

May 2, 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  
Councilman Romano  
Councilwoman Walowit  
Supervisor Barrett  
Town Clerk O'Donnell

Absent: Councilwoman Standaert

Also Present: Town Attorney McCarthy  
Mark Heggen, Comptroller  
Richard Kukuk, Superintendent of Highways  
Steven Myers, Director of Building and Zoning

MOTION BY Councilman Romano, seconded by Councilwoman Walowit, to approve the minutes of the April 18, 2016 meeting as presented.

**ROLL CALL VOTE**

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

Absent: Councilwoman Standaert

Noes: None

**MOTION CARRIED**

**ANNOUNCEMENTS AND COMMUNICATIONS**

Supervisor Barrett thanked all volunteers and 3N Document Destruction for the successful free Shredding Day. He reported 1000 pounds of food will be transported by 3N to the Jonesville Food Pantry. He noted there will be another Shredding Day in October.

The Supervisor reported Bulk Pickup is ongoing and will be held every other year.

Supervisor Barrett announced May 14<sup>th</sup> is Open Space Day in Clifton Park. He said the town will continue to acquire properties that fit into the Open Space Plan.

**PRESENTATIONS**

Shenendehowa Superintendent of Schools, Oliver Robinson, reviewed the proposed 2016-2017 School Budget with the vote scheduled for May 17<sup>th</sup>, noting lowest tax impact in 11 years.

Eagle Scout Matt Jerome reviewed his project of marking off graves in the Vischer Ferry Cemetery of people who died while building the Erie Canal. He found the graves were unmarked and erected a flag pole, and four nine-foot pavers circle, a head stone and four corner head stones. Supervisor Barrett commended Matt Jerome stating this gives a real appreciation of what these people went through.

Laurie Hughes of Parks, Recreation and Community Affairs Department announced the following Arbor Day winners, attached, with Supervisor Barrett presenting prizes.

PUBLIC HEARING, 7:05 PM  
REGARDING UNSAFE STRUCTURE AT  
30B WOODCLIFFE DRIVE

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on April 23, 2016,

Director of Building and Zoning Myers explained the structure is an attached townhouse. He reported after research it was found that the owner died in 2010, however, there has been a resident since that time and when that person left the keys were given to the adjoining neighbor. He reported there is no heat and a water line break has flooded the downstairs resulting in standing water on the entire first floor with material possessions left in place as they were. Mr. Myers said the holes in the siding have been patched, but as weather gets warmer it will become a real health hazard and it is important to make it safer for the neighbors. Supervisor Barrett asked if any animals or rodents have gotten in.

From the floor: Owner of attached townhouse reported there are fur and feces in the house as well as black mold growing up the wall from the first to the second floor and ceiling is coming down in the first floor bathroom.

Mr. Myers said anything that would be hazardous down the road needs to be removed, e.g. sheetrock, carpets, holes need to be plugged. He continued the structure could be taken down to the studs, however, he doesn't know what they will find. He's hoping no structure work will be required but there will be significant cleaning. In response to Supervisor Barrett's question regarding taking the entire structure down, Mr. Myers said not so long as the attached residence is viable.

Supervisor Barrett asked if there is anything significant to be of concern to the neighbors.

Mr. Myers responded there is an eight inch block fire wall between the two residences but if a long enough period of time passed, it is possible water could penetrate the block wall if there are cracks in the block. He stated it is important this be done in a timely manner.

In response to Councilman Whalen's question if there are any liens on the property, Mr. Myers responded the home is fully paid off. Town Attorney McCarthy said the owner died in 2010 but taxes had been paid through 2014 and there are no files at the Surrogate Court.

The public hearing was opened for comments from the audience at 7:35 p.m.

Kathleen Norton, 30A Woodcliffe Drive, adjoining neighbor to 30B Woodcliffe Drive, said she believes the sister of the deceased resides in Florida and that the recent homeowner died in 2010 in Troy with no will. Resident left in September of 2015. She has reached out to former tenant to get sister's contact information believed to be Marydyn Rosowski who resides in Florida.

John Tyrrell, 23 Woodcliffe Drive, stated the problem started before 2010, noting the house and yard had not been kept up. He said he has noticed birds flying in and out through the siding and mice in the yard, noting the situation is very bad. Mr. Tyrrell asked that security keep an eye on the house as children have been around the property.

Town Attorney McCarthy said an order will be served tomorrow with 30 days to respond unless there is an imminent health and safety issue.

