerk