

January 9, 2017

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: Supervisor Barrett
Councilman Whalen
Councilwoman Standaert
Councilman Romano
Councilwoman Walowit
Town Clerk O'Donnell

Also Present: Town Attorney McCarthy
Mark Heggen, Comptroller
Dahn S. Bull, Superintendent of Highways
Steven Myers, Director of Building and Zoning
John Scavo, Director of Planning

ANNOUNCEMENTS AND COMMUNICATIONS

As a point of interest, Supervisor Barrett said the Transfer Station was open from 8:00 am to 12:00 pm on Friday, December 30th.

Supervisor Barrett reported Town Board Resolution No. 24 of 2016 supports annual funding to municipalities for infrastructure upgrades and improvements, in a similar way the CHIPs Program funds highway maintenance of local roads. He noted a number of municipalities support this proposal, as well as Senator Tedisco and other Senators and Assemblymen around the state. This resolution has become part of the Association of Town's proposed resolutions for the 2017 legislative agenda.

PRESENTATIONS

Supervisor Barrett presented the following resolution to Ed and Francine Rodger in recognition and appreciation for their dedication and support of the Library for almost fifty years.

Resolution No. 7 of 2017, a resolution recognizing Edwin and Francine Rodger, recipients of the Citizen Laureate Award for 50 years of dedicated service to Clifton Park-Halfmoon Library.

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

WHEREAS, Edwin and Francine Rodger have been dedicated to Clifton Park-Halfmoon Library since before there was a library, actively participating in and helping to organize the original membership drives and fundraising efforts responsible for the creation of the earliest library space above the National Commercial Bank at the corner of Routes 146 and 9 in 1967, and

WHEREAS, the Rodgers have served on the Library Board for a combined 33 years, with each serving at times as President, Vice President and Treasurer during the earliest fund drives, and

WHEREAS, the Rodgers commitment to the growth and success of that original library extended to include the co-signing of the initial construction loan used to build the first library building on Wall Street, and

WHEREAS, Francine served on the Board throughout the 1985 campaign to establish the Library District as a special district, which assured the library would have a sound financial footing for future generations throughout the communities which it serves, and

WHEREAS, during their respective terms on the Library Board, Edwin and Francine Rodger have worked tirelessly to evaluate current programs and plan for future services to be offered at the library, and

WHEREAS, the Clifton Park-Halfmoon Library has recently celebrated its ten year anniversary at its location on Moe Road and would not have been possible without the generous support and efforts of individual volunteers such as the Rodgers; now, therefore, be it

RESOLVED, that the Town Board congratulates Edwin and Francine Rodger, recipients of the Clifton Park-Halfmoon Library Citizen Laureate Award for their longstanding dedication and commitment to the creation, growth and continued success of the Clifton Park-Halfmoon Library.

Alex Gutelius, Director of the Clifton Park-Halfmoon Library, noted the Citizen Laureate Award has only been awarded twice previously, stating the Rodgers are an “amazing inspiration” to all.

Ed & Francine Rodger both said their work with the Library hasn’t been done alone as there have been many people involved and was a sense of service to the community with everyone working together.

Supervisor Barrett noted the Library History Room is being named in honor of Ed and Francine Rodger.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Supervisor Barrett presented the following resolution to Jaren Gregor in recognition of his work in achieving the rank of Eagle Scout.

Resolution No. 8 of 2017, a resolution recognizing Jared Gregor for attaining the rank of Eagle Scout in service to his community.

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

WHEREAS, Jared Gregor successfully completed his Eagle Scout project by designing, creating and installing signs identifying the various baseball fields on the Clifton Common, working closely in conjunction with Clifton Park Baseball and with the town, and

WHEREAS, Jared joined in scouting in the first grade and has been active ever since, and has continued to be active with his troop, earning merit badges including the nuclear science merit badge, which he recently earned at RPI, and

WHEREAS, Jared continues to work toward scouting achievements, even after attaining the rank of Eagle Scout, striving to live the Scout Oath and Scout Law in his everyday life, and has earned his Bronze Palm, while continuing to work toward additional Palm awards, and

WHEREAS, Jared’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, and

WHEREAS, such service is truly the lifeblood of the community and the Town Board wishes to recognize effective community service among our residents and volunteers; now, therefore, be it

RESOLVED, that the Clifton Park Town Board honors the accomplishments of Jared Gregor as an outstanding citizen for his achievements and advances, and recognizes Jared who has earned the esteem of both the community and the Town of Clifton Park; and be it further

RESOLVED, that a copy of this Resolution be presented to Jared Gregor.

Eagle Scout Jared Gregor reviewed his project, explaining through his Graphic Design class at Shenendehowa, he created a map of the fields and fields' numbers. He expressed appreciation to his parents and all the volunteers who helped in the planning and execution of the project, noting it was a year in planning.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Supervisor Barrett presented the following resolution to Matthew Miles in recognition of his great accomplishment.

Resolution No. 9 of 2017, a resolution recognizing Matthew Miles for attaining the rank of Eagle Scout in service to his community.

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

WHEREAS, Matthew Miles has been active in Scouting since the first grade and has played basketball in Clifton Park in the recreational league, travel league and amateur athletic union league, and

WHEREAS, Matthew has participated in National Leadership Training, achieved membership in the Order of the Arrow, and has been involved in over 100 hours of community service with Scouting, involving such projects as food drives, soccer shoots, flag ceremonies and preparing care packages for overseas troops, and

WHEREAS, Matthew'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, and

WHEREAS, Matthew has demonstrated such dedication by completing his Eagle Project which combined his love of basketball and community service by organizing the building of eight benches at the Clifton Common basketball courts for family and friends to have a comfortable place to watch games, and

WHEREAS, such service is truly the lifeblood of the community and the Town Board wishes to recognize effective community service among our residents and volunteers; now, therefore, be it

RESOLVED, that the Clifton Park Town Board honors the accomplishments of and commends Matthew Miles as an outstanding citizen for his achievements and advances, who has earned the esteem of both the community and the Town of Clifton Park; and be it further

RESOLVED, that a copy of this resolution be presented to Matthew Miles.

Eagle Scout Matt Miles reviewed his project and thanked his parents and all the volunteers who assisted with the construction of the benches. He noted all benches were handmade. He thanked Supervisor of Buildings and Grounds Handerhan and Ms. Kasky for their assistance with his project.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC HEARING, 7:40 PM
REGARDING THE UNSAFE STRUCTURE AT 778 PLANK ROAD

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on December 30, 2017.

Supervisor Barrett reported Town Attorney McCarthy and Director of Building and Zoning Myers have been working with Social Services and interested parties.

Town Attorney McCarthy said he and Mr. Myers have been working with the homeowner. Mr. Myers has scheduled an inspection at the home for January 12th, along with a Social Services representative. Mr. McCarthy thinks it best to await the results of the inspection before the Town Board takes any action. Mr. Myers will submit a supplemental report after the visit. It was noted Mr. Myers has not yet been inside the house, yet he knows there is no heat, other than a couple of infrared space heaters in use, or water, though the homeowner has said she is working on getting water into the house. Mr. Myers needs to see how these heaters fit with the code. Until there is entrance into the home, Mr. McCarthy noted the town only has incomplete information.

The public hearing was opened for comments from the audience at 7:50 p.m.

Everyone was given an opportunity to speak regarding the unsafe structure and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 7:50 p.m.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 10 of 2017, a resolution accepting an application for inclusion in the Conservation Easement Historic Preservation program of a parcel of land located at 3 Old Schauber Road, Ballston Lake, Town of Clifton Park.

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

WHEREAS, a public hearing was held on December 19, 2016 to receive public comment regarding an application for a conservation easement for inclusion of a parcel of land at 3 Old Schauber Road, Ballston Lake, into the Conservation Easement Historic 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 3 Old Schauber Road, Ballston Lake, owned by Cindy Folmsbee and Leonard Attanasio (SBL 258.-2-1.111) hereby accepted and is granted a 25 year conservation easement in accordance with the attached application, pursuant to Chapter 125 of the Town Code.

Councilman Whalen explained the upkeep of an historic home can be costly and the Conservation Easement program provides some relief. Supervisor Barrett noted this home was built in 1806.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 11 of 2017, a resolution to ratify the agreement between Saratoga County Office for the Aging, Northeast Dining and Lodging, and the Town of Clifton Park through the Clifton Park Senior Community Center.

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

WHEREAS, the New York State Office of the Aging requires written site agreements between the host county, the contractor, and all sites serving meals relative to Title III-C of the Older Americans Act of 1965, commonly known as the “Meals on Wheels Program”, and

WHEREAS, the Shenendehowa Adult Community Center has acted as a host site to the program under an agreement with Northeast Dining and Lodging, Saratoga Springs, and

WHEREAS, the Town Board, as owners of the Clifton Park Senior Community Center, wishes to ratify and renew the agreement between Northeast Dining and Lodging, 17 Old Gick Road, Saratoga Springs, and the Saratoga County Office for the Aging, with offices at 152 West High Street, Ballston Spa, NY; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign the attached agreement on behalf of the Clifton Park Senior Community Center.

