

January 17, 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
John Scavo, Director of Planning

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett announced Winterfest will be held February 11th at the Clifton Park Center Mall.

KEY TO THE TOWN OF CLIFTON PARK TO DR. CONSTANCE GLASGOW

Supervisor Barrett presented the following resolution to Dr. Constance Glasgow acknowledging her dedication to the children of Clifton Park over the years.

Resolution No. 17 of 2016, a resolution honoring Dr. Constance Glasgow for 50 years of service to the people of Clifton Park.

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

WHEREAS, Dr. Constance Glasgow graduated from the State University of New York, Downstate Medical Center in 1960, and completed her residency in Pediatrics at Bronx Municipal Hospital Center/Jacobi Hospital in 1964; and

WHEREAS, Dr. Glasgow moved her medical practice to Clifton Park in 1967 opening the first pediatric medicine office in Clifton Park, which she operated from her home on Hemlock Drive until 1980, when she moved her practice to 942 Route 146; and

WHEREAS, Dr. Glasgow devoted many years to serving on-call on a 24 hour basis, responding to Clifton Park's sick children and concerned parents through holidays, nights and weekends, always providing the very best pediatric care and treatment for newborns, toddlers and adolescents alike, throughout the community; and

WHEREAS, after serving many years as a sole practitioner, Dr. Glasgow grew her practice to include five physicians, a nurse practitioner and two physician's assistants to keep up with the growing needs of Clifton Park's families while mentoring numerous young doctors throughout the Capital District in partnership with Albany Medical College along the way; and

WHEREAS, Dr. Glasgow has won many honors and awards, including Capital District Best Doctor's Award in 2007, Best Doctor in America 2007- 2008, the 2012 New York State

Community Distinction Award, and was awarded the 2015 Richard L. Day Master Teacher Award in Pediatrics by the Downstate Medical Center Alumni Association; and

WHEREAS, Dr. Glasgow has been at the forefront in the delivery of medical services to the people of Clifton Park and the Capital District, consistently bringing the newest and highest standards in pediatric care and treatment to generations of kids and families through five decades of advancements in the medical arts and science; now, therefore, be it

RESOLVED that, on behalf of the people of Clifton Park, the Town Board awards the key to the town to Constance Glasgow, M.D., in recognition for 50 years of dedicated service to our community.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Dr. Glasgow thanked the Town Board for this “distinguished recognition”, stating this represents an honor and tribute to her parents, immigrants from the Caribbean almost 100 years, providing her and her twin brother, the environment and opportunity to pursue their dreams and not to compromise on one’s core principles.

KEY TO THE TOWN OF CLIFTON PARK TO FRANK MASSA

Supervisor Barrett presented the following resolution to Frank Massa, noting he has expanded opportunities for kids to play regardless of their skill level.

Resolution No. 18 of 2017, a resolution honoring Frank Massa for 25 years of service to the youth of Clifton Park.

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

WHEREAS, Frank Massa has been committed to youth sports in Clifton Park since initiating the Fall Ball Basketball Program at the Clifton Common in 1991; and

WHEREAS, Mr. Massa has been a Director of the Winter Recreational Basketball League, organized basketball for kids in 3rd through 12th grades, directed travel basketball for nine years, and initiated, organized and directed the Boys’ High School Basketball Travel League since 2008; and

WHEREAS, town records indicate that Clifton Park Fall Basketball has had over 13,000 participants in the last decade alone, under programs initiated, organized and directed by Coach Massa; and

WHEREAS, Frank Massa has held numerous skills and coaching clinics, and worked with the Town Board to bring adjustable baskets to the Clifton Common courts so that younger players can participate, learn and grow in recreational basketball; and

WHEREAS, Mr. Massa has led activities at the town’s National Night Out Against Crime since its inception in 2005; and

WHEREAS, Coach Massa was also a coach for Clifton Park Baseball from 1995-2000, and Miss Shen Softball, where he led teams at the recreational, travel and AAU levels from 1991-1994; and

WHEREAS, Coach Massa was awarded an Honorary Life membership in the New York State Parent Teacher's Association for his contributions to the well-being of children and youth in 2015; and

WHEREAS, Mr. Massa initiated the Christina Massa Memorial Softball Tournament in 2005, raising over \$50,000 in scholarship funds for student athletes, and creating a model for community action and solidarity that lives on with the Deanna Rivers 518 Softball Memorial Tournament today; and

WHEREAS, in partnership with his wife, Debbie, Frank Massa has touched the lives of thousands of Clifton Park families over 25 years of dedication to our community, setting a positive example of community service and has developed core programs and methods which will continue in Clifton Park for years to come; now, therefore, be it

RESOLVED, that on behalf of the people of Clifton Park, the Town Board awards the Key to the Town to Frank Massa in recognition for 25 years of dedicated service to Clifton Park youth and youth sports.

Mr. Massa thanked the Town Board for the recognition, as well as his fellow coaches and his wife, noting his love of coaching.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PRESENTATION - GIRLS' VARSITY CROSS COUNTRY TEAM

Supervisor Barrett presented the following resolution to Coach Rob Cloutier and the Girls' Varsity Cross Country Team, congratulating them on their great season.

Resolution No. 19 of 2017, a resolution recognizing the Shenendehowa Girls' Varsity Cross Country Team for their outstanding accomplishments during the 2016 Fall Cross Country Season.

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

WHEREAS, the Shenendehowa Girls' Varsity Cross Country Team compiled a combined record of 345-5 for the 2016 season; and

WHEREAS, the team won racing meets throughout the year including the Suffern Invitational, the Paul Short Run, Section 1 Coaches' Invitational, and placed second in the Suburban Council Championships, Regional Championships, Section II Sectionals, and State Federation Championship; and

WHEREAS, the team’s success was built upon character, discipline, and camaraderie, with daily goals for individual and team improvement; and

WHEREAS, the team placed 14th nationally at The Nike National Course at Portland, Oregon; and

WHEREAS, the team’s season concluded with individual honors to Julia Zachgo (3rd Team All-State), Elise Maddalone and Olivia Lomascolo (4th Team All-State), Hanna Reale (2nd Team All-State), and Emily DiNallo, Taylor Leggett, and Charlotte Hartman (Honorable Mention All-State); now, therefore, be it

RESOLVED, that the Town Board recognizes Coach Rob Cloutier and the Shenendehowa Girls’ Cross Country Team for a season of accomplishment, and congratulates the Shenendehowa Girls’ Cross Country Program on its 14th Place National Ranking for the 2016 season.

Coach Rob Cloutier thanked the Town Board for the honor, and introduced the Cross Country team, noting the girls represent leadership and are excellent students.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PRESENTATION TO EAGLE SCOUT MATTHEW MOORE

Supervisor Barrett presented Eagle Scout Matthew Moore with Resolution No. 2 of 2017 adopted at the January 3rd Town Board meeting and commended him on his project of renovating the basement for recyclables at the Ronald McDonald House. Matthew thanked his parents, the Ronald McDonald House, and all who assisted in his project.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 20 of 2017, a resolution supporting a fair and equitable New York State annual municipal infrastructure funding program.

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

WHEREAS, on February 1, 2016 the Town Board passed Resolution No. 24 of 2016, which advanced a plan for the distribution of statewide assistance to New York’s municipalities for investments in infrastructure for drinking water, wastewater and storm water, and

WHEREAS, Resolution No. 24 of 2016 supported the application of the model of the successful Consolidated Local Street and Highway Improvement Program (CHIPS) to the state’s infrastructure needs, and

WHEREAS, Resolution No. 24 of 2016 noted that infrastructure systems are owned and maintained by various levels of local governments throughout the state, and that the application

based grant programs available to assist with maintenance and improvements to these critical facilities are not adequate to meet annual funding needs, and

WHEREAS, support for a CHIPS-style infrastructure funding mechanism has grown among numerous municipalities across the state, and legislation to create annual funding sources for drinking water, storm water and sanitary sewer facilities were introduced in both Houses of the New York State Legislature during the 2016 Legislative Session, and

WHEREAS, in advocating for the proposal, the New York State Association of Towns cites studies which note that 95% of the applications for grant funding for drinking water projects submitted are not funded, and that 2,200 miles of underground sewer systems in the state are more than 60 years old, and

WHEREAS, water main breaks and sewer line failures continue to occur on a regular basis throughout the state, and

WHEREAS, the regular and recurring nature of the need for maintenance and improvements to infrastructure, coupled with the direct impact that these facilities have on public health and on the continued viability of local economies throughout the state, requires a predictable annual source of statewide assistance to the local governments who maintain them, and

WHEREAS, the CHIPs Program provides a successful model for the distribution of statewide assistance through a fair and equitable formula that can ensure that every municipality receives annual funding assistance for sanitary sewer, drinking water, and storm water systems; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby reaffirms our support for a New York State annual infrastructure funding program to provide a fair and equitable formula to distribute funds annually to municipalities to ensure the integrity of municipal infrastructure facilities originally expressed in Resolution No. 24 of 2016.

Supervisor Barrett said he is hopefully optimistic that with bipartisan support this program will move forward.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 21 of 2017, a resolution reappointing the Town Attorney and Deputy Town Attorneys to two year terms.

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

WHEREAS, Resolution No. 1 of 2017 assigned the duties of Town Attorney Thomas McCarthy and Deputy Town Attorneys Louis Renzi and Anthony Morelli; now, therefore, be it

RESOLVED, that the Town Attorney Thomas McCarthy and Deputy Town Attorneys Louis Renzi and Anthony Morelli are each hereby appointed to two year terms, with duties as per Resolution No. 1 of 2017, and at salaries as budgeted, retroactive to January 2, 2017.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 22 of 2017, a resolution approving the settlement of Declaratory Relief Litigation regarding Van Auken Trucking, Inc.

