

February 24, 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
John Scavo, Director of Planning

MOTION BY Councilman Romano, seconded by Councilwoman Walowit, to approve the minutes of the February 3 and 10, 2014 meetings as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

None

**PUBLIC HEARING REGARDING REPEALING LOCAL LAW NO. 5 OF 1994 AND
ESTABLISHING A NEW PLANNED DEVELOPMENT DISTRICT NORTHCREST PARK**

Supervisor Barrett explained the proposal submitted by St. Peter's Health Partners that was referred to the Planning Board for review has come back with a positive recommendation.

Director of Planning Scavo said the Planning Board came back with a positive recommendation to go forward with the application, however, noted significant site plan issues of concern that, if the PDD is approved, could be resolved under the site plan review process.

Joe Dannible, Environmental Design Partnership, representing St. Peters Health Partners, DCG Development and the application to amend the existing PDD, reviewed the uses in the existing facility at 1 Tallow Wood Drive. He explained there is an existing property line between two parcels in the current PDD which will remain, however, there will be no setback requirements on the internal lot lines as this will all be part of the medical campus. Mr. Dannible said a small addition will be added to one side of the 1 Tallow Wood building. He continued when 855 Route 146 is expanded, there will be enhanced services and various medical offerings as well as additional parking to create a medical campus. It is expected there will be parking for 550 vehicles. Mr. Dannible displayed artistic renderings of the proposal. The proposed signage for the facilities was reviewed and discussed. It was noted there is no proposal for electronic moving signs. The facilities will be serviced by the Clifton Park Water Authority and Saratoga County Sewer District.

At Councilwoman Walowit's request, Mr. Dannible reviewed the proposed entrances and exits on Tallow Wood Drive and Route 146. He noted one of the curb cuts on Tallow Wood Drive will be eliminated. At the recommendation of the Planning Board a sidewalk is proposed from Tallow Wood Drive to the limited access entrance on Route 146 all along the frontage of the property.

Mr. Scavo said where possible along Route 146, as well as Route 9, the Planning Board requests sidewalks and DOT has been very supportive and would support the request from the town as long as the town is consistent with applying this with new applications. Councilman Whalen asked if it is possible for the sidewalk to be extended to Maxwell Drive, particularly since it would be outside the PDD. Town Attorney McCarthy replied this is not something that would be put into the PDD legislation. Councilman Whalen agreed, but noted it would be a public benefit to have the sidewalk extended to Maxwell Drive. Mr. Dannible said discussion of the sidewalk will continue to be discussed with the Planning Board.

The Town Clerk read the legal notice as it appeared in the Daily Gazette on February 12, 2014.

Mr. Dannible reviewed the amendments to the original legislation regarding setbacks proposed in Section 398D.

Town Attorney McCarthy reviewed amendments to original proposed legislation, attached. He noted the PDD shall be known as Northcrest Park II PDD. Mr. McCarthy explained the town Zoning Map does not need to be amended as there is no change to the overall configuration of the original PDD.

Susan McDonough, St. Peter's Health Partners, said they are very excited about project moving forward and being able to offer specialty care that residents of the community need and the medical community is excited about the opportunity to have a stronger foothold in town. The "on call urgent care" will remain and hours will be expanded to 10:00 p.m. with early morning being considered. She stated at this point there is no 24/7 emergency room type of designation as they feel enhanced specialty care is the most strategic and important part of the offering. Ms. McDonough said St. Peter's Health Partners is committed to their mission of serving all patients regardless of ability to pay. She reported the investment is approximately \$7.5 million for the medical campus alone and does not include the independent practices which will be the second part of the 855 Route 146 investment.

Councilwoman Walowit asked if there is any room for buffering along Route 146. Mr. Dannible replied there is area that DOT will allow some landscaping in the state right-of-way.

The public hearing was opened for comments from the audience at 7:40 p.m.

Pam Marshall, Fairlawn Court, asked if there will be lawn and/or a fence along Route 146. Mr. Dannible responded this is being discussed with the Planning Board but there will be some sort of buffering between the property and Route 146.

Supervisor Barrett asked if the green space between the parking lot and Route 146 will be lessened. Mr. Dannible replied yes, by about 40 feet along the front of the property as additional parking is required to meet the needs of the medical facility.