From the floor Ms. Norton said she and her children are asthmatics and have been sick. She is concerned with moisture reaching her walls.

Councilman Whalen stated based on this evening’s information there is an argument that there is imminent health and safety issue and the 30-day waiting period could be waived. After a short discussion it was agreed to waive the 30-day waiting period.

MOTION BY Supervisor Barrett, seconded by Councilman Whalen, to waive the 30-day waiting period based on ownership and condition of the property.

MOTION unanimously carried.

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 7:56 pm.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 113 of 2016, a resolution scheduling a public hearing for May 16, 2016 at 7:05 pm on a proposal to amend Local Law No. 1 of 2016, procedures for filling a vacancy in office for the office of County Supervisor.

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

WHEREAS, by Local Law No. 1 of 2016, the Town of Clifton Park established procedures for filling vacancies in the office of County Supervisor, representing Clifton Park on the Saratoga County Board of Supervisors, who is not a member of the Clifton Park Town Board; and

WHEREAS, the Town Board wishes to solicit public comment on a proposal to amend the procedures of Local Law No. 1 of 2016; now, therefore, be it

RESOLVED, that a public hearing is scheduled for May 16, 2016 at 7:05 pm, to solicit comments on a proposal to amend procedures for filling vacancies in the office of County Supervisor; and be it further

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

Town Attorney McCarthy explained there is concern that a statement in Local Law No. 1 of 2016 conflicts with Public Officers’ Law that any vacancy in an elective office in the state that occurs prior to September 20th must be on the ballot of that year, therefore, the last sentence of Local Law No. 1 of 2016 is being removed.

Supervisor Barrett explained the new appointee would run this November to fulfill the current two year term and then run again, if the person so chooses, in November 2017.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Standaert

DECLARED ADOPTED

Resolution No. 114 of 2016, a resolution authorizing the Supervisor to sign an agreement with MetLife for group insurance benefits.

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

WHEREAS, the town provides a group life insurance benefit to employees which supplements life insurance benefits provided by the New York State Retirement System; and

WHEREAS, the town also provides short term disability insurance through the New York State Disability System; and

WHEREAS, the Town Board has explored cost savings through policies issued by Metropolitan Life Insurance Co. for supplemental group life and disability insurance; and

WHEREAS, policies marketed by MetLife will provide increased flexibility and benefits to employees for both life and disability policies; now, therefore, be it

RESOLVED that the Supervisor is authorized to sign the attached contract documents with MetLife for short term disability insurance and life insurance policies.

Supervisor Barrett reported over the last four years health care benefits have decreased four percent over four years. He reported this change is a small part of the total cost of the employee benefits, however, there will be a savings of \$12,000 to \$14,000 over the next two years with better coverage.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Standaert

DECLARED ADOPTED

Resolution No. 115 of 2016, a resolution authorizing the purchase of a 2016 Ford F250 pickup truck from Henderson Ford, Webster, New York, for use by the Sewer Department.

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

WHEREAS, Collection System Manager Michael O'Brien has identified a need for a new vehicle for use by the Sewer Department; and

WHEREAS, Mr. O'Brien has recommended that a 2016 Ford F250 pickup truck, available from Henderson Ford, Webster, New York, be purchased under New York State Contract #PC66744 at a cost of \$30,838.12; now, therefore, be it

RESOLVED, that the Clifton Park Town Board hereby authorizes the purchase of a 2016 Ford F250 pickup truck from Henderson Ford, 810 Ridge Road, Webster, New York, as described in the attached documents, at a cost not to exceed \$30,838.12 under State Contract #PC66744, to be paid from G-7-8111-200 (Sewer Equipment).

Supervisor Barrett reported since starting the grinder pump repair in house, thousands of dollars has been saved. He commended Collection System Manager O'Brien and his staff for their excellent work.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Standaert

DECLARED ADOPTED

Resolution No. 116 of 2016, a resolution accepting the attached 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 before season's end 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 2016 season, to be hired if needed; and be it further

RESOLVED, that the alternate lifeguards shall be paid \$8.75/hour from the appropriate fund listed below:

- A-7150-E4690 (Barney Road Life Guards)
- A-7152-E4690 (Locust Lane Life Guards)
- SP5-7151-E4000 (Longkill Park District #1 Guards)

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Standaert

DECLARED ADOPTED

Resolution No. 117 of 2016, a resolution authorizing the Highway Superintendent to attend the 2016 Association of Towns Highway School in Ithaca, New York.

