

July 6, 2015

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
Mark Heggen, Comptroller
Richard Kukuk, Superintendent of Highways
Barbara McHugh, Director of Community Development
John Scavo, Director of Planning

MOTION BY Councilman Romano, seconded by Councilwoman Walowit, to approve the minutes of the June 8 and 15, 2015 meetings as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett thanked all involved in the 4th of July Celebration and, in particular, the Buildings and Grounds “clean up team”.

Supervisor Barrett announced the Not So Common Players production of “Anything Goes” opens July 17th and runs for two weekends. The Not So Common Kids’ Camp will present “Little Mermaid Jr.” on July 17 and 18 at 5:30 pm.

The Supervisor reported residents in the southern part of town have been receiving mail with Halfmoon, NY 12065 as their address. Supervisor Barrett said he is looking into this and has contacted the Postmaster.

Supervisor Barrett further reported there was only one bidder for the Crescent Road trail project and the town is working with NYSDOT to rebid the job.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 149 of 2015, a resolution authorizing the Shenendehowa Adult Community Center to serve alcoholic beverages at a monthly dinner July 27, 2015.

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

WHEREAS, the Shenendehowa Adult Community Center is hosting a monthly dinner on July 27, 2015 from 5:30 - 7:30 P.M., with approximately 100 people in attendance, and

WHEREAS, the Adult Community Center has requested permission to serve alcohol in the form of beer and wine at the event; now, therefore, be it

RESOLVED, that the sponsoring group is hereby authorized to serve beer and wine at a monthly dinner at the Shenendehowa Adult Community Center on July 27, 2015 from 5:30 - 7:30 P.M.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 150 of 2015, a resolution authorizing the Supervisor to execute the attached easement and to convey a 4008± square foot non-exclusive underground easement to the Beverwyck Development Corporation and the Clifton Park Water Authority, for the conveyance of public water, respectively.

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

WHEREAS, Beverwyck Development Corporation has applied to the Planning Board for the approval for a sixty-one (61) home subdivision application for property north of Crescent Road, and

WHEREAS, the Clifton Park Water Authority has recommended connection to public water mains into adjacent Countryman Estates at Patriot Circle, and

WHEREAS, Beverwyck Development Corporation has requested an underground easement through a 1.74 acre parcel of town-owned open space immediately south of Patriot Circle to accommodate the connection to public water into Countryman Estates, and

WHEREAS, the developer has agreed to construct an approximate 200 linear foot trail connection to the existing Countryman Estates trail system in exchange for the grant of easement, and

WHEREAS, New York State Town Law 64 (2) authorizes the Town Board to convey interests in real property in exchange for fair and adequate compensation, and

WHEREAS, the Town Board wishes to support the delivery of public water and the continued growth of the town's trail system; now, therefore, be it

RESOLVED, that the Supervisor is authorized to execute the attached easement and to convey a 4008± square foot non-exclusive underground easement to the Beverwyck Development Corporation and the Clifton Park Water Authority, for the conveyance of public water, respectively, and be it further

RESOLVED, that Beverwyck Development Corporation will construct an approximate 200 linear foot trail connection, subject to final approval by the Planning Board, as shown on Exhibit "B".

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 151 of 2015, a resolution accepting a 15 foot easement from Riverview Construction Associates, Inc. for a future multi-use pathway and utilities relocation.

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

WHEREAS, as a condition of approval of Project No. 2014-034, 302 Vischer Ferry Road, 2-lot Subdivision, (SBL 276.-2-10) the Town of Clifton Park Planning Board required that the applicant convey a 15 foot wide easement for a future multi-use pathway and utilities relocation; now, therefore, be it

RESOLVED, that the Town Board hereby accepts the conveyance of the following:

Name of Owner
Riverview Construction Associates, Inc.

- 15 foot wide easement for a future multi-use pathway and utilities relocation

and, be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt of an approval by the Town Attorney of all necessary documents including review of the recorded deed in the Saratoga County Clerk’s Office, provision of the title report, provisions for payment of all taxes, recording fees, and assessments which are acceptable to the Town Attorney, and be it further

RESOLVED, that there be appended to the within resolution, a copy of the recorded conveyance after it has been filed with the Saratoga County Clerk.

