

November 21, 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: Supervisor Barrett  
Councilman Whalen  
Councilwoman Standaert  
Councilman Romano  
Councilwoman Walowit  
Town Clerk O'Donnell

Also Present: Town Attorney McCarthy  
Richard Kukuk, Superintendent of Highways  
Mark Heggen, Comptroller  
Steven Myers, Director of Building and Zoning  
Michael O'Brien, Collection System Manager  
Louis Pasquarell, Director of Safety and Security  
John Scavo, Director of Planning

MOTION BY Councilman Romano, seconded by Councilwoman Walowit, to approve the minutes of the November 7 and 10, 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

Supervisor Barrett announced a Public Information Meeting for the Improved Recreational Access at the Vischer Ferry Preserve is planned for December 1<sup>st</sup> at 6 pm in the Wood Room of the Town Hall.

TOWN REGISTER OF HISTORIC PLACES

Resolution No. 256 of 2016, a resolution placing the structure located at 3 Old Schauber Road, on the Clifton Park Town Register of Historic Places.

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

WHEREAS, the Historic Preservation Commission has recommended the David and Maphlet Schauber House, ca. 1806, located at 3 Old Schauber Road, Ballston Lake, be added to the Town Register of Historic Places; and

WHEREAS, structures placed on this register will be given historic status for purposes of town-wide recognition and as such shall be provided with appropriate marker and inclusion in a town brochure identifying all sites so designated; now, therefore, be it

RESOLVED, that the Town Board hereby adds the Schauber House, 3 Old Schauber Road, owned by Cindy Folmsbee and Len Attanasio, to the Town Register of Historic Places.

Town Historian John Scherer described the history and details of the home, attached. He noted samplers that are in the town history exhibit at the library were done by two of David Schauber's daughters in 1821. Councilman Whalen introduced members of the Historic Preservation Commission, noting their volunteer work of reviewing homes that owners have requested to be placed on the Town Register of Historic Houses. He thanked residents who have placed their homes on the register for sharing their homes with the town. Supervisor Barrett noted the funds and time involved in restoring homes and maintaining the historical integrity of homes.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

#### PUBLIC HEARING, 7:05 (7:20) PM REGARDING RENOVATION AND IMPROVEMENTS OF THE SHERWOOD FOREST PARK WITHIN THE SHERWOOD FOREST PARK DISTRICT

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on November 10, 2016.

Supervisor Barrett explained the Sherwood Forest Park District Advisory Committee looked at repairing the tennis courts.

The public hearing was opened for comments from the audience at 7:22 p.m.

Bob Voelker, Chair of the Sherwood Forest Park District Advisory Committee, said park district members were advised of meetings. He reported in 2012 McDonald Engineering recommended not to invest any more money in the tennis courts, however, damage to the courts over the past two years has increased with major cracks that could become a liability. He said notification in the annual newsletter, sent to the 452 residents in the park district, explained the problem and costs – received 43 responses with 24 in favor and 17 against of continuing to look at the courts. It was decided to look at the situation again and asked McDonald Engineering to look at four options and cost estimates received: 1) renovate and restore the courts - \$75,000, 2) rip up both courts and plant grass - \$50,000, 3) repair one court and plant grass on the other \$62,000, and 4) keep one court for tennis and make the other a basketball court at \$88,000. Mr. Voelker reported the Advisory Committee voted to go with the first option of restoring both courts. Park District residents were notified of the public meeting with eight members of park district committee and five residents in attendance. He stated most people against the project were from The Vista subdivision. The committee voted to proceed with getting courts repaired and asked for a bond of \$86,000 which request was forwarded to the Town of Clifton Park. Supervisor Barrett asked if there were reasons given opposing the project. Mr. Voelker responded, people don't use the courts and expense. He said other suggestions for use were to purchase playground equipment.

Jerry Havasy, Vista Court, commended Mr. Voelker for his work. He said there are 26 homeowners in The Vista, the park isn't accessible to them and the homeowners group gets nothing for the park district taxes. It was noted the park district is made up of Sherwood Forest, Emerson, Falcon Ridge, Sterling Heights and The Vista. The Vista residents' desire would be to be in a more equitable size group. He noted the Vista's residents pay for everything in their development through their Homeowners Association. Mr. Havasy stated the town needs to reevaluate how new subdivisions are placed in park districts. Supervisor Barrett explained inviting and aesthetically pleasing recreational facilities in public places is good for the whole, enhancing property values and quality of life.

Dave Dittmer, Canterbury Road, Advisory Board Member, said he feels there are liabilities connected with the current condition of the courts and with an estimate of \$50,000 to destroy them, the most fiscally sound decision is to repair them.

