

Clifton Park Town Board Meeting Minutes

December 20, 2004

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: Councilman Paolucci
Councilman Roth
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Absent: Councilman Speckhard

Also Present: Town Attorney Trainor
Mark Heggen, Comptroller
Jason Kemper, Director of Planning
Michael Shahan, Town Administrator

MOTION by Councilman Roth, seconded by Councilwoman Walowit, to approve the minutes of the December 6, 2004 meeting as presented.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Speckhard

MOTION CARRIED

PRESENTATION

Councilman Roth presented town resident Bob Gauvreau with a Certificate of Appreciation for his volunteer efforts in connection with the Hazardous Waste Collection Day.

REPORTS TO THE BOARD

Town Administrator Shahan reported State Emergency Management Office (SEMO) ran

a table top exercise drill in November in the Town Hall with various town employees and representatives from fire and police agencies, as well as other agencies in town participating. Mr. Shahen further reported negotiations with the two CSEA units, town hall and highway, have been concluded with two five year contracts.

Supervisor Barrett thanked the volunteers that have completed the CERT training.

Town Comptroller Heggen reviewed some resolutions on the agenda, notably the resolution authorizing the \$20,000 loan from the general fund to CK Sanitary Systems, the sewer system abandoned to the town December 1, 2004. He explained it is necessary to pay some outstanding CK Sanitary Systems bills and this \$20,000 should take care of bills until the end of 2004. Supervisor Barrett explained the town will continue with twice a year billing with the first bill due on January 31, 2005. The Supervisor said, after this year is out, he would like to see charges put on the property tax bill. He further explained phone calls to the CK Sanitary System number automatically roll over to the county. Supervisor Barrett said the \$20,000 is a short-term loan and by the end of January there should be a significant amount of revenue.

PUBLIC HEARING, 7:10 PM
TO CONSIDER A LOCAL LAW AMENDING
ARTICLE XIII, SECTION 208-78 HISTORIC PRESERVATION

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on December 13, 2004.

Councilwoman Walowit asked how hamlets denoted in the Draft GEIS for Western Clifton Park are married with historic districts. Mr. Kemper responded the recommendations from the Historic Preservation Commission are mirrored in the Draft GEIS.

The public hearing was opened for comments from the audience at 7:28 p.m.

John Scherer, Town Historian, and member of Historic Preservation Commission, said the ordinance is being revised to have it reflect what is actually in operation. He feels it will be very compatible with the GEIS.

Mr. Kemper noted specifics in the new code can be easily incorporated into the Findings Statement for the Western GEIS.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 7:30 p.m.

PUBLIC PRIVILEGE ON RESOLUTIONS

In response to a question from the floor regarding the cost to date for the restoration of

Grooms Tavern, Councilman Roth said not counting the grant received from Senator Bruno or money from the Friends of Grooms Tavern, the town's commitment is close to \$350,000 to date. He reported if the current grant application is accepted, this money will go toward heating and air conditioning and the building could then be occupied year round.

Resolution No. 319 of 2004, a resolution authorizing Change Order No. 3 and Change Order No. 4 with Bast Hatfield, for the Grooms Tavern Restoration Project.

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

WHEREAS, a contract to perform services for the Grooms Tavern Restoration Project was awarded in the amount of \$91,321, and

WHEREAS, Change Order No. 1 increased the contract amount by \$13,800, and

WHEREAS, Change Order No. 2 increased the contract amount by \$1,430, and

WHEREAS, it is necessary to stabilize the Blacksmith Shop at a cost of \$12,409 plus Architect Fee of \$1,551.13 and to do work on the Wagon Shed at a cost of \$32,507 plus Architect Fee of \$4,063.38, and

WHEREAS, the additional cost of \$50,530.51 is to be shared between the Town and Friends of Grooms Tavern; now, therefore, be it

RESOLVED, that Supervisor Barrett is hereby authorized to sign Change Order No. 3 and Change Order 4 dated October 11, 2004, with Bast Hatfield to do work on the Wagon Shed in the amount of \$36,570.38 and to stabilize the Blacksmith Shop at a cost of \$13,960.13, which amounts include architect fees of \$5,614.51. Funds to be provided in the following manner, matching contributions previously received of \$5,732 in 2003 and \$13,000 in 2004, from the Friends of Grooms Tavern. The Town of Clifton Park funds as follows, a remaining \$5,733 which was allocated by Resolution No. 93 of 2003 and \$13,000 from Resolution No. 115 of 2004. Amounts allocated by Resolution No. 239 of 2004 in the amount of \$13,000 and finally \$65.51 transferred from A-1627-24 (Grooms Road Emporium-Repairs & Maintenance) to A-1627-200 (Grooms Road Emporium-Equipment).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 320 of 2004, a resolution authorizing the budget transfers specified in Exhibit A.

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

WHEREAS, the Comptroller has recommended that certain budget adjustments contained in Exhibit A be made to address the needs of all funds as well as other miscellaneous expenditures as set forth in Exhibit A; now, therefore, be it

RESOLVED, that the budget transfers specified in Exhibit A be adopted per the Comptroller's recommendations.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 321 of 2004, a resolution authorizing Change Order No. 1 with Family Danz HTG and Air Conditioning, Inc..

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilman Roth.

WHEREAS, a contract for the Senior Center HVAC Project was authorized in an amount of \$63,000, and

WHEREAS, a Change Order was prepared by McDonald Engineering which provides the breakdown of individual item costs, and

WHEREAS, the Change Order results in a decrease of \$3,000 for the Senior Center HVAC Project from the current contract amount of \$63,000 to arrive at a new contract amount of \$60,000; now, therefore, be it

RESOLVED, that Supervisor Barrett is hereby authorized to sign Change Order No. 1 dated February 13, 2004, to Family Danz Heating and Air Conditioning contract for the Senior Center HVAC Project, decreasing the contract by \$3,000 and releasing the amount from A-1624-200 (Senior Center-Equipment).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 322 of 2004, a resolution authorizing the Comptroller to close out completed Capital Projects and return remaining funds to their respective funds.

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

WHEREAS, Comptroller Mark Heggen recommends that completed Capital Projects be closed out and that the remaining funds be returned to their respective funds; now, therefore, be it

RESOLVED, that the Comptroller is hereby authorized to close out the following Capital Projects and return the remaining funds to their respective funds;

H11, Underground Storage Tank
H12, Buildings and Grounds Building
H13, Pool Acquisition
H14, Veterans Park Phase II
H15, Olde Nott Farm Sewer Building
H17, Route 9, Fire Road Water
H18, Dutch Meadows Sewer
H19, Woodland Hills Sewer
H20, Riverview Landing Sewer

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 323 of 2004, a resolution authorizing the appointment of one Laborer and

three MEO's in the Highway Department.

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

WHEREAS, openings exist in the Highway Department for one Laborer and three MEO's, and

WHEREAS, Louis Gerard, Highway Superintendent, recommends that the following people be hired to fill these positions:

MEO's

Ronald Croce, 106 Lasher Road, Charlton, NY, 12020

David Burton, 4 Marry Anne Drive, Clifton Park, NY 12065

Sean Dickinson, 185 Brookwood Drive, Waterford, NY 12188

Laborer

John DeSimone, 6 Appletree Lane, Wilton, NY 12831

Now, therefore, be it

RESOLVED, that effective January 3, 2005, Ronald Croce, David Burton and Sean Dickinson are hereby appointed to the positions of MEO's at Grade 5, Step 1 and John DeSimone is hereby hired to fill the position of Laborer in the Highway Department at Grade 4, Step 1. MEO's are to be paid from DA05110-E1500 (Highway General Repairs-MEO) and DA05142-E1500 (Highway Snow Removal-MEO) and the Laborer position from DA05110-E1500 (Highway General Repairs-MEO) and DA05142-E1500 (Highway Snow Removal-MEO).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 324 of 2004, a resolution authorizing the promotion of an employee in the Highway Department.

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

WHEREAS, Louis Gerard, Highway Superintendent, recommends that Laborer Terrance Moore be promoted to MEO in the Highway Department, and

WHEREAS, the above referenced employee has met the requirements for this position; now, therefore, be it

RESOLVED, that effective January 1, 2005 Terrance Moore is hereby appointed to the position of MEO, Grade 5, Step 1, to be budgeted from DA05110-E1500 (Highway General Repairs-MEO) and DA05142-E1500 (Highway Snow Removal-MEO).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 325 of 2004, a resolution awarding the bid for the Barney Road Pool Clubhouse and Filter Building, Contract No.1-General Construction.

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

WHEREAS, on December 3, 2004 bids were received for the above referenced contract, and

WHEREAS, the low bidder for Contract No. 1-General Construction is Bast Hatfield, Inc. in the amount of \$279,799, and

WHEREAS, as per a letter from McDonald Engineering, dated December 6, 2004, McDonald Engineering has reviewed the bids and has recommended to the Town Supervisor that Bast Hatfield, Inc. be accepted as the most responsible bidder; now, therefore, be it

RESOLVED, that the Town Board accepts and awards the above referenced bid in the amount of \$279,799 to Bast Hatfield, Inc., funds to come from the following accounts: 2004 Budget, A-7150-200 (Barney Road Pool Equipment) \$200,000, from 2005 Budget, A-7150-200, \$40,000 and from Unreserved Fund Balance A-909, \$39,799 with a transfer to A-7150-200.

Supervisor Barrett explained the original bid came in much higher than originally budgeted and Town Engineer McDonald was asked to make some changes and have it

rebid. He stated none of the changes will affect the size or quality of the building inside but just some things that can be done without. He said residents pay a significant fee to use the pool and deserve a nice building, as does the neighborhood.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 326 of 2004, a resolution awarding the bid for the Barney Road Pool Clubhouse and Filter Building, Contract No.2-Electrical Work.

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

WHEREAS, on November 12, 2004 bids were received for the above referenced contract, and

WHEREAS, the low bidder for Contract No. 2-Electrical Work is Sunrise Electric in the amount of \$41,756, and

WHEREAS, as per a letter from McDonald Engineering, dated December 6, 2004, McDonald Engineering has reviewed the bids and has recommended to the Town Supervisor that Sunrise Electric be accepted as the most responsible bidder; now, therefore, be it

RESOLVED, that the Town Board accepts and awards the above referenced bid in the amount of \$41,756 to Sunrise Electric, funds to come from Unreserved Fund Balance, A-909 with a transfer to A-7150-200 (Barney Road Pool-Equipment).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 327 of 2004, a resolution awarding the bid for the Barney Road Pool Clubhouse and Filter Building, Contract No.3-Plumbing Work.

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

WHEREAS, on November 12, 2004 bids were received for the above referenced contract, and

WHEREAS, the low bidder for Contract No. 3-Plumbing Work is Lenz Hardware, Inc. in the amount of \$39,400, and

WHEREAS, as per a letter from McDonald Engineering, dated December 6, 2004, McDonald Engineering has reviewed the bids and has recommended to the Town Supervisor that Lenz Hardware, Inc. be accepted as the most responsible bidder; now, therefore, be it

RESOLVED, that the Town Board accepts and awards the above referenced bid in the amount of \$39,400 to Lenz Hardware, Inc., funds to come from Unreserved Fund Balance A-909 with a transfer to A-7150-200 (Barney Road Pool-Equipment).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 328 of 2004, a resolution authorizing the Supervisor to sign Change Order No. 2 to Contract No. 1, General Construction for the Corporate Commerce Water and Sewer Project in the Town of Clifton Park.

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilman Roth.

WHEREAS, the work of Contract No. 1 – General Construction has been substantially completed, and

WHEREAS, the summation of the costs of all items in the contract have resulted in a decrease of \$112.90 from the previous contract amount, and

WHEREAS, a Change Order was prepared by McDonald Engineering to provide for the resultant decrease in contract price to remove the excess funds from the contract, and

WHEREAS, the Change Order results in a final contract amount of \$596,364.21; now, therefore, be it

RESOLVED, that Supervisor Barrett is hereby authorized to sign Change Order No. 2, dated September 23, 2004, to W. M. Schultz Construction, Contract No. 1 – General Construction for the Corporate Commerce Water and Sewer Project.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 329 of 2004, authorizing a loan from the General Fund for operating expenses for CK Sanitary Systems, Inc.

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

WHEREAS, on December 1, 2004 CK Sanitary Systems was abandoned by its owners to the Town of Clifton Park, and

WHEREAS, bills have started to accumulate for the operation of the sewer system, and

WHEREAS, Comptroller Mark Heggen has recommended that the General Fund of the Town of Clifton Park loan \$20,000 to CK Sanitary Systems, Inc., now owned and operated by the Town of Clifton Park, for the operation of the sewer system; now, therefore, be it

RESOLVED, that the Comptroller is authorized to lend \$20,000 from the General Fund to CK Sanitary Systems at 3%, to be repaid at the end of January 2005 from anticipated receivables due in January.

Supervisor Barrett explained Environmental Specialist O'Brien is going out on the system alarm calls. Councilman Paolucci said it is appropriate to take the time that Mr. O'Brien is spending on the sewer system operations and have it come from sewer system funds. Supervisor Barrett noted Mr. O'Brien has been going out on weekends and nights, and doing a lot of work on his own time to get familiar with the system and at some point the Board needs to look at compensation for his extra work. Mr. Shahan said it is important for Mr. O'Brien to document time spent on the CK Sanitary System so that the

town is repaid from sewer funds. Supervisor Barrett said a lot of information that should have come with the abandonment of the system was not forthcoming and is coming in little by little.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 330 of 2004, a resolution denoting the Issuance of the Notice of Completion/Notice of Public Hearing for the Western Clifton Park Draft Environmental Impact Statement (DGEIS).

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilman Roth.

WHEREAS, the Town Board established itself as Lead Agency on December 15, 2003 through coordinated review with involved agencies to address the potential future cumