

April 4, 2016

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
Walter Smead, Assessor
Jeffrey Vedder, Supervisor of Convenience Transfer Station
Jennifer Viggiani, Open Space Coordinator

MOTION BY Councilman Romano, seconded by Councilwoman Walowit, to approve the minutes of the March 14 and 21, 2016 meetings as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Councilwoman Standaert reported the trails clean-up day is scheduled for April 16th with over 200 volunteers signed up to date. Volunteers are still needed and can register through the Supervisor's office.

Supervisor Barrett announced Shredding Day is scheduled for May 1st starting at 1 p.m. in the back parking lot of Boscov's. He thanked 3N Document Destruction for offering this free service to the community.

The Supervisor reported yard waste pickup begins this week, noting this is a free service provided by County Waste. He asked that bags be kept out of the elements until the night before pickup. Supervisor Barrett explained the yard waste is taken to the Transfer Station where County Waste rents space for their mulching operation at \$60,000 a year.

PRESENTATION BY TOWN HISTORIAN

John Scherer, Town Historian, presented his 2015 Annual Report, attached, noting the Town of Clifton Park is 188 years old as of April 1st.

**PUBLIC HEARING, 7:05 PM (7:29 pm)
TO CONSIDER RENEWING EXPIRING CONSERVATION EASEMENTS**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on March 24, 2016.

Supervisor Barrett explained there are three applications – one historical and two open space Conservation Easements. Landowners are Leslie Abel, Mark and Kelli Smachlo and Lawrence Syzdek. The Supervisor noted there are 2000 acres in the Conservation Easement program.

Town Assessor Smead explained three renewals came due this year and all opted to renew.

The public hearing was opened for comments from the audience at 7:31 p.m.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 7:32 pm.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard

Resolution No. 87 of 2016, a resolution renewing existing term easements pursuant to Chapter 125-10, Conservation Easements, of the Town Code.

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

WHEREAS, the town initiated a term Conservation Easement Program in 1996, with term easements issued with a minimum 15 year term thereafter; and

WHEREAS, the first term Conservation Easements issued pursuant to Town Code Chapter 125 expired in 2011; and

WHEREAS, on February 6, 2012, the Town Board adopted Local Law No. 1 of 2012 providing for the streamlining of the process for holders of existing term Conservation Easements to re-apply for terms of their choice; and

WHEREAS, applications were received from three holders of existing Conservation Easements expiring in 2016 to renew their existing Conservation Easements, per the attached list; and

WHEREAS, pursuant to Chapter 125-10 (C) the Town Board conducted a single public hearing on April 4, 2016 to consider all applications for renewal of term Conservation Easements; and

WHEREAS, the public was given the opportunity to speak in favor of or against the renewal of expiring term Conservation Easements; now, therefore, be it

RESOLVED, that all expiring Conservation Easements submitted per the attached list are hereby renewed for terms as stated.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 88 of 2016, a resolution requesting home rule legislation to authorize the Town of Clifton Park to accept conveyance of a 63.54 acre parcel in the Town of Clifton Park known as the Kinns Road Park from the County of Saratoga.

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

WHEREAS, in 1938 the County of Saratoga acquired title to Tax Parcel # 265.-2-9 on Kinns Road in the Town of Clifton Park through the County's tax foreclosure process, by deed recorded in the Saratoga County Clerk's Office in Book 401 of Deeds at Page 495; and

WHEREAS, pursuant to Resolution No. 264 of 1976, the Saratoga County Board of Supervisors authorized and directed the County's Forestry Department, subject to the approval of the New York state Department of Environmental Conservation, to create a recreational area upon the Kinns Road parcel, with such work to include, but not be limited to, the thinning and pruning of trees, the removal of stumps, wood chipping, the erection and installation of rest rooms and picnic tables, and the building of fireplaces and hiking paths; and

WHEREAS, the County Board of Supervisors designated the lands as recreation lands open to the public for outdoor recreation, and the site became known as "Kinns Road Park"; and

WHEREAS, the Kinns Road Park has been managed by the town since its designation as an outdoor recreation area, which has constructed a series of multi-use trails throughout the 63.54 acre parcel and has maintained the trail system, a picnic area and a parking lot at the town's expense; allowing access to the park for use by residents of Saratoga County, the Town of Clifton Park, and others; and

WHEREAS, the Kinns Road Park is heavily used by walkers, joggers, runners, hikers, cross-country skiers, dog walkers, skiing and track teams and others, who are drawn to the park by its unique forested setting; and