Phil Wilton, Coventry Drive, said with less than 10 percent responding to the survey and other tennis courts in the area, he is not in favor of reconstruction of the tennis courts. He recommended converting the courts to children's play area which would enhance the area and offer more to residents.

Rocky Ferraro, Friar Tuck Court, Advisory Board Member, noted when his children were in their teens they used the tennis courts and though there is a need for young families, noting there is a ball field, the tennis courts are an important component in terms of quality of life. He said there is a turnover in the neighborhood with young families moving in.

Susan Gray, Vista Court, Park District representative for the Vista Homeowners' Association, said there were 26 no votes for the survey. She said it is unfair to be lumped into the Sherwood Forest Park District when residents can use facilities at the Common and Shen Campus.

Bob Voelker explained about 30 percent of respondents to the survey said they would use the courts. He said the representative from Sterling Heights was supportive of the reconstruction of the courts. He also noted entrances to Sterling Heights and Emerson are maintained by the Sherwood Forest Park District and \$1600 was given to Falcon Ridge subdivision two years ago to improve their entrance. Mr. Voelker stated the Park District tries to be fair and equitable as to where the money goes.

Supervisor Barrett said when a recreational area is enhanced or replaced there is a huge increase in use. He feels if new courts are installed there would be an increase in usage.

Town Comptroller Heggen explained \$86,000 paid over 15 years would be an additional \$15 - \$16 for a home valued at \$340,000.

Supervisor Barrett, thanked Mr. Voelker and the Advisory Committee for their work and said they would meet again before any decisions are made.

Mr. Voelker said there was no response from Falcon Ridge regarding the reconstruction but Sterling Heights, Emerson and Sherwood Forest are in favor of bonding.

Councilman Whalen said the current arrangement is an imperfect solution to a difficult problem but with a larger number of homes in the district the cost is spread out.

Everyone was given an opportunity to speak in favor of or against the proposed improvements and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 7:50 p.m.

PUBLIC HEARING, 7:07 (7:51) PM  
TO CONSIDER A LOCAL LAW AMENDING  
SECTION 171-6C1 (a) and (b) REGULATION OF SIGN TYPES

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on November 14, 2016.

Supervisor Barrett summarized the proposed local law explaining retail window signs are becoming more popular and the Zoning Board of Appeals is receiving more requests for variances. This legislation will eliminate the restriction on retail establishment window signs and is one way to allow merchants to enhance their business without having additional signs on the road and having to come to the ZBA every time they wish to put a sign on their window.

Councilman Whalen explained the current law was passed 24 years ago and changes have been made in business and marketing and this will allow merchants to engage in business practices without the town "looking over their shoulder" every time a sign is changed.

Supervisor Barrett said this law was an impediment in the code.

The public hearing was opened for comments from the audience at 7:55 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 7:56 p.m.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 257 of 2016, a resolution determining that the proposed Sherwood Forest Park renovation and improvement project is a Type II Action for purposes of the New York State Environmental Quality Review Act.

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

WHEREAS, the Town Board of the Town of Clifton Park, Saratoga County, New York, (the "Town") is considering undertaking the renovation and replacement of Tennis Courts and related equipment, and the repair and replacement of fencing at Sherwood Forest Park described in the report prepared by John M. McDonald Engineering, P.C. which is on file in the Town Clerk's office; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations"), the Town desires to comply with the SEQR Act and the Regulations with respect to the Project; and

WHEREAS, the proposed Sherwood Park Tennis Court renovations and improvements are supported by Town Recreation Plan 2010; now, therefore, be it

RESOLVED, by the members of the Clifton Park Town Board as follows:

1. The Project constitutes a "Type II Action" under 6 NYCRR § 617.5(c)(2), as it constitutes the replacement, rehabilitation or reconstruction of equipment, in kind, on the same site, and no further action under the SEQR Act and the Regulations is required.
2. The Town Board hereby adopts the Short Environmental Assessment Form, attached.
3. This Resolution shall take effect immediately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 258 of 2016, a resolution approving the amendment of an Inter-Municipal Agreement with the Town of Halfmoon for the local match associated with the Crescent Road Trail Project.

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

WHEREAS, by Resolution No. 147 of 2009, the Town Board approved an Inter-Municipal Agreement with the Town of Halfmoon to approve the respective local match funds necessary to accept state and federal grant funding for the design and construction of the Crescent Road multi-use trail, and

WHEREAS, the design and costs of the project evolved through the design and bid phases, and ultimate project costs grew substantially above initial estimates, and

WHEREAS, the design and construction of the project are complete, and

WHEREAS, the Town Board wishes to update and amend the Inter-Municipal Agreement with the Town of Halfmoon to accurately reflect final costs of the project, with the resultant local match funding; now, therefore, be it

RESOLVED, that the Supervisor is authorized to execute the attached Inter-Municipal Agreement with the Town of Halfmoon.

