

May 12, 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
Louis Pasquarell, Director of Safety and Security
John Scavo, Director of Planning

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett, in announcing the grand opening of the Habitat for Humanity ReStore at the Transfer Station, thanked Councilwoman Standaert for her efforts in bringing the organization to town. He said residents can drop off gently used items on Wednesdays between 10 a.m. and 2 p.m. Supervisor Barrett said this is the first of its kind in the nation partnership.

Supervisor Barrett announced Open Space Day is scheduled for May 17th. Guided tours will be given in town preserves and parks. He thanked Brian Stratton, Senator Farley, Assemblyman Tedisco, as well as Dave Miller and Frank Berlin of the Open Space Committee for attending the press conference announcing Open Space Day.

PRESENTATION OF 2014-2015 SCHOOL BUDGET

Superintendent of Shenendehowa Schools Oliver Robinson presented the 2014-2015 budget.

EAGLE SCOUT PRESENTATION

Supervisor Barrett thanked Douglas Brown for his project and said this resolution will be presented to him at the May 21, 2014 Town Board meeting.

Resolution No. 123 of 2014, a resolution honoring Douglas Brown for attaining the rank of Eagle Scout.

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

WHEREAS, Douglas Brown, 5 Abbey Court, Clifton Park, and a member of Troop 6, Jonesville, was awarded the rank of Eagle Scout, the highest award that a Boy Scout can earn, and

WHEREAS, in order to earn this rank Douglas had to earn 21 merit badges, show leadership in the troop and organize and complete his project to benefit the local community, and

WHEREAS, Doug's Eagle Project focused on improving the aesthetics and surrounding area of the Shenendehowa Adult Community Center located in Clifton Park, and

WHEREAS, the project was completed at the community center and included the creation of a garden, including plants ranging from flowers to fruit bushes, pathway and sitting area and

the construction of two benches that were dedicated to Pat Malinowski, the late receptionist at the community center, and

WHEREAS, Doug's dedication to the Boy Scout Oath, while using his time and energy to give back to his community, will serve to prepare him for a meaningful, productive role in society; now, therefore, be it

RESOLVED, that the Clifton Park Town Board recognizes and honors Douglas Brown for attaining the rank of Eagle Scout.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE ON RESOLUTIONS

Regarding the cell tower on the Elk's property, Frank Berlin asked if the cell tower could be erected to look like a tree. Town Attorney McCarthy said this is being looked at in the Planning Board. Director of Planning Scavo reported a balloon test was done from a tower of 120 feet raised to 170 feet, photos taken around town to see what was visible and this will be evaluated by the Planning Board. The issue with this site is a "frankenpine" at this height may look out of character with the mature trees.

Resolution No. 124 of 2014, a resolution accepting an application for inclusion in the Conservation Easement program of a parcel of land located at 67 and 59 Hubbs Road, Ballston Lake.

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

WHEREAS, a public hearing was held on May 5, 2014 to receive public comment regarding an application for a Conservation Easement for inclusion of a parcel of land at 67 and 59 Hubbs Road into the Conservation Easement program, in accordance with Chapter 125 of the Town Code, as amended, and

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

RESOLVED, that the application for a parcel of land located at 67 and 59 Hubbs Road, owned by Emad Andarawis and Deborah Emmons-Andarawis (SBL 258.-1-59 and 258.-1-8) is hereby accepted and is granted a Conservation Easement in accordance with the provisions of Article XIII of Chapter 208-78 of the Town Code; and be it further

RESOLVED, that said applicant whose parcel has been granted a Conservation Easement shall execute an agreement provided by the Town of Clifton Park.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 125 of 2014, a resolution adopting Local Law No. 3 of 2014 amending Section 103-14, Parkland Fees of the Town Code.