Jim Baisley, Barkwood Lane, said at this time there is no adequate parking around the urgent care building and people have to walk a distance. Mr. Dannible reviewed the parking area around the building, noting new spaces are planned. He explained parking can be extended due to the closing of the curb cut.

Councilman Whalen asked how many parking spaces will be added. Mr. Dannible said roughly between 60-70 new spaces for an approximate total of 550. Councilman Whalen said he hopes the Planning Board will look at the aesthetics off Route 146 during the site plan review. He stated this is a great investment in the town.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 7:45 pm.

Supervisor Barrett said he would like more specifics and on the proposed signs.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 41 of 2014, a resolution hiring summer help for the Dwaaskill Park District.

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

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

WHEREAS, William Williams, 714 Bruno Road, 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 Dwaaskill Park District, hereby authorizes the hiring of William Williams to do light landscaping for the Dwaaskill Park District at \$10 per hour, effective immediately, to be paid from SP47135-24 (Dwaaskill Park District-Maintenance).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 42 of 2014, a resolution authorizing notice to be served and a public hearing to be scheduled regarding the demolition and removal of the unsafe structure at 2042 Route 9 (Tax Parcel No. 259.-2-80) Clifton Park, owner of record Lawrence J. Ruggles, 23 Janes Avenue, Round Lake, New York.

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

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 2042 Route 9 is in extremely poor condition as a result of a fire that occurred on December 13, 2012, and

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

RESOLVED, that the owner of 2042 Route 9 is hereby ordered to show cause at a hearing before the Town Board on March 10, 2014, at 7:00 p.m. in the Wood Memorial Meeting Room in the Clifton Park Town Hall 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 and to file the notice with the Saratoga County Clerk.

Town Attorney McCarthy reported discussions have been held with the owner and owner's attorney and have asked that steps be taken to secure the structure as, he believes, it is a total loss. Owner is delaying as he deals with the fire insurance company but as far as the Building Department is concerned this has gone on too long and nothing has been heard from the owner in a number of months. Mr. Myers recommends and Mr. McCarthy concurs it is not safe and that the Town Board should proceed with the process.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 43 of 2014, a resolution declaring a public emergency pursuant to General Municipal Law Section 103 (4), and authorizing the transfer of highway funds and payment to Tom Kubricky Company Inc. for excavation and repair of storm sewer facilities on Huntington Parkway.

Introduced by Councilwoman Standaert, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, on August 30, 2013 American Underground Services was engaged to use tv camera technology to explore and clean storm sewer facilities beneath Huntington Drive, and

WHEREAS, American Underground Services determined that a total blockage or collapse of a 36" storm sewer facility beneath the roadway had occurred, and

WHEREAS, Highway Superintendent Richard Kukuk determined the situation constituted an emergency under General Municipal Law Section 103 (4) and retained Tom Kubricky Company Inc. to excavate, repair and replace the existing storm sewer facility beneath the public roadway, and

WHEREAS, McDonald Engineering inspected and supervised the work and has verified the time and quantities for the excavation and repair work, which included installation of a manhole and casing at the repair location for future access, and

WHEREAS, Tom Kubricky Construction Services. is a listed engineering contractor on the Town's Emergency Services Contract with the Sewer and Highway Departments; now, therefore, be it

RESOLVED, that the Town Board determines that the blockage and collapse of the existing 36" storm sewer facility at Huntington Parkway constitutes an emergency for procurement purposes under Section 103 (4) of General Municipal Law, and be it further

RESOLVED, that the Comptroller is authorized to transfer \$40,725.34 from Highway Fund Balance (DA-909) into Highway Repairs and Maintenance (DA-05110-002) for payment to Tom Kubricky Company Inc., Gansevoort, New York, for the emergency repair of storm sewer facilities on Huntington Parkway.

Superintendent of Highways Kukuk explained this was a critical need to repair a large culvert that goes under Huntington Parkway. The 80 percent blockage was very difficult to get to and it was necessary to excavate a large portion of a front yard. He said some blockage is still there but now with better access it will be easier to get into and shore up the facility. Superintendent

Kukuk said this work has to be done before there is flooding damage. Supervisor Barrett expressed appreciation to the residents affected by this work.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 44 of 2014, a resolution authorizing Myla Kramer and Diana Fraser to attend the New York State Recreation and Park Society Annual Conference and Business Expo.