Director of Planning Scavo noted there are no plans at this time.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 152 of 2015, a resolution hiring a part-time clerk for the Town Supervisor’s office

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

WHEREAS, a vacancy exists for a part-time clerk in the Supervisor’s office due to the retirement of Priscilla Leonard, and

WHEREAS, Melinda Acker, 15 Forest Drive, Ballston Lake, has been recommended to fill this position; now, therefore, be it

RESOLVED, that Melinda Acker, 15 Forest Drive, Ballston Lake, be appointed to fill the position of part-time clerk in the Supervisor's office, at Grade 4, Step 3, \$19.87 per hour, to be paid from A-1220-E4000 (part-time help), retroactive to June 25, 2015.

Supervisor Barrett wished Priscilla Leonard well on her retirement and thanked her for her service.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 153 of 2015, a resolution authorizing the promotion of Kieran Lynch, an employee in the Highway Department.

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

WHEREAS, Richard Kukuk, Highway Superintendent, recommends that Motor Equipment Operator Kieran Lynch be promoted to the position of Automotive Mechanic in the Highway Department, and

WHEREAS, Mr. Lynch has been employed by the Highway Department since 2004 and has proven his ability to move up into the position of Automotive Mechanic, and

WHEREAS, the Comptroller is authorized to transfer \$791 from DA 5110 E1500 (Highway MEO position) to DA 5142 E0153 (Highway-Employee); now, therefore, be it

RESOLVED, that Kieran Lynch, 8 Shady Glen, Ballston Lake, is hereby appointed to the position of Automotive Mechanic, Grade 6, Step 3, Year 1, effective July 7, 2015, to be budgeted from DA5142-E0153 (Highway-Employee).

Superintendent Kukuk explained Mr. Lynch was already doing some of the complex work and he also has a Certificate of DOT Inspector.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 154 of 2015, a resolution awarding the contract for construction management and inspection for the Towpath Community Connector project.

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

WHEREAS, the town was awarded a grant for the Erie Canal Community Connector Towpath project (Capital Pin #1757.68), and

WHEREAS, the Towpath Community Connector project will connect the Town of Clifton Park with the Town of Halfmoon, and

WHEREAS, on May 2, 2015, the Town conducted a solicitation for Expressions of Interest to all the engineering firms and consultants approved by New York State Department of Transportation Region 2 for construction management and inspection services for the project, as well as the reporting and reimbursement process pursuant to NYSDOT guidelines, and

WHEREAS, the Towns of Halfmoon and Clifton Park formed a rating board to score the Expressions of Interest according to the relevant NYSDOT guidelines, and

WHEREAS, the ratings panel determined that Greenman-Pederson Engineers and Construction Services scored highest according to guideline criteria, and

WHEREAS, the Town Board accepts the recommendation of the ratings panel and wishes to engage the services of Greenman-Pederson consistent with the Expression of Interest; now, therefore, be it

RESOLVED, that the Town Board accepts the bid of Greenman-Pederson Engineers and Construction Services, Babylon, NY, for construction management and inspection services for the Erie Canal Community Connector Towpath project, and be it further

RESOLVED, that Greenman-Pederson is directed to prepare a scope of work and estimated cost schedule consistent with NYSDOT guidelines.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 155 of 2015, a resolution adopting Local Law No. 8 of 2015, a local law amending the zoning code to define Medical Marijuana Dispensaries for zoning and land use purposes, and to provide for the use of Medical Marijuana Dispensaries in the B-4 and B-4A Zoning Districts.

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

WHEREAS, on July 5, 2014, Governor Cuomo signed the Compassionate Care Act, which provided for the legal use of certain marijuana products for medical purposes under certain conditions and subject to state regulation, and

WHEREAS, pursuant to the Act, the New York State Department of Health will select a limited number of registered organizations which will be allowed to be licensed by the state to operate up to four locations to dispense marijuana products pursuant to regulation, and

WHEREAS, the Town Board is advised that at least one potential registered organization has expressed interest in local approvals to locate a medical marijuana dispensary within the town, and

WHEREAS, the current zoning code does not make provision for medical marijuana dispensaries, since the recent changes in state law have introduced the concept for such uses in New York, and

WHEREAS, guidance from the State of New York is limited to provisions indicating that dispensaries should not be located within residential zones with municipalities to make local decisions on specific land use determinations, and

WHEREAS, on May 18, 2015, the Town Board conducted a public hearing on proposals to allow for the location of medical marijuana dispensaries in various zoning districts with all

present provided an opportunity to speak for or against provisions for medical marijuana dispensaries within various zoning districts, and

