

May 1, 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
Michael Handerman, Supervisor of Buildings and Grounds
Scott Reese, Storm Water Management Technician
John Scavo, Director of Planning
Matthew Andrus, Information Specialist

MOTION BY Councilman Romano, seconded by Councilwoman Walowit, to approve the minutes of the April 10 and 17, 2017 meetings as presented.

Councilwoman Standaert was absent from the April 17, 2017 meeting and abstained from approving the minutes of that meeting.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett thanked all involved in the Shenendehowa Science night, noting over 100 tree seedlings were handed out.

Speaking with regarding to Shen Science Night, Councilwoman Standaert thanked Joann Coons, Kathy Freuhoff and Lee Palmer for their help in passing out the seedlings.

Commenting on the successful Shredding Day, Supervisor Barrett noted food donations are being delivered to the Jonesville Food Pantry as well as the CAPTAIN pantry. He thanked all the volunteers and 3N Document Destruction for being a corporate sponsor and offering this free service twice a year. This event will be offered twice a year.

Supervisor Barrett reviewed the events planned for Open Space & History Week scheduled for May 6 – 13.

The Supervisor announced the May Senior Community Center newsletter is available online. The newsletter can also be emailed to interested parties.

Councilwoman Standaert and Supervisor Barrett thanked the hundreds of volunteers that worked on the parks and trails on Clean Up Day April 22nd.

PRESENTATION TO THE TRAINOR FAMILY

Supervisor Barrett presented the following resolution to the Trainor Family noting the legacy of their father and grandfather.

Resolution No. 108 of 2017, a resolution recognizing James G. Trainor for dedicated service to his nation and community.

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

WHEREAS, on March 19, 2016, the people of the Town of Clifton Park lost a valued member of the community and outstanding Veteran of the Korean War, with the passing of James Trainor; and

WHEREAS, the Town Board reflects our community's desire to reflect on the service and contributions of members of our military service branches throughout the country, with a special emphasis on members of the Clifton Park community who have served their country with distinction; and

WHEREAS, the Town Board wishes to pause to remember James G. Trainor, who served his country during a unique time in our history; and

WHEREAS, Airman Trainor served in the United States Airforce from October 18, 1951 through October 18, 1955; and

WHEREAS, Airman Trainor was awarded the Korean Service Medal with 1 Bronze Service Star, the United Nations Service Medal, National Defense Service Medal and the Good Conduct Medal during his service; and

WHEREAS, after his military service to his country, Mr. Trainor went on to a dedicated career at General Motors Acceptance Corporation for 42 years, moving to Clifton Park in 1995; and

WHEREAS, Mr. Trainor served his community as coach for Clifton Park Baseball and Babe Ruth World Series, and was a member of the Veterans of Foreign Wars, the Knights of Columbus, and a communicant of St. Edward the Confessor Church in Clifton Park; now, therefore, be it

RESOLVED, that the Town Board pauses to recognize and honor the service of James G. Trainor who served his nation honorably as a member of the United States Airforce.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Jim Trainor thanked the Town Board for honoring his Dad and noted his legacy of at least seven family members going on to serve in the military.

SHENENDEHOWA 2017-2018 SCHOOL BUDGET

Dr. Oliver Robinson, Superintendent of Shenendehowa Schools reviewed the district's proposed 2017-2018 budget of \$169,957,065.

BELMONTE BUILDERS WAITE MEADOWS INCENTIVE ZONING APPLICATION

Director of Planning Scavo reviewed the application that was received on March 15, 2017 for Incentive Density bonus which allows the Town Board to consider rezoning. The Town Board has reviewed the application and will refer it to the Planning Board for review. The Planning Board will report back to the Town Board within 60 days and recommend either to approve, approve with modifications or deny. He said the Planning Board traditionally allows public comment and encouraged interested residents to go to the town website to sign up to receive Planning Board and Town Board agendas. Once the recommendation is received from the Planning Board the Town Board can consider a public hearing and choose whether or not to advance the Incentive Density request.