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

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

WHEREAS, on May 5, 2014, a public hearing was conducted by the Town Board to obtain input regarding the proposed change 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. 3 of 2014, a local law amending Section 103-14, Parkland Fees, and be it further

RESOLVED, that this amendment is effective for applications filed after May 10, 2014; and be it further

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

Director of Planning said he looked at five comparable communities and this increase puts the town in the middle.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 126 of 2014, a resolution awarding the bid for a large trailer-mounted yard waste collector for the Clifton Knolls Leaf District.

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

WHEREAS, on May 1, 2014, bids were publicly opened for the above referenced contract, and

WHEREAS, the low bidder for this contract was Old Dominion Brush Co., Richmond, Virginia, in the amount of \$41,432 minus a trade in allowance of \$5,000 for a 2006 trailer-mounted yard waste collector, net price \$36,432, and

WHEREAS, the Highway Superintendent has reviewed the bid and has recommended the bid of Old Dominion Brush Co. be accepted for a net amount of \$36,432; now, therefore be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced bid to Old Dominion Brush Co. in the amount of \$41,432 minus a trade in allowance of \$5,000, net price \$36,432 to be paid from SR-2376-200 (Clifton Knolls Refuse-Equipment), with a budget transfer of \$26,888 from Assigned Fund Balance to SR-2376-200.

Superintendent of Highways Kukuk explained this equipment is owned by the Leaf District and paid for by special assessment. He noted the Leaf District has agreed to this purchase.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 127 of 2014, a resolution authorizing the purchase of a 2014 Chevrolet Impala from Emerling Chevrolet, Boston, New York, for use by Town Security.

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

WHEREAS, Director of Safety and Security Louis Pasquarell has identified a need for a new vehicle for use by Town Security, and

WHEREAS, Mr. Pasquarell has recommended that a 2014 Chevrolet Impala Limited 4-Door Standard Police Package (Model No. 9C1) available from Emerling Chevrolet, Boston, New York, be purchased under New York State Contract IFB 22737; now, therefore, be it

RESOLVED, that the Clifton Park Town Board hereby authorizes the purchase of a 2014 Chevrolet Impala Limited 4-Door Standard Police Package (Model No. 9C1), from Emerling Chevrolet, 900 Boston State Road, Boston, New York, as described in the attached documents, at a cost not to exceed \$20,772.01, under State Contract No. IFB 22737, to be paid from A-3120-200 (Security-Equipment).

Director of Safety and Security Pasquarell said this is a budgeted item and some security vehicles are high in mileage that need to be replaced.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 128 of 2014, a resolution pursuant to Article IX of the New York State Constitution sending a Home Rule message in Support of Legislation authorizing the conveyance of easement for wireless facilities adjacent to municipal parkland.

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

WHEREAS, The Town of Clifton Park has received an application to amend a Planned Development District zoning law to allow the construction of a wireless communications facility on property owned by the Benevolent and Protective Order of the Elks within the town, and

WHEREAS, the Elks property is adjacent to municipal parklands held by the town at Veterans Park, and

WHEREAS, the applicant for the facility has asked that the town convey a non-exclusive easement over an existing park road which runs for some 462± feet along the property line immediately adjacent to the Elks property for the laying of wires and conduits for utilities and fiber optic lines as well as for the purpose of allowing ingress and egress to the facility, if approved and constructed, and

WHEREAS, the Town Board wishes to have the authority to convey such an easement if the facility is approved; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park herein formally requests that the New York State Legislature enact legislation proposed as Bill No. S7238 in the State Senate and A9603 in the State Assembly during this legislative session, authorizing the Town of Clifton Park to convey a non-exclusive easement over, under and through municipal parkland as described in the attached legislation for the purpose of accommodating the construction and maintenance of wireless communication facilities; and be it further

RESOLVED, that copies of this resolution be forwarded to NYS Assemblyman James Tedisco and NYS Senator Hugh Farley forthwith and that the Town Supervisor is authorized to prepare and execute on behalf of the town any legal instruments necessary for this matter to be presented before the New York State Legislature.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 129 of 2014, a resolution pursuant to Article IX of the New York State Constitution sending a home rule message to the New York State Legislature regarding proposed legislation to authorize the Town Board to execute an easement of certain town parkland consistent with the as-built engineering drawings for utilities and fiber optic lines accessory to the operation and maintenance of a wireless communications facility authorized by Chapter 68 of the Laws of 2012.