Supervisor Barrett reported currently approximately eight to ten people attend the Meals on Wheels Program on a regular basis and he would like to see the program grow.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 12 of 2017, a resolution authorizing Samuel Chase, Patrick Jarosz, and Robert Adams from the Building and Development Department to attend the 22nd Annual Northern Adirondack Educational Conference to be held in Lake Placid, New York, March 5-9, 2017.

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

WHEREAS, conferences are designed to give their members the needed hours to complete the New York State twenty-four hours requirement for in service education for all Code Enforcement Officers per year in order to maintain their certification, and

WHEREAS, the 2017 Conference, sponsored by the New York State Building Officials Chapter, is necessary for the acquisition of needed credits by Building and Development Department officials, and

WHEREAS, attendance at these seminars would provide a benefit to the residents of the town and is necessary to maintain building officials credentials; now, therefore, be it

RESOLVED, that the Building and Development Department is authorized to send Samuel Chase, Patrick Jarosz, and Robert Adams to the 21st Annual Northern Adirondack Educational Conference from March 5-9, 2017 at Lake Placid, at a total cost for three attendees not to exceed \$2,493, as budgeted from A-3620-001(Training and Conferences).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 13 of 2017, a resolution authorizing Wade Schoenborn, Derek Miller and Mark Kazmierczak to attend the 12th Annual New York State Building Officials Conference April 4-6, 2017 in Liverpool, New York.

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

WHEREAS, conferences are designed to give their members the needed hours to complete the New York State twenty-four hours requirement for in-service education for all Code Enforcement Officers per year, in order to maintain their certification, and

WHEREAS, the 2017 conference, sponsored by the New York State Building Officials Chapter, is necessary for the acquisition of needed credits by Building and Development Department officials, and

WHEREAS, attendance at these seminars would provide a benefit to the residents of the town and is necessary to maintain building officials credentials; now, therefore, be it

RESOLVED, that the Building and Development Department is authorized to send Wade Schoenborn, Derek Miller and Mark Kazmierczak to the New York State Building Officials Conference from April 4-6, 2017 in Liverpool, New York, at a total cost not to exceed \$2,332 for three attendees, as budgeted from A-3620-001 (Training and Conferences).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 14 of 2017, a resolution approving the renovation and improvement of the Sherwood Forest Park.

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

WHEREAS, pursuant to Town Law Section 202-b, the Town Board of the Town of Clifton Park (the "Town") proposes to undertake the renovation and improvement of the

Sherwood Forest Park within the Sherwood Forest Park District, including reconstruction of tennis courts, grading or improvement of the sites, preparation of surveys, maps, plans and estimates in connection with the improvements and the acquisition of poles, nets and fencing required in connection therewith (the "Project"), as described in the report prepared by John M. McDonald Engineering, P.C. which is on file in the Town Clerk's office; and

WHEREAS, the total estimated maximum cost of the Project is \$86,000; and

WHEREAS, on November 21, 2016, the Town Board held a public hearing regarding the Project, as required by Town Law Section 202-b; now, therefore, be it

RESOLVED, that the Town Board hereby determines that it is in the public interest to undertake the Project; and be it further

RESOLVED, that the Town Board hereby authorizes the Town Supervisor and other proper officers of the Town to proceed with the Project provided, however, that the financing of the Project shall not occur until the Town Board has adopted a Bond Resolution in accordance with the New York Local Finance Law.

Supervisor Barrett asked that there be a provision made for pickle ball. Councilman Whalen said the cost of removing the courts entirely was substantial and feels this is the best move.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 15 of 2017, a bond resolution authorizing the renovation and improvement of the Sherwood Forest Park within the Sherwood Forest Park District in the Town of Clifton Park, Saratoga County, New York, at a maximum estimated cost of \$86,000 and authorizing the issuance of not to exceed \$86,000 serial bonds to pay the cost thereof.

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

BE IT RESOLVED by the Town Board of the Town of Clifton Park, Saratoga County, New York (the "Town"), as follows:

Section 1. The renovation and improvement of the Sherwood Forest Park within the Sherwood Forest Park District (the "District"), including the renovation and reconstruction of two tennis courts and acquisition and installation of tennis court and net poles, and related fencing and improvements, (the "Project"), is hereby authorized at an estimated maximum cost of \$86,000.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific objects or purposes is \$86,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of up to \$86,000 serial bonds (the "Bonds") of the Town authorized to be issued pursuant to this bond resolution and the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen (15) years, pursuant to subparagraph 19(c) of Section 11.00(a) of the Local Finance Law. The proposed maturity of the Bonds will be in excess of five years.