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

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has requested authorization to attend the New York State Recreation and Park Society 74th Annual Conference and Business Expo, along with Program Coordinator Diana Fraser, to be held at the Saratoga Hilton, March 24-25, 2014, and

WHEREAS, attendance at this conference will confer a benefit upon and be in the best interest of the Town of Clifton Park; now, therefore, be it

RESOLVED, that Myla Kramer and Diana Fraser are hereby authorized to attend the New York State Recreation and Park Society 74th Annual Conference and Business Expo, March 24-25, 2014, in Saratoga Springs, New York, at a cost not to exceed \$500 for both attendees, to be paid from A-7021-001 (Parks and Recreation Administration-Training & Conference).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 45 of 2014, a resolution authorizing the hiring of summer staff for the Parks & Recreation Department.

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

WHEREAS, an additional staff member is required to staff the Department of Parks & Recreation during the summer months; and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that Kara Johnson, 45 Rolling Brook Drive, Clifton Park, be hired as a summer office staff member; now, therefore, be it

RESOLVED, that the Director of Parks, Recreation and Community Affairs is hereby authorized to hire Kara Johnson as a member of the summer office staff, effective May 19, 2014 through August 1, 2014, at Grade 1, Step 2, \$14.07 per hour, to be paid from A7021-E4000 (Parks and Recreation-Administration).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 46 of 2014, a resolution authorizing Town Historian John Scherer to attend the Association of Public Historians Annual Conference.

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

WHEREAS, the Director of Parks, Recreation and Community Affairs has recommended that Town Historian John Scherer be authorized to attend the Association of Public Historians Conference in Saratoga Springs, New York, March 16-19, 2014 at a cost not to exceed \$323, and

WHEREAS, John Scherer's attendance at the Association of Public Historian's Conference would confer a benefit to the town; now, therefore, be it

RESOLVED, that John Scherer is authorized to attend the Association of Public Historians Conference in Saratoga Springs, New York, March 16-19, 2014 at a cost not to exceed \$323 for registration, meals and transportation, to be paid from budget line item A-07510-001 (Historian-Training/Conference).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 47 of 2014, a resolution appointing Nick DeMarco as Representative from Clifton Park-Halfmoon Fire District No. 1 to the Emergency Services Advisory Board and appointing Carol Trifaro as an Alternate Representative from Clifton Park-Halfmoon Fire District No. 1 to the Emergency Services Advisory Board.

Introduced by Councilwoman Walowit, who moved its adoption, seconded by Councilwoman Standaert.

WHEREAS, openings exist for a representative and an alternate representative from the Clifton Park-Halfmoon Fire District No. 1 to the Emergency Services Advisory Board, and

WHEREAS, the Board of Fire Commissioners of the Clifton Park-Halfmoon Fire District have recommended that Nick DeMarco be appointed as a Representative to the Emergency Services Advisory Board and Carol Trifaro be appointed as an Alternate Representative to the Emergency Services Advisory Board; now, therefore, be it

RESOLVED, that Nick DeMarco, 4 Kingswood Drive, is hereby appointed to fill the unexpired term of Ronald Cronin as Representative from Clifton Park-Halfmoon Fire District No. 1 to the Emergency Services Advisory Board, term to expire December 31, 2014; and be it further

RESOLVED, that Carol Trifaro, 30 Tallow Wood Drive, Clifton Park, is hereby appointed to fill the unexpired term of Nick DeMarco as Alternate Representative from Clifton Park Fire District No. 1 to the Emergency Services Advisory Board, term to expire December 31, 2016.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Jim Baisley, Barkwood Lane, expressed concern over the “poor design” of the road leading to Shoppers World and median from Route 146 as well as the lighting at the intersection. He said he has seen cars drive over the median due to its location. He said loaders should be taking the snow away from that area.

Superintendent of Highways Kukuk said he has seen cars go down the wrong way and has spoken to DOT officials and they mentioned painting a double line to correct the situation.

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 8:10 p.m.

Patricia O’Donnell
Town Clerk