WHEREAS, on June 18, 2015, the Saratoga County Planning Board reviewed the proposals and found no significant county-wide impacts from the adoption of Local Law No. 8 of 2015, and recommended approval; now, therefore, be it

RESOLVED, that the Town Board hereby adopts Local Law No. 8 of 2015, a local law amending Sections 208-45 B and 208-50.2 B of the Town Zoning Code, by providing for medical marijuana dispensaries as an allowed use in most areas of the Highway Business District and Highway Business/Restricted Retail Districts as shown on exhibits 1-4, and be it further

RESOLVED, that medical marijuana dispensaries are not allowed in all other zoning districts; and be it further

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

Supervisor Barrett reviewed the process to reach adoption of this local law. He feels it is inevitable with the legalization of medical marijuana, that recreational marijuana will eventually be approved. He continued the Town Board and staff have taken a very careful look as to location of medical marijuana dispensary if the town is chosen to have one, stating the dispensaries cannot be zoned out. He noted in North Country Roots presentation they stated the company only has to follow state guidelines and not local town zoning laws and the Supervisor questioned what makes a medical marijuana dispensary any different from any other business that they wouldn't be required to follow local zoning laws. Supervisor Barrett stated any medical marijuana company that comes to Clifton Park will follow town zoning laws or "they can locate somewhere else". He reviewed various articles and studies regarding harm to the environment due to the growing of marijuana. He said he is sensitive to the fact that medical marijuana can help some people, however does not think this will cure town, city and state financial ills. The Supervisor read further articles stating various medical groups don't support medical marijuana as there are other medications that are available and effective. Continuing the article he read groups representing patients are not behind these laws but come from Drug Policy Alliance and Marijuana Policy Project which are pro legalization lobbyists. Supervisor Barrett said state law only says dispensaries cannot locate within 1000 feet of places of worship or schools, however, the town has added day care and preschool facilities to the town legislation.

Director of Planning Scavo reviewed the areas that would allow the dispensaries as a permitted use. He explained parcels immediately adjacent to the Exit 9 interchange and along Route 146 have been excluded specifically because with nine and a half million people in upstate New York and with five licenses allowed, there is a strong potential of high traffic volume coming off the Northway toward Route 9 which doesn't afford a good opportunity to turn into those businesses along Route 146.

Supervisor Barrett said it is his understanding that medical marijuana will be sold beginning January 1, 2016 and we are being proactive with the zoning, stating without the zoning the companies would be able to locate almost any place in town.

Councilman Whalen said the zoning is entirely consistent with the state mandates noting North Country Roots reviewed some of the state restrictions placed on the companies, particularly signage. He believes the town of Clifton Park is the first municipality to zone the location of medical marijuana dispensaries.

Supervisor Barrett thanked all involved in crafting the legislation. He said as far as we know there is one company that has proposed Clifton Park as a location. He noted the town, in the past, also passed legislation regarding billboards and adult businesses.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 156 of 2015, a resolution authorizing the hiring of a head lifeguard for the 2015 summer season at Country Knolls pool.

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

WHEREAS, it is necessary that a head lifeguard be hired to assist in the management of the Country Knolls pool, and

WHEREAS, Christopher Lewis, 6 Paddlewheel Court, Waterford, has been recommended to be hired as head life guard, and

WHEREAS, Christopher Lewis has been an employee of the Country Knolls pool for four years; now, therefore, be it

RESOLVED, that Christopher Lewis is hereby hired as a head lifeguard at the Country Knolls pool, effective retroactively from May 31, 2015 through September 27, 2015, to be paid \$9.25 per hour from SP5-7151-E4690 (Country Knolls Pool-Lifeguards), and \$10 per hour when acting as pool manager.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 157 of 2015, a resolution accepting the revised list of alternate lifeguards to be hired, if needed, for the three town owned pools.

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

WHEREAS, each year, due to other commitments, lifeguards leave making it necessary to hire from the alternate lifeguards list, and

WHEREAS, the Town Supervisor has recommended that the revised list of individuals listed as Schedule "A" be accepted as alternate lifeguards for such purpose; now, therefore, be it

RESOLVED, that the attached revised Schedule "A" be accepted as the list of alternate lifeguards for the 2015 season, to be hired if needed, and be it further

RESOLVED, that the alternate lifeguards shall be paid as indicated on Schedule "A".