Section 4. Pursuant to Section 107.00(d)(9) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any bond anticipation notes issued in anticipation of the Bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be apportioned and assessed upon the several lots and parcels of land within the District, which the Town Board determines to be especially benefited by the Project, an amount sufficient to pay the principal of and interest on such obligations as the same becomes due and payable, but if not paid from such source, all the taxable real property in the Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on such obligations when due.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00 inclusive of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to sell and deliver the Bonds and any bond anticipation notes providing for substantially level or declining annual debt service, is hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 8. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Town's General Fund. It is intended that the Town shall then reimburse such expenditures with the proceeds of the Bonds and bond anticipation notes authorized by this resolution and that the interest payable on the Bonds and any bond anticipation notes issued in anticipation of the Bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by this resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Regulation Section 1.150-2.

Section 9. The validity of the Bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution, or a summary hereof, shall be published in the official newspapers of the Town for such purpose, together with a notice of the Clerk of the Town in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 11. This resolution is not subject to a referendum on petition in accordance with Section 35.00(b)(2) of the Local Finance Law.

Section 12. The Town Supervisor, as chief fiscal officer of the Town, is hereby authorized to enter into an undertaking for the benefit of the holders of the Bonds from time to time, and any bond anticipation notes issued in anticipation of the sale of the Bonds, requiring the Town to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15c2-12.

Section 13. The Town Board hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 14. This resolution shall take effect immediately.

Rocky Ferraro, member of the Sherwood Forest Park District Committee, said though it wasn't unanimous to go this route, the majority of the committee and most responses received were in favor of the renovation the tennis courts.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 16 of 2017, a resolution authorizing the Supervisor of the Town of Clifton Park to apply to the State of New York Office of General Services for transfer and conveyance of a certain parcel of state land along Selfridge Way, located in the Town of Clifton Park, County of Saratoga.

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

WHEREAS, the State of New York ("State") is the owner of a parcel of property located at 907 Grooms Road (Hostel 9322) in the Town of Clifton Park, County of Saratoga, a portion of which is necessary for access along Selfridge Way to an adjacent development, said portion consisting of a strip of land five (5) feet in width containing 1,245 square feet, more or less, hereinafter referred to as the "Premises"; and

WHEREAS, the State is authorized to convey its right, title and interest in the Premises to the Town of Clifton Park pursuant to Section 34 of the Public Lands Law for street or highway purposes as set forth in the statute; and

WHEREAS, it is the desire of the Town of Clifton Park to apply for a transfer and conveyance of the Premises for street or highway purposes; and

WHEREAS, the consideration for the transfer and conveyance of the Premises as set forth in Section 34 is One Dollar (\$1.00); now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to apply to the State of New York, Office of General Services, for the transfer and conveyance of the Premises for street or highway pursuant to Section 34 of the Public Lands Law; and it is further

RESOLVED, that the Town Supervisor is authorized to execute all documents necessary to effectuate said use and transfer and conveyance of the Premises and that such documents shall be subject to the review thereof by the Town Attorney as to form and substance; and it is further

RESOLVED, that title shall be transferred after such environmental reviews as may be required by the State Environmental Quality Review Act have been completed.

Director of Planning Scavo said the Planning Board granted conditional final approval to the Windover Subdivision. The secondary means of ingress and egress requires an additional four feet in order to be accepted as a town road. New York State, the adjacent property owner of a group home for developmentally disabled adults, will transfer five feet and the owner of the subdivision will be required to hookup the group home to public water and sewer, as well as remove and close the septic system. The group home driveway which currently accesses onto Grooms Road will connect to Selfridge Way which, as a town road, will be plowed, maintained and salted. The water hookup will provide hydrants in the location. These conditions are a benefit for the state as a result of transferring five feet for the town road, however, before the state makes the conveyance, the applicant will need to build the subdivision and make improvements and this agreement by no means says the conveyance is occurring now. Supervisor Barrett said there have been questions as to the actual width of the right of way. Mr. Scavo responded two separate surveys show what the state has forwarded to him is accurate, however, there is still opportunity to provide any different information. Supervisor Barrett then this wouldn't "shut the door" if the right of way is not as wide as what is being show on the plans. Mr. Scavo agreed.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Rocky Ferraro, Friar Tuck Court and Chairman of the Planning Board, acknowledged the professional job of the Planning Department and expressed appreciation for his reappointment as Chairman of the Planning Board. He also acknowledged the Director of Building and Zoning Myers and staff for the great work they do. He thanked the Town Board for their support and for input from the advisory boards.

MOTION by Councilwoman Walowit, seconded by 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 8:30 p.m.

Patricia O'Donnell
Town Clerk