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

WHEREAS, on February 17, 2015, the Town Board authorized the initiation of an action in the Supreme Court for Declaratory and Injunctive Relief against the Van Auken Trucking Co. at 561 Waite Road, and

WHEREAS, the town's action sought a permanent injunction against all wood processing, chipping or "mulching" operations as contrary to the town's applicable zoning code, and sought changes and improvements at the company's Waite Road site, and

WHEREAS, respondent, Van Auken Trucking Co., Inc. and the related parties have agreed to a resolution of the town's complaint which imposes a permanent injunction against chipping, grinding, or other processing of wood or wood products at the Waite Road site, and against the storage of raw material or processed wood product on site, and

WHEREAS, the proposed order resolving the litigation also requires permanent improvements to the site, including plantings, raised berms, grading, and leveling of the back yard, and the permanent removal of all junk trucks and storage trailers which had accumulated onsite, and

WHEREAS, the Town Board finds the proposed Stipulation and Order of Settlement to be an effective resolution of the town's claims regarding the onsite activities at the 561 Waite Road site; now therefore, be it

RESOLVED, that the Town Attorney is authorized to execute the Proposed Stipulation Order, and Permanent Injunction, attached.

Supervisor Barrett reported Director of Building and Development Myers had taken some corrective action with a business on the property and other issues of concern regarding zoning in that area. He feels this action is a good resolution to this issue and will answer concerns of the Building and Legal Departments as well as nearby residents. The Supervisor explained the town is again dealing with a pre-existing non-conforming use issue which does come before the town on occasion. Town Attorney McCarthy reported the grinding operation was the initial driver of the concerns but this Order would enjoin all the activities that were in absolute conflict with the surrounding neighborhood and shrink the site a little bit and require improvements now and allow some improvements later that will result in a positive situation.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 23 of 2017, a resolution authorizing the town to submit an application for a shared services LGRMIF grant with the Clifton Park Water Authority to allow for purchase of an Electronic Content Management (ECM) system and a digital imaging component using a NYSID preferred vendor.

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

WHEREAS, the Town Board wishes to collaborate with the Clifton Park Water Authority to submit a joint grant application to facilitate the sharing of valuable information for review of Planning Board, Zoning Board and construction review plans, and

WHEREAS, the partners would be able to utilize Laserfiche Rio to share these plans for purposes of reviewing this critical information in a timely fashion, and

WHEREAS, each agency would be able to maintain its own document images in a repository and have control over the access granted to other users as well as adherence to respective retention schedules, MU-1 and MI-1, as recommended by New York State Archives, and

WHEREAS, Laserfiche Rio would also allow web-based access of information and plans in the event of an emergency or issue that may arise during non-business hours, and

WHEREAS, both the town and Clifton Park Water Authority each desire to preserve valuable historical data, improve their records management system, efficiency and accountability, and recognize that sharing information is in the interest of both agencies as well as the residents of Clifton Park and the Water Authority service area, and

WHEREAS, each partner has committed to providing staffing and hardware to accomplish the completion of the goals outlined in the grant application; now, therefore, be it

RESOLVED, that the Town Board supports this application for a shared services 2017 LGRMIF Grant.

Supervisor Barrett thanked all who worked on this application. Director of Planning Scavo explained the purpose of the grant. He reported the town is seeking \$111,000 fully funded through NYS Local Government Records Management Improvement Fund. This grant will allow other departments to improve search capabilities.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 24 of 2017, a resolution authorizing the Supervisor to sign Change Order No. 1 for the Riverview Park District

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

WHEREAS, Resolution No. 208 of 2016 authorized a contract with Pettinelli & Associates for the Riverview Park District Park in an amount of \$154,000, and

WHEREAS, Change Order No. 1 was prepared by John M. McDonald, Engineering, P.C. in an amount of \$4,000, which provides for a *decrease* in the contract price from \$154,000 to a new contract amount of \$150,000 as a result of a determination not to utilize a built-in allowance for the installation, and to extend the contract time for performance; now, therefore, be it

RESOLVED, that Supervisor Barrett is hereby authorized to sign Change Order No. 1 dated December 14, 2016, to Pettinelli & Associates, and be it further

RESOLVED, that the Capital Funds Budget H45-7137-200 be decreased in the amount of \$4,000.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Anton Salecker, Crestmont Drive, read a prepared statement reiterating his request for a sidewalk on the north side of Route 146, attached. In response to Mr. Salecker's comments regarding not receiving a response to his requests for information, Supervisor Barrett and Director of Planning Scavo said response was sent twice to Mr. Salecker. (Clerk's note: It was later determined the emails had gone into Mr. Salecker's junk mail).

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 8:27 p.m.

Patricia O'Donnell
Town Clerk