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

WHEREAS, the Town of Clifton Park has previously requested, and been granted legislative authorization to enter into a lease and to convey certain easements necessary for the construction and operation and maintenance of a wireless communications facility on municipal parkland known as the Clifton Common, and

WHEREAS, pursuant to that authorization, the town did convey a non-exclusive easement consistent with the legislation identified above, and facilities were constructed during 2013, and

WHEREAS, the town has received a proposal from Independent Wireless LLC for the construction of wireless facilities which the Town Board has determined blends appropriately with existing structures and uses and will help meet the need for expanded wireless capacity in the Clifton Park Center area of town, and

WHEREAS, due to field conditions encountered in laying down underground utilities and conduits, minor deviations occurred during installation of the lines as compared with the original easement, and

WHEREAS, the town has been asked to convey a corrected easement consistent with the As-Built location of the utilities and lines along the park road accessing the facility, and wishes to obtain legislative approval to do so; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park herein formally requests that the New York State Legislature enact legislation proposed as Bill No. S 7279 in the State Senate, and A 9608 in the State Assembly during this legislative session, authorizing the Town of Clifton Park to convey a corrected easement at the Clifton Common consistent with the as-

built location of utility lines and fiber optic conduit necessary for the operation and maintenance of the wireless communication facility constructed pursuant to prior legislation, and be it further

RESOLVED, that copies of this resolution be forwarded to NYS Assemblyman James Tedisco and NYS Senator Hugh Farley forthwith and that the Town Supervisor is authorized to prepare and execute on behalf of the town any legal instruments necessary for this matter to be presented before the New York State Legislature.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 130 of 2014, a resolution appointing Diane Johnson as a member of the Community Arts and Culture Commission.

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

WHEREAS, an opening exists on the Community Arts and Culture Commission, and

WHEREAS, Diane Johnson, 23 Leonardo Drive, Clifton Park, has expressed an interest in becoming a member of the commission, and

WHEREAS, Diane's presence on the Community Arts and Culture Commission will confer a benefit to the town; now, therefore, be it

RESOLVED, that Diane Johnson, 23 Leonardo Drive, Clifton Park, is hereby appointed to the Community Arts and Culture Commission, term to expire December 31, 2016.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 131 of 2014, a resolution authorizing the issuance of a Mass Gathering Permit to Schmaltz Brewing Company for a party to celebrate the 1st Anniversary of the new brewery.

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

WHEREAS, Schmaltz Brewing Company has requested that the town issue a Mass Gathering Permit for a party to be held at the brewery located at 6 Fairchild Square to celebrate the 1st Anniversary of the operation of the brewery, and

WHEREAS, the celebration will be held on Saturday, May 17, 2014 from 1- 5 PM, with attendance estimated at 500±, and

WHEREAS, a one day permit was issued to the brewery by the New York State Liquor Authority, and

WHEREAS, a permit is required, per Section 64-3 of the Mass Gathering Law, as a fee of \$25 per person will be charged, and

WHEREAS, the town has been provided information concerning this activity, and

WHEREAS, the town has been named as an additional insured on the required insurance policy; now, therefore, be it

RESOLVED, that the Town Board is satisfied with the information provided and that the potential effect of the proposed public assemblage will have minimal effect upon the public health, safety and welfare of the people and property of the Town of Clifton Park; and be it further

RESOLVED, that the Town Board hereby directs that a permit be issued to the Schmaltz Brewing Company to celebrate the 1st Anniversary of the opening of the brewery, celebration to take place on May 17, 2014 from 1 – 5 PM.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Frank Berlin, Main Street, Jonesville, distributed articles regarding mice as super hosts for ticks and the decline of the butterfly population due to lost habitats. He reviewed activities surrounding plantings at the Transfer Station. He reported on April 28th 30 empty bee boxes were placed throughout the community.

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