WHEREAS, in accordance with the County's Forestry Management Plan for the county's reforested lands, the county had planned to harvest selected trees and all dead and diseased trees on the Kinns Road parcel in 2016 pursuant to best forestry management practices; and

WHEREAS, the county's plans to harvest the timber on the Kinns Road parcel met with significant opposition from the residents surrounding the park, the users of the park, Clifton Park residents and Town Officials; and

WHEREAS, pursuant to Resolution No. 47 of 2016, the Clifton Park Town Board has stated the town's desire to acquire title to the Kinns Road Park parcel from the county in a manner consistent with state law and regulation; and

WHEREAS, on February 10, 2016 the county and the town have entered into an inter-municipal agreement authorizing the town to manage Kinns Road Park pursuant to the Forestry Stewardship Plan prepared by a certified forester retained by the town, with said inter-municipal agreement to run for a term of the earlier of ten years or the date the county transfers title to the Kinns Road Park parcel to the town pursuant to lawful authority; and

WHEREAS, General Municipal Law §72-a authorizes a town to acquire tracks of land having forest or tree growth thereon; and

WHEREAS, NYSTL §64 (2) authorizes a Town Board to acquire real property for any public purpose; and

WHEREAS, County Law §219 authorizes reforested lands to be utilized for recreation and kindred purposes, consistent with the park's designation as an outdoor recreation area in 1977; and

WHEREAS, the Town Board wishes to acquire title to Kinns Road Park for the public trust, and to operate and manage the park for park purposes in perpetuity; and

WHEREAS, by Resolution No. 75 of 2016, the Saratoga County Board of Supervisors sent a Home Rule message to the State Legislature requesting authorization to convey the county's reforested lands identified as Tax Parcel #265.-2-9 to the Town of Clifton Park; and

WHEREAS, the Town Board of the Town of Clifton Park supports the county's Home Rule message, and joins the County of Saratoga in requesting authorization for the County of Saratoga to convey, and for the Town of Clifton Park to accept, conveyance of the county's reforested lands identified as Tax Parcel #265.-2-9; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby requests the enactment of state legislation authorizing the County of Saratoga to convey to the Town of Clifton Park reforested lands originally acquired by the county by deed dated June 20, 1938 and recorded in the Saratoga County Clerk's Office in Book 401 of Deeds at Page 495, said lands being also identified as Tax Parcel #265.-2-9, for park purposes; and be it further

RESOLVED, that the Town Clerk forward certified copies of this resolution to Senator Hugh Farley and Assemblyman James Tedisco, and to the Clerk of the Saratoga County Board of Supervisors.

Supervisor Barrett reported all dead and dying trees in parking lot area have been removed and students will be back in the fall to remove dead and dying trees along the trail system. He thanked the BOCES forestry students and Conservation Instructor Dennis Flynn, as well as Consulting Forester Dick Cipperly for their excellent work.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 89 of 2016, a resolution authorizing the Town Supervisor to enter into a License and Service Agreement with County Waste and Recycling Service, Inc.

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

WHEREAS, the Town Board adopted Resolution No. 44 of 2016 on February 8, 2016 awarding the bid for town wide yard waste curbside collection and operation of the town's compost facility upon receipt of Request for Proposals; and

WHEREAS, the proposed Lease and Service Agreement incorporates the Request for Proposal and the existing Part 360 Permit, as modified by the town and New York State DEC; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to enter into a five year Lease and Service Agreement with CWRS to provide collection services for yard waste, and to lease a portion of the Transfer Station property for composting operations in accordance with the attached agreement; and be it further

RESOLVED, that this Lease and Agreement is effective from April 1, 2016 through November 30, 2020, renewable for an additional 5 year term on mutual consent of the parties.

Supervisor Barrett thanked County Waste for their commitment to the community, noting the yard waste pickup as well as bulk waste pickup.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 90 of 2016, a resolution extending the hours of the Convenience Transfer Station for the annual Spring Clean Up/Green Up Week.

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

WHEREAS, a request has been made by Jeffrey Vedder, Transfer Station Supervisor, for authorization to extend the hours of the Convenience Transfer Station for the annual Spring Clean Up/Green Up Week to include Sundays, April 17th and April 24th; and

WHEREAS, authorization for overtime costs for the extended hours is required; now, therefore, be it

RESOLVED, that the Transfer Station Supervisor is hereby authorized to extend the hours of the Convenience Transfer Station for the annual Spring Clean Up/Green Up Week to include Sundays April 17th and April 24th with the extended hours to be as set forth in the attached Schedule A; and be it further

RESOLVED, that the Sunday hours will be for the collection of leaves and brush only while all other items will be taken during the regular hours from Tuesday through Saturday and authorization is further granted for the overtime requirements to be paid as budgeted in A-8160-74 (General Fund-Convenience Transfer Station-Overtime).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 91 of 2016, a resolution authorizing the Town Supervisor to sign an agreement with the Saratoga County Sheriff's Department for Specialized Law Enforcement Services.