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 158 of 2015, a resolution hiring a substitute driver for the Clifton Park Senior Van.

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

WHEREAS, a need exists for a substitute driver for the Senior Express, and

WHEREAS, Joseph McCormick, 4 Shadow Wood Way, Ballston Lake, has been recommended to fill the position; now, therefore, be it

RESOLVED, that Joseph McCormick, 4 Shadow Wood Way, Ballston Lake, be appointed to fill the position of substitute driver, for the Senior Van, at Grade 1, Step 3, to be paid from A6772-E2250 (Community Support-Senior Support-Sub Driver), effective July 7, 2015.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 159 of 2015, a resolution scheduling a public hearing to consider a local law amending Article 1, Sections 152-6, Nature Preserves and 153-4, Parks, of the Town Code.

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

WHEREAS, on December 21, 2014, the State of New York adopted Executive Law 156-h to permit the sale and use of a specific classification of consumer fireworks referred to as “sparkling devices”, and

WHEREAS, on March 17, 2015, the County of Saratoga adopted Local Law No. 2 of 2015, “allowing for common, safe items to be excluded from the dangerous fireworks definition as permitted by New York State Penal Law Section 405(5)(b)”, and

WHEREAS, the town wishes to adopt amendments to the Town Code to prohibit the use of fireworks and sparkling devices in town parks and nature preserves, and

WHEREAS, the Town Board also wishes to consider amendments to the Town Code which would prohibit the use of fireworks and sparkling devices on roads and highways within the town; now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled for July 20, 2015 at 7:05 PM at the Clifton Park Town Hall, One Town Hall Plaza, Clifton Park, New York, to consider a local law amending Sections 152-6, Nature Preserves and 153-4, Parks, of the Town Code, and be it further

RESOLVED, that the Town Clerk is directed to publish appropriate notice of the public hearing accordingly.

Supervisor Barrett said since small fireworks have become legal in NYS and Saratoga County, the Town Board feels it necessary to restrict fireworks from town property.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 160 of 2015, a resolution authorizing the hiring of additional staff for the Town of Clifton Park Locust Lane Half Day Summer Recreation Camp, per Schedule A

Introduced by Councilwoman Standaert, 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 2015 summer recreation programs, and

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

RESOLVED, that the additional staff listed in Schedule A, attached hereto, shall be hired to staff the Locust Lane Half Day Summer Camp; and be it further

RESOLVED, that all hires are effective with start dates and ending dates as per Schedule A.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 161 of 2015, a resolution increasing the Citizen Corp/CERT revenue and expenditures due to receiving \$3,350 from 2015 National Night Out Sponsorships.

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

WHEREAS, \$3,350 in revenue was received from sponsorships for the 2015 National Night Out; now, therefore, be it

RESOLVED, that Revenues (A-02189-Other Recreational Income) be increased by \$3,350 and Expenditures (A-8762) be increased by \$3,350.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 162 of 2015, a resolution hiring a Learn-to-Swim Assistant Site Director for the 2015 Learn-to-Swim Program.

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

WHEREAS, it is necessary to hire staff for the Town of Clifton Park Summer Learn to Swim Program, and

WHEREAS, Brian Geary has served in the past as head life guard of Country Knolls pool and will be stepping down from his role as head life guard to assist with the Learn-to-Swim Program, and

WHEREAS, Supervisor Barrett has recommended that Brian Geary, 50 St. Andrews Drive, Clifton Park, be hired for the position of Learn-to-Swim Assistant Site Director; now, therefore, be it

RESOLVED, that Brian Geary is hired as staff for the town's 2015 Learn-to-Swim Program, effective retroactively from June 6 - August 31, 2015; and be it further

RESOLVED, that Brian Geary be paid \$18.00 per hour from A-7310-07 (Summer Rec.-Swim Program) according to Schedule B for summer recreation 2015.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Susan Thompson, English Road, Clifton Park, read a prepared statement, attached, asking for a resolution authorizing no parking/fire lane signs on the south side of English Road as has been done on the north side. She expressed concern with the parking situation at The Mill.

Supervisor Barrett said he will look for Fire Marshall Sheryl Reed's recommendation and take it from there.

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 8:15 p.m.

Patricia O'Donnell
Town Clerk