

April 3, 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
Dahn S. Bull, Superintendent of Highways
Mark Heggen, Comptroller
John Scavo, Director of Planning
Walter Smead, Assessor
Jeffrey Vedder, Supervisor of Convenience Transfer Station
Matthew Andrus, Information Specialist

MOTION BY Councilwoman Walowit, seconded by Councilman Whalen, to approve the minutes of the March 13 and 20, 2017 meetings as presented.

ROLL CALL VOTE

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

Noes: None

Abstain: Councilman Romano

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett thanked all involved with the book sale at the Sr. Center noting approximately 2500 books were sold resulting in \$1500. The next book sale will be held in August and books can be dropped off at the senior center or town hall.

The Supervisor announced Shredding Day is scheduled for April 30th at Clifton Park Center. A donation of non-perishable food item is requested for each bag to be shred.

PUBLIC HEARING, 7:05 PM
TO CONSIDER APPLICATION RENEWING EXISTING
CONSERVATION EASEMENT AT 1643 ROUTE 146 THE CYRUS REXFORD HOUSE

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on March 23, 2017.

Town Assessor Walter Smead noted this is the sole application to be renewed this year.

The public hearing was opened for comments from the audience at 7:05 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 7:07 p.m.

PUBLIC HEARING, 7:08 PM
TO CONSIDER APPLICATION FOR AN HISTORIC
CONSERVATION EASEMENT AT 859 MAIN STREET, JONESVILLE,
TOWN OF CLIFTON PARK

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on March 23, 2017.

Supervisor Barrett said the Historic Preservation Commission has reviewed and approved this application. This house has been placed on the Historic Register.

Councilman Whalen thanked the Boni's for all their efforts in preserving this house.

The public hearing was opened for comments from the audience at 7:09 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 7:10 p.m.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 77 of 2017, a resolution renewing existing term easements pursuant to Section 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 one holder of an existing Conservation Easement expiring in 2017 to renew their existing Conservation Easement, and

WHEREAS, Lawrence and Judy Anderson have applied for renewal of a 25 year Conservation Easement for The Cyrus Rexford House, located at 1643 Route 146, Rexford, NY (SBL: 269.19-1-34.11), and

WHEREAS, pursuant to Chapter 125-10 (C) the Town Board conducted a single public hearing on April 3, 2017 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 the expiring renewal submitted for property at 1643 Route 146 is hereby renewed for a 25 year term.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 78 of 2017, a resolution accepting an application for inclusion in the Conservation Easement Historic Preservation program of a parcel of land located at 859 Main Street, Jonesville, Town of Clifton Park.

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

WHEREAS, a public hearing was held on April 3, 2017 to receive public comment regarding an application for a conservation easement for inclusion of a parcel of land at 859 Main Street, Jonesville, 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 859 Main Street, Jonesville, owned by Boni Builders and 859 Main Street LLC, (SBL: 265.5-2-20) is hereby accepted and is granted a 25 year conservation easement in accordance with the attached application, pursuant to Chapter 125 of the Town Code.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 79 of 2017, a resolution appointing Brian Glick as Chairman of the Ethics Board.

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

WHEREAS, on February 12, 2017, William Pomeroy, Chairman of the Ethics Board since its inception in 1989, passed away after a brief illness, and

WHEREAS, the Town Board recommends Brian Glick, 96 Hubbs Road, Ballston Lake, to fill the position, and

WHEREAS, Mr. Glick's presence as Chairman of the Ethics Board will confer a benefit to the Town of Clifton Park; now, therefore, be it

RESOLVED, that Brian Glick is hereby appointed Chairman of the Ethics Board.

Supervisor Barrett stated the town mourns the passing of Bill Pomeroy who had been a tremendous part of the community in many capacities for decades.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 80 of 2017, a resolution approving the amendment of an Inter-Municipal Agreement with the Town of Halfmoon for the local match associated with the Erie Canal Community Connector Trail Project.

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

WHEREAS, by Resolution No. 52 of 2008, the Town Board approved an Inter-Municipal Agreement with the Town of Halfmoon to authorize the respective local match funds necessary to accept state and federal grant funding for the design and construction of the Erie Canal Community Connector Trail along parts of the former towpath of the Erie Canal through both towns, and

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

WHEREAS, the design and construction of the project are nearing completion, 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, which amends the 2008 Inter-Municipal Agreement setting forth the respective local match of the two towns.

Supervisor Barrett reported with the increase of \$56,000, and the project over 11 years in the making, this is a very small increase. He congratulated and thanked all for their attention to detail in this project.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 81 of 2017, 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 Romano, 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, 2017 through December 31, 2017, for an amount not to exceed \$540,006.09, 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. 82 of 2017, a resolution extending the hours of the Convenience Transfer Station for the annual Spring Clean Up/Green Up Week.