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

WHEREAS, the Town of Clifton Park has found it to be effective and efficient to obtain law enforcement services within the town through the Saratoga County Sheriff's Department; and

WHEREAS, the Town Board wishes to renew the existing agreement for Specialized Law Enforcement Services with the Saratoga County Sheriff's Department, per the attached agreement; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign the attached agreement with the Saratoga County Sheriff's Department whereby the Sheriff's Department shall provide Specialized Law Enforcement Services within the Town of Clifton Park for a one (1) year period from January 1, 2016 through December 31, 2016, for an amount not to exceed \$529,417.74, to be paid from A-3120-15 (General Fund-Security-Other Contractual).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 92 of 2016, a resolution authorizing the Supervisor to sign a collective bargaining agreement with the Civil Service Employees Association, Inc., AFSCME Local 1000, AFL-CIO, representing the Town of Clifton Park General Unit of Saratoga County Local 846.

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

WHEREAS, by Resolution No. 19 of 2016, the Town Board approved a Memorandum of Agreement with CSEA Local 1000 which contained provisions for a new three (3) year contract from January 1, 2016 through December 31, 2018; and

WHEREAS, the parties have incorporated the new provisions contained within the Memorandum of Agreement, dated January 21, 2016, into a comprehensive collective bargaining agreement; and

WHEREAS, provisions of the previous collective bargaining agreement not altered by the 2016 Memorandum of Agreement remain; now, therefore, be it

RESOLVED that the attached collective bargaining agreement is approved; and be it further

RESOLVED, that the Supervisor is authorized to sign the attached collective bargaining agreement with CSEA Local 1000.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 93 of 2016, a resolution accepting the quote of Old Dominion Brush Co. for the purchase of a leaf trailer collector and to transfer funds from assigned fund balance.

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

WHEREAS, Richard Kukuk, Superintendent of Highways, has indicated that a need exists for a leaf trailer collector for use by the Clifton Knolls Leaf District; and

WHEREAS, quotes were received for the purchase of a leaf trailer collector and Old Dominion Brush Co. (ODB) submitted the lowest quote for the needed equipment, in an amount of \$46,821; and

WHEREAS, Highway Superintendent Kukuk has recommended that the quote of Old Dominion Brush Co., Arlington, VT, be accepted in an amount of \$46,821; and

WHEREAS, the estimated assigned fund balance as of December 31, 2015 was \$46,705; and

WHEREAS, the budget for equipment in the 2016 budget is \$8,200; and

WHEREAS, an additional \$38,621 is required to be transferred to the equipment line; now, therefore, be it

RESOLVED, that the Town Board accepts the quote of Old Dominion Brush Co. for an amount of \$46,821 for the purchase of a leaf trailer collector, and that \$38,621 is transferred from assigned fund balance to SR-2376-200 (Clifton Knolls Refuse-Equipment), and the equipment will be paid from that line.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 94 of 2016, a resolution authorizing the Shenendehowa Adult Community Center to serve alcoholic beverages at a monthly dinner to be held at the center, 6 Clifton Common Court, on Monday April 18, 2016.

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

WHEREAS, the Shenendehowa Adult Community Center is hosting a monthly dinner on April 18, 2016 from 5:30 - 7:00 P.M., with approximately 100 people in attendance; and

WHEREAS, Liz Gabeloff, Chairperson, 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 April 18, 2016 from 5:30 - 7:00 P.M.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 95 of 2016, a resolution hiring seasonal Lifeguards and Head Life Guards for the 2016 Summer Season for Barney Road, Country Knolls and Locust Lane Pools.

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

WHEREAS, it is necessary that lifeguards and head lifeguards be hired to maintain a safe environment at the Clifton Park town pools, as well as assist in the management of Barney Road, Country Knolls and Locust Lane pools; and

WHEREAS, the Supervisor has recommended that the attached list of individuals be hired on the stated start dates as lifeguards and head lifeguards at the attached rates; now, therefore, be it

RESOLVED, that the individuals listed on the attached shall be hired as Lifeguards and Head Lifeguards for the Barney Road, Locust Lane and Country Knolls pools for the 2016 season, to be paid at rates as listed.

It was noted these are returning lifeguards.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

No one wished to be heard.

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 7:58 p.m.

Patricia O'Donnell
Town Clerk