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

WHEREAS, Highway Superintendent Richard Kukuk has requested authorization to attend the 2016 Highway School at Ithaca College in Ithaca, New York, June 5-8, 2016, at a cost not to exceed \$675; and

WHEREAS, Mr. Kukuk's attendance at the conference would confer a benefit to the town; now, therefore, be it

RESOLVED, that Highway Superintendent Richard Kukuk is hereby authorized to attend the 2016 Association of Towns Annual Highway School in Ithaca, New York, June 5-8, 2016, at a cost not to exceed \$675, to be paid from A05010-00001. (Highway Admin.-Training & Conferences)

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Standaert

DECLARED ADOPTED

Resolution No. 118 of 2016, a resolution authorizing the Supervisor to execute a renewal contract with Public Sector HR Consultants for human resource needs.

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

WHEREAS, by Resolution No. 131 of 2011, the Town Board authorized the retention of Public Sector HR Consultants LLC (PSHRC) to provide consulting services relative to human resources and benefit administration; and

WHEREAS, PSHRC provides cost effective services and expertise in areas of personnel management, employee recruitment and training, record keeping and benefits administration; and

WHEREAS, the PSHRC contracts have run on a twelve month basis, renewable in May of each year; and

WHEREAS, the Town Board wishes to annualize the contract to coincide with the fiscal year for budgeting purposes; now, therefore, be it

RESOLVED, that the Supervisor is authorized to execute the attached renewal contract with Public Sector HR Consultants commencing May 1, 2016 through December 31, 2016, at the rate of \$1,050 per month, to be paid from A-1220-15 (Supervisor-Other Contractual).

Supervisor Barrett said the town has been using this company for several years and they have been great to work with. Councilman Romano reported the contract reads 12/31/2017 and should read 12/31/2016. Town Attorney McCarthy said this will be corrected.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Standaert

DECLARED ADOPTED

Resolution No. 119 of 2016, a resolution authorizing the purchase of snow plowing and salting equipment for use by the Highway Department and to pay for it under a municipal lease.

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

WHEREAS, the Town Board approved Resolution No. 9 of 2016 on January 19, 2016, authorizing the Supervisor to accept a bid for municipal lease financing for the purchase of Building & Grounds and Highway Department equipment; and

WHEREAS, Highway Superintendent Richard Kukuk has identified a need for new equipment for snowplowing use by the Highway Department, per schedule A; and

WHEREAS, pursuant to General Municipal Law §103(3) municipalities are authorized to purchase materials, equipment or supplies through publicly bid contracts of another political subdivision or county within the state; and

WHEREAS, Highway Superintendent Richard Kukuk has determined that snow plowing and treatment equipment, which will meet the needs of the Highway Department, is available through contracts bid by Oneida County, per the attached list; now, therefore, be it

RESOLVED, that the Highway Department is authorized to purchase a 2017 Western Star 4700SB single axle chassis truck from New York Truck Equipment, Queensbury, NY, and a Henderson 11' SS Munibody II with cross conveyor front and rear discharge salt spreader from Henderson Truck Equipment, Watertown, NY, per the attached list; and be it further

RESOLVED, that the Clifton Park Town Board hereby authorizes the financing of snow plowing and salting equipment, per Schedule A, to be paid from a lease obtained through JP Morgan Chase Bank, N.A. in 2016 with (7) yearly lease payments of \$30,107.55.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Standaert

DECLARED ADOPTED

PUBLIC PRIVILEGE

Anthony LaFleche, Wheeler Drive, asked if any other elective office, e.g. library trustee, fire trustee would be excluded from running for County Supervisor. Town Attorney McCarthy said the analysis would be if there was a conflict in the offices themselves, e.g. funding.

Mr. LaFleche expressed concern with the deterioration of Maurice Lane and asked if Highway Superintendent Kukuk is aware of the condition. Highway Superintendent Kukuk responded he is aware of it and will be taken care of, noting the road is 40 years old and wasn't built to standards.

Mr. LaFleche asked that zoning not be changed at the Route 146A and Tanner Road area to allow a housing development. He would like the Corporate Commerce zoning designation to remain. Director of Building and Zoning Myers said there is a proposal to building single family homes and duplexes on both sides of Route 146 and applicant is asking for a use variance.to allow residential. Location is southwest corner of Miller Road and Route 146 and northwest corner of Tanner Road and Route 146.

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 8:35 p.m.

Patricia O'Donnell  
Town Clerk