Supervisor Barrett said the project that was approved a few years ago was for 33 lots. Through the western GEIS zoning that was the maximum density the applicant could get for that parcel, however, there is a provision within the Western GEIS that if a landowner/developer would like to increase an application there is a cost to the developer or landowner.

Mr. Scavo explained this is allowed if there is a community benefit. The current project would allow for 64 acres of open space and the revised plan provides for 70 acres of open space, reducing about 70,000 square feet of asphalt by eliminating cul-de-sacs. The density incentive bonus would pay into the town's dedicated open space fund, which fund can only be used to permanently protect lands in the CR zone in western Clifton Park.

Supervisor Barrett commented with the more compact development there will be less asphalt.

Joseph Dannible, EDP LLP, speaking on behalf of Belmonte Builders, displayed both the current project and the proposed revised project application for a 68 lot subdivision on Waite Road. He reviewed the original project, noting there are significant benefits in the proposed project than what was previously approved. Mr. Dannible explained each house will be equipped with a state of the art automatic sprinkler system which is seen by the Building Department and Fire Departments as a substantial benefit to emergency services and response time to that community. He continued there will be significant reduction in impervious surfaces by reducing the asphalt from five acres of road surface by nearly two acres and also reduction in stormwater management facilities. The new proposal eliminates four cul-de-sacs with a modified cul-de-sac with better turning radii. Mr. Dannible reported open space is increased to 70 acres from original 65 acres, as well as increased amount of open space being dedicated to the town. Water and sewer will be extended to the property which will also provide a dozen or so homeowners on Waite Road with the ability to tie in. The development will have an asphalt trail dedicated to the town and open to residents of the town of Clifton Park. Wetland impacts will be reduced with this layout. Mr. Dannible explained Incentive Zoning legislation states a public benefit needs to be provided and the \$30,000 per lot, amounting to \$1,020 million dedicated to the open space fund, in exchange for the density bonus to purchase developable land in Western Clifton Park or purchase development rights provides a public benefit. He asked the Town Board to forward the application to the Planning Board for comment.

Supervisor Barrett explained any funds derived from Open Space Incentive Zoning needs to be spent within the Western GEIS study area. In response to Supervisor Barrett's question, Mr. Belmonte reported houses may be in the \$400,000s range.

Councilman Whalen commented it is important to note the original plan has been approved and this proposal is a modification to that plan.

Mr. Belmont explained the fire suppression system is heat activated at very elevated temperatures. He said this is common in commercial structures and apartment housing but not aware of any single family homes in the surrounding area that have the fire suppression system.

Supervisor Barrett said with a resolution tonight, the Town Board would submit the application to the Planning Board with the request that the Planning Board respond back within 60 days.

Mr. Scavo said while this will not be a public hearing at the Planning Board level, the Planning Board generally allows comments from the public and he encouraged residents to look over the proposal and either attend or submit comments prior to the meeting.

Questions from floor regarding traffic from 68 homes and if funds could be utilize to fix Waite Road by adding shoulders and/or a sidewalk. Mr. Scavo responded as part of the Planning Board process, the applicant would have to do a traffic analysis. He believes funds must go into a land bank or development rights and not road work but will look into it, however, if water and sewer are brought in perhaps the Planning Board could consider shoulders.

From the floor comment that the site has been cleared and mowed over. Messrs. Dannible and Scavo explained the Army Corp of Engineers and DEC couldn't get into the property since the farm fields were overgrown and access was needed to the area in order to revalidate the wetlands. This was done at the applicant's request and in complete compliance with town standards, DEC and ACOE. There were no violations and Army Corp and DEC have been involved in the process for a couple of years,

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 109 of 2017, a resolution referring a density increase request on the Waite Meadows Conservation Subdivision Application by Belmonte Builders to the Planning Board for further review.

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

WHEREAS, a project narrative, requested incentive and proposed amenity, subdivision calculations, site location map, constrained and unconstrained plan, and proposed layout were submitted to the Town Board on March 17, 2017 by Belmonte Builders Inc. in accordance with Section 208-43.10 et seq. of the Town Code, and

WHEREAS, the applicant is requesting a density increase for the subdivision in accordance with Section 208-43.13-A of the Town Code, and

WHEREAS, the Town Board has determined that the project should be advanced to the Planning Board for its nonbinding advisory opinion pursuant to Section 208-43.16 D of the Town Code; now, therefore, be it

RESOLVED, that the application for the density increase associated with Open Space Incentive Zoning as outlined in Section 208-43.10 et seq. of the Town Code, is referred to the town's Planning Board for an advisory opinion consistent with that chapter, and be it further

RESOLVED, that the Town Board will reserve any further determinations on the application pending receipt of the Planning Board's opinions and recommendations.

It was noted the Planning Board will respond within 60 days.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 110 of 2017, a resolution authorizing the issuance of a Mass Gathering Permit to Schmaltz Brewing Company for an event to be held to celebrate the 4th Anniversary of the operation of the brewery.

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

WHEREAS, Schmaltz Brewing Company has requested that the town issue a mass gathering permit for a party to be held at the brewery located at 6 Fairchild Square to celebrate the 4th Anniversary of the operation of the brewery, and

WHEREAS, the celebration will be held on Saturday, June 24, 2017 from 1:00 - 5:00 PM, with attendance estimated at 600± people in attendance, and

WHEREAS, a one day permit was issued to the brewery by the New York State Liquor Authority, and

WHEREAS, Section 64-3 of the Town Code requires a mass gathering permit for one day events where admission is charged, and

WHEREAS, the town has been provided with information concerning this activity, and

WHEREAS, the town has been named as an additional insured on the required insurance policy; now, therefore, be it

RESOLVED, that the Town Board is satisfied with the information provided and that the proposed public assemblage will have no effect upon the public health, safety and welfare of the people and property of the Town of Clifton Park; and be it further

RESOLVED, that the Town Board hereby directs that a permit be issued to Schmaltz Brewing Company to celebrate the 4th Anniversary of the opening of the brewery, celebration to take place on June 24, 2017 from 1:00 - 5:00 PM, upon compliance with Section 103-16 of the Town Code, for a Tent Permit.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 111 of 2017, a resolution hiring Christopher Daniels as a part-time laborer for the Barney Road Golf Course for the 2017 season.

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

WHEREAS, the Town Board wishes to hire a part-time laborer for the upcoming season at the Barney Road Golf Course, and

WHEREAS, Michael Handerhan, Buildings and Grounds Supervisor, recommended that Christopher Daniels, 905 Main Street, Clifton Park, be hired to fill the position; now, therefore, be it

RESOLVED, that authorization is hereby given to hire Christopher Daniels as part-time laborer for the Barney Road Golf Course, effective immediately through November 19, 2017, at \$12.00/hour to be paid from A7190-E4000 (Buildings & Grounds-Part-time laborer).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 112 of 2017, a resolution authorizing an increase in the rate of pay of Kathleen Bogucki as groundskeeper at the Barney Road Golf Course for the 2017 season.

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

WHEREAS, by Resolution No. 47 of 2017, Kathleen Bogucki was rehired as groundskeeper at the Barney Road Golf Course for the 2017 season, and

WHEREAS, Michael Handerhan, Buildings and Grounds Supervisor, has recommended that the rate of pay be raised to \$14.50 per hour, retroactive to the start of the 2017 season, for Kathleen Bogucki, 42 Par Del Rio, Clifton Park; now, therefore, be it

RESOLVED, that authorization is hereby given to pay Kathleen Bogucki, Barney Road golf course groundskeeper, for the 2017 season at an hourly rate of \$14.50 (not to exceed \$17,500 for the season) to be paid from A-7190-E4000 (Barney Rd Golf – Part-time Employee).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 113 of 2017, a resolution awarding the contract for Transfer Station Hopper Repairs.

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

WHEREAS, the catwalks, decking and support structures for the refuse receiving hopper system at the Transfer Station was found to require repair and replacement, and

WHEREAS, the town published bid documents for the Transfer Station Hopper Repairs on March 30, 2017, and

WHEREAS, bids were opened on April 13, 2017, and

WHEREAS, R & B Construction, LLC submitted the lowest conforming bid, in the amount of \$44,125, and

WHEREAS, McDonald Engineering has checked references and found R & B Construction LLC qualified to perform the work for which they bid, and has recommended that the contract be awarded to R & B Construction LLC; now, therefore, be it

RESOLVED that the bid of R & B Construction LLC for the Town of Clifton Park Transfer Station Hopper Repair is accepted; and be it further

RESOLVED, that the Supervisor is authorized to sign a contract with R & B Construction LLC for the repairs, to be paid from A-8160-200 (Transfer Station-Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 114 of 2017, a resolution authorizing the Receiver of Taxes and Assessments to attend the New York State Association of Tax Receivers and Collector's Seminar.

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

WHEREAS, Christine Pagnello, Receiver of Taxes & Assessments, has requested permission to attend the New York State Association of Town's Tax Collector's Seminar to be held at the High Peaks Resort in Lake Placid, New York, June 11-14, 2017, at a cost not to exceed \$800, and

WHEREAS, the amount has been budgeted for 2017 in budget line item A-1330-1 (Tax Collector Travel & Conferences), and

WHEREAS, attendance at the seminar would confer a benefit to the town's citizens; now, therefore, be it

RESOLVED, that Christine Pagnello is hereby authorized to attend the Tax Collector's Seminar in Lake Placid, New York, from June 11-14, 2017, at a cost not to exceed \$800, includes registration fee, lodging and meals, to be vouchered appropriately, and to be paid from budget line item A-1330-1 (Tax Collector Travel & Conferences).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 115 of 2017, a resolution scheduling a public hearing to consider a local law amending Section 208-22 to include nursing homes as a permitted use within the TC-4 Transition Zone within Town Center.

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

WHEREAS, by Local Law 4 of 2015, the Town Board enacted Town Center Zoning designations for the Exit 9 area, and

WHEREAS, Town Center Zoning provides for more flexible, form-based zoning determinations for businesses, landowners and developers within the Town Center area, and

WHEREAS, Local Law No. 4 of 2015 also repealed Planned Development Districts within the Town Center Zones, including the former Leonard Geriatric PDD, which encompassed the Schuyler Ridge Nursing Home, and

WHEREAS, the Town Board wishes to solicit public comment on a proposal to include nursing homes as a permitted use within the Town Center area; now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled for 7:05 P.M. on May 15, 2017 on a proposed amendment to §208-22 of the Town Code to include nursing homes as a permitted use within the TC-4 Transition Zone within Town Center; and be it further

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

Director of Planning Scavo explained the Schuyler Ridge Nursing Home is as 120 bed facility and will remain so but they are eliminating all double rooms so everyone will have a private room this amendment to the TC-4 zone will allow the expansion to go forward.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 116 of 2017, a resolution awarding a contract for algaecide treatments for three of the Clifton Knolls ponds.

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

WHEREAS, Scott Reese, Storm Water Management Technician, has received one bid for the aquatic vegetation control of the three town owned ponds in Clifton Knolls, and

WHEREAS, Mr. Reese has reviewed the proposal submitted for such professional services and recommends that Burden Aquatics Inc. be awarded the contract for algaecide treatments; now, therefore, be it

RESOLVED, that the contract to perform professional services relating to algaecide treatments for the Clifton Knolls ponds is hereby awarded to Burden Aquatics, Inc. with funds for services not to exceed \$44,650 to come from SP3-7131-024 (Clifton Knolls Park District-General Maintenance), and be it further

RESOLVED, that the Town Supervisor Barrett is authorized to sign the contract.

Environmental Specialist Reese explained this treatment is for the rooted algae and afterwards can use biological control treatment to keep under control and more manageable. Clifton Knolls Park District Chair, Marlys Maginnis stated the ponds need to be cleaned up. In response to Councilwoman Walowit’s question Mr. Reese reported the ponds were restocked with carp in 2015 but there are over 20 acres of waterbody in Clifton Knolls.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 117 of 2017, a resolution authorizing the purchase of three flashing crosswalk systems.

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

WHEREAS, the Town Supervisor has recommended that flashing beacons are warranted in the vicinity of the Vischer Ferry multi-use path to increase awareness at the existing pedestrian crosswalks, and

WHEREAS, the intersection, adjacent sidewalk along Vischer Ferry Road and existing crosswalk see a high volume of pedestrian and bicycle activity which warrants the installation of additional signage; now, therefore, be it

RESOLVED, that authorization is hereby granted for the purchase of three Carmanah BiDirectional Solar RFB Crosswalk Systems at a cost of \$15,150 from A-3310-2015 (Transportation-Traffic Control); and be it further

RESOLVED, that the Superintendent of Highways is authorized to install two flashing crosswalk systems in the vicinity of the Vischer Ferry multi-use path crosswalk at the Clifton Common and one on Clifton Park Center Road near Hollandale Apartments.

Supervisor Barrett noted these solar powered lights will be pedestrian activated and will bring attention to motorists of pedestrians looking to cross the road.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No.118 of 2017, a resolution hiring seasonal lifeguards and head lifeguards for the 2017 summer season for Barney Road, Country Knolls and Locust Lane pools.

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

WHEREAS, it is necessary that lifeguards and head lifeguards be hired to maintain a safe environment at the Clifton Park town pools, as well as assist in the management of Barney Road, Country Knolls and Locust Lane pools, and

WHEREAS, the Supervisor has recommended that the attached list of individuals be hired on the stated start dates as lifeguards and head lifeguards at the attached rates; now, therefore, be it

RESOLVED, that the individuals attached shall be hired as lifeguards and head lifeguards for the Barney Road, Locust Lane and Country Knolls pools for the 2017 season, to be paid at the rates as attached.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 119 of 2017, a resolution to approve engineering studies to determine feasibility of trail projects in Dutch Meadows and on New York State Route 146, and to transfer \$25,000 from Contingency.

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

WHEREAS, the Town Board wishes to apply for grant funding from the State of New York to support trail projects in these areas, and

WHEREAS, the Town Board wishes to explore the feasibility and authorize engineer's estimates for trail projects to connect Dutch Meadows with Jonesville, and a separate project to connect Tallow Wood Drive with Northcrest Drive along State Route 146, to support completed grant applications for the projects, and

WHEREAS, the engineering studies will provide detailed cost estimates for both projects, including survey, permitting, design, construction and right-of-way acquisition; now, therefore, be it

RESOLVED, that the Town Board authorizes the preparation of engineering studies for trail projects along Hubbs Road from Dutch Meadows to Main Street (\$25,000), and along State Route 146 from Tallow Wood Drive to Northcrest Drive (\$15,000) from A-1440-135 (Engineering) along with a transfer of \$25,000 from Contingency to A-1440-135 (Engineering).

Supervisor Barrett explained since the Moe Road trail has been approved for funding, the town is now looking at other locations. The engineering study will be done in time to apply for grant funding this summer.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Wendy Wagner, Waite Road, said she chose Waite Road as their home as it is on two acres surrounded by wetlands and meadows. She said the brush hog wiped out most of the vegetation including milkweed and smashed the pond. She said she had resigned herself to the 34 homes but rural Waite Road cannot handle 68 houses and traffic alone will overwhelm Waite Road. Ms. Wagner reported she represents residents on Waite Road and they are resistant to the 68 houses and possibly 120 cars.

Supervisor Barrett the town has preserved 1300 acres of open space and established many new parks and preserves. The Western Clifton Park GEIS has mechanisms to preserve as much property as possible. He noted there is zoning for all property in town and everyone has the right to develop property in compliance with zoning and also the right to ask for additional density.

Michelle Bissonette Waite Road, agrees with Ms. Wagner comments. She questioned the ability of fire trucks to get to the proposed homes. She questioned the ability of 60 cars getting in and out of the subdivision. Ms. Bissonette noted the proposed walking trail may bring in more traffic and asked where cars would park.

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 9:00 p.m.

Patricia O'Donnell
Town Clerk