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

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 23rd and April 30th, 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 23rd and April 30th 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. 83 of 2017, a resolution accepting the conveyance of a portion of roadways, one open space parcel, utility easements and right of ways within the Brookhaven Subdivision subject to easements retained for driveway access.

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

WHEREAS, as a condition of approval for the Brookhaven Subdivision August 19, 2005, the Town of Clifton Park Planning Board required that the applicant convey lands to the Town of

Clifton Park for such purposes as are incidental thereto and for the benefit of the grantee; now, therefore, be it

RESOLVED, that the Town Board hereby accepts the conveyance of lands and roads from Amedore Builders, briefly described as follows:

<u>Description</u>	<u>SBL</u>
Roadways: Tisdale Lane, Chillmark Turn & Skybrook Circle	270.12-3-99 (a portion)
Future Right of Way	270.12-3-99 (a portion)
Open Space Parcel – 7.055 +/- acre	270.12-3-14
30' Wide Utility Easement between 8 & 10 Tisdale Lane	270.12-3-23 (a portion) 270.12-3-24 (a portion)
30' Wide Utility Easement between 11 & 13 Tisdale Lane	270.12-3-11 (a portion) 270.12-3-10 (a portion)
45' Wide Utility Easement through Brookhaven HOA parcel	270.12-3-20 (a portion)

And, be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt of an approval by the Town Attorney of all necessary documents including review of the recorded deed in the Saratoga County Clerk's Office, metes and bounds description of the conveyance and retained easements, provision of title report, provisions for payment of all taxes, recording fees, and assessments which are acceptable to the Town Attorney, and be it further

RESOLVED, that there be appended to the within resolution, a copy of the recorded conveyance after it has been filed with the Saratoga County Clerk.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 84 of 2017, a resolution accepting the conveyance of a portion of roadways and a stormwater management parcel within the lands of Michael Dickinson Subdivision aka Preston Court Subdivision, subject to easements retained for driveway access.

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

WHEREAS, as a condition of approval for the Subdivision of Lands of Michael Dickinson on March 28, 2008, the Town of Clifton Park Planning Board required that the applicant convey lands to the Town of Clifton Park for such purposes as are incidental thereto and for the benefit of the grantee; now, therefore, be it

RESOLVED, that the Town Board hereby accepts the conveyance of a portion of roadways and a stormwater management parcel from Amedore Homes, Inc., briefly described as follows:

- Portion of Preston Court
SBL: 265.5-2-99
- Portion of Prospect Point Lane
SBL: 265.5-2-99
- Stormwater Management Parcel
SBL: 265.5-2-22

And, be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt of an approval by the Town Attorney of all necessary documents including review of the recorded deed in the Saratoga County Clerk’s office, metes and bounds description of the conveyance and retained easements, provision of title report, provisions for payment of all taxes, recording fees and assessments which are acceptable to the Town Attorney; and be it further

RESOLVED, that there be appended to the within resolution a copy of the recorded conveyance after it has been filed with the Saratoga County Clerk.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 85 of 2017, a resolution accepting the conveyance of a parcel of land along Miller Road for highway purposes, subject to easements retained for driveway access.

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

WHEREAS, as a condition of approval for the two lot subdivision of the Lands of Lewis F. Galick, William Galick and Patricia I. Stusinsky dated May 17, 2005, the Town of Clifton Park Planning Board required that the applicant convey lands to the Town of Clifton Park for such purposes as are incidental thereto and for the benefit of the grantee; now, therefore, be it

RESOLVED, that the Town Board hereby accepts the conveyance of land from Lewis F. Galick, William Galick and Patricia Stusinsky, briefly described as follows:

<u>Description</u>	<u>SBL</u>
10 foot wide strip along Miller Road For Highway/ future Trail Purposes	276.11-3-2

And, be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt of an approval by the Town Attorney of all necessary documents including review of the recorded deed in the Saratoga County Clerk’s Office, metes and bounds description of the conveyance and retained easements, provision of title report, provisions for payment of all taxes, recording fees, and assessments which are acceptable to the Town Attorney, and be it further

RESOLVED, that there be appended to the within resolution, a copy of the recorded conveyance after it has been filed with the Saratoga County Clerk.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 86 of 2017, a resolution accepting the conveyance of a parcel of land along Tanner Road for highway purposes, subject to easements retained for driveway access.

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

WHEREAS, as a condition of approval for the two lot subdivision of the Lands of Nicoll April 8, 1997, the Town of Clifton Park Planning Board required that the applicant convey lands to the Town of Clifton Park for such purposes as are incidental thereto and for the benefit of the grantee; now, therefore, be it

RESOLVED, that the Town Board hereby accepts the conveyance of land from Donald and Janice Nicoll, briefly described as follows:

<u>Description</u>	<u>SBL</u>
.70+/- acre strip along Tanner Road For Highway Purposes	264.-3-40.133

And, be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt of an approval by the Town Attorney of all necessary documents including review of the recorded deed in the Saratoga County Clerk’s Office, metes and bounds description of the conveyance and retained easements, provision of title report, provisions for payment of all taxes, recording fees, and assessments which are acceptable to the Town Attorney, and be it further

RESOLVED, that there be appended to the within resolution, a copy of the recorded conveyance after it has been filed with the Saratoga County Clerk.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 87 of 2017, a resolution accepting the conveyance of stormwater management parcels in the Lussier Drive Cluster Subdivision from John Paul Builders.

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

WHEREAS, as a condition of approval for the Lussier Drive Cluster Subdivision, the Town of Clifton Park Planning Board required that the applicant convey stormwater management parcels in the Lussier Drive Cluster Subdivision to the town; now, therefore, be it

RESOLVED, that the Town Board hereby accepts the conveyance of stormwater management parcels briefly described as follows:

Name of Owner John Paul Builders

- one pocket pond at the terminus of Elizabeth Court with associated access from Archer Drive (SBL: 284.17-6-7)
- two infiltration basins off Lussier Drive (SBL: 284.17-6-2 and 289.5-7-4)

and, be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt of an approval by the Town Attorney of all necessary documents including review of the recorded deed in the Saratoga County Clerk’s Office, provision of title report, provisions for payment of all taxes, recording fees, and assessments which are acceptable to the Town Attorney, and be it further

RESOLVED, that there be appended to the within resolution, a copy of the recorded conveyance after it has been filed with the Saratoga County Clerk.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 88 of 2017, a resolution authorizing the establishment of the Clifton Park Veterans’ Committee.

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

WHEREAS, the Town of Clifton Park has been a home to many men and women who selflessly answered the call of our country both in times of peace and in war, and

WHEREAS, the town has honored our veterans through various methods over the years, and

WHEREAS, Supervisor Barrett has recommended that a permanent committee be formed to consider and implement programs or events to honor our veterans, to be led by Supervisor Barrett and including a liaison from the Town Board and up to seven volunteers appointed from the community; now, therefore, be it

RESOLVED, that the Clifton Park Town Board establishes the Clifton Park Veteran’s Committee; and be it further

RESOLVED, that the committee will generate ideas, conduct outreach among the veterans’ community with the town and Southern Saratoga County, and will plan and host selected events.

Supervisor Barrett explained it is planned to have this committee look at more opportunities to recognize veterans and be functional, helpful and supportive. Councilman Whalen noted there is a large military presence in the capital region.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 89 of 2017, a resolution declaring a public emergency pursuant to General Municipal Law Section 103(4), and authorizing the Comptroller to pay Pinnacle Roofing, Inc. for uncovered mitigation losses at the Burning Bush Clubhouse.

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

WHEREAS, on March 2, 2017, the clubhouse at the Burning Bush Park suffered damage to its roof and structure caused by high winds which blew a portion of the roof from the building, and

WHEREAS, by Resolution No. 67 of 2017, the Town Board authorized the Buildings and Grounds Department to enter into a contract with S & L Sheet Metal, Voorheesville, NY, to effect repairs to the roof and structure pursuant to General Municipal Law Section 103(4), and

WHEREAS, damage to the roof caused by the windstorm is potentially covered by applicable insurance policies, and

WHEREAS, S & L Sheet Metal's quotes for the work exceeded the estimates provided by Selective Insurance as the town's insurance carrier for the work, and

WHEREAS, Buildings and Grounds Supervisor Michael Handerhan has obtained a quote from Pinnacle Roofing Inc., Schenectady, NY, for \$28,100 for the work necessary to repair the roof and structure, and

WHEREAS, the town costs are not expected to exceed the \$1,000 deductible on applicable insurance policies; now, therefore, be it

RESOLVED, that the Town Board determines that the damage to the Burning Bush Clubhouse caused by excessive winds on the day/evening of March 2, 2017 constitutes an emergency for procurement purposes under Section 103(4) of General Municipal Law, and be it further

RESOLVED, that the Town Board authorizes Michael Handerhan, Buildings & Grounds Supervisor, to enter into a contract with Pinnacle Roofing Inc., Schenectady, NY, to perform emergency repairs on the roof, at a cost not to exceed \$28,100 and to pursue insurance policies as applicable for the reimbursement of costs beyond the town's \$1,000 deductible under the property damage policies; and be it further

RESOLVED, that the Comptroller is authorized to pay the costs of repair in the first instance from A-1626-200 (Burning Bush Clubhouse-Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Supervisor Barrett announced the town-wide free curbside yard waste collection will begin on April 10th.

PUBLIC PRIVILEGE

No one wished to be heard.

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 7:40 p.m.

Patricia O'Donnell
Town Clerk