Supervisor Barrett explained with all costs in, this adjusts the agreement with the Towns of Halfmoon and Clifton Park paying their share of \$216,000 each. He thanked John Scavo and Jennifer Viggiani for their work on the trail project.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 259 of 2016, a resolution authorizing the hiring of a part-time laborer for the Clifton Park Sewer District No. 1.

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

WHEREAS, Michael O'Brien, Collection System Manager, has identified a need for a part-time laborer in the Clifton Park Sewer District No. 1, and

WHEREAS, Michael O'Brien has recommended that Joshua Matthews, 2745 West Old State Road, Schenectady, NY, 12303, be hired to fill the position; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Clifton Park Sewer District No. 1, hereby authorizes the hiring of Joshua Matthews, as a part-time laborer for the Clifton Park Sewer District No. 1, at Grade 3, Step 1, (\$17.50) effective immediately to be budgeted from G7-8110-E4000 (CP Sewer-Employee).

Mr. O'Brien noted Mr. Matthews comes with a great deal of experience with grinder pumps.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 260 of 2016, a resolution appointing Dahn Spencer Bull to the office of Town Superintendent of Highways.

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

WHEREAS, a vacancy exists in the Office of the Town Superintendent of Highways due to the resignation of Richard Kukuk, effective November 27, 2016, and

WHEREAS, pursuant to Section 64(5) of the New York State Town Law, the Town Board is authorized to fill a vacancy in office, of any town office, through the appointment of a qualified individual; now, therefore, be it

RESOLVED, that Dahn S. Bull, 42 Meyer Road, Clifton Park, is hereby appointed Town Superintendent of Highways effective November 27, 2016, Grade 12 Step 1, with compensation at \$76,131 annually, and be it further

RESOLVED, that the Comptroller is authorized to transfer \$7,292.24 from A5010-E0400 (Highway-Superintendent) to A5010-E0086 (Highway-Employee), for the balance of the 2016 budget year for the compensation of the Town Superintendent of Highways.

Supervisor Barrett thanked Richard Kukuk for his services to the town and wished him well on his retirement. The Supervisor reviewed Mr. Bull's qualifications and initiatives he has taken over the past three years. He reported Mr. Bull will bring technical improvements to the Highway Department.

Councilman Whalen noted the Town Board is proud of Mr. Bull, noting he has universally earned the respect of everyone in town hall and constituents he has interacted with and stated he embodies the work ethic and determination here at Town Hall. Councilman Whalen thanked Mr. Kukuk for his service to the town.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 261 of 2016, a resolution approving the assignment of a solar project within the Town of Clifton Park.

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

WHEREAS, by Resolution No. 305 of 2014, the Town Board entered a Power Purchase Agreement (PPA) with Global Resource Options, dba GroSolar, White River Junction, VT; and

WHEREAS, the PPA provided for the construction, financing, maintenance and operation of a 995KW solar energy project with remote net metering credits and interconnection to National Grid power grid infrastructure; and

WHEREAS, by Resolution No. 20 of 2015, the Town Board approved a lease on a portion of the capped landfill located at the town's Transfer Station at 217 Vischer Ferry Road, to provide for the use and occupancy of the property for the construction and maintenance of the solar project on the premises; and

WHEREAS, both the PPA and Lease provided that they may be assigned to a special purpose entity or financing party consistent with GroSolar's financing arrangements for the project, on consent of the Town Board; and

WHEREAS, construction and testing of the solar project and facilities is complete, and GroSolar has transferred its ownership interest in the project to ONYX Asset Service Group LLC (OASG), and has notified the town of its intent to assign the PPA and Lease to OASG pursuant to Article 18 of the PPA, Article 13 of the Lease; and

WHEREAS, the Town Board consents to the assignment of both the PPA and Lease relative to the Clifton Park Solar Project to OASG; now, therefore, be it

RESOLVED, that the Supervisor is authorized to execute the attached acknowledgement and consent to the assignment, and the related System Operations Agreement, which provide for the operation and maintenance of the Clifton Park Solar Project by ONYX Asset Services Group.

Supervisor Barrett reported the project is almost done and will be turned over to the town when testing is completed.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Jim Baisley, Barkwood Lane, thanked Highway Superintendent Richard Kukuk for all his work during his time with the town.

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 8:28 p.m.

Patricia O'Donnell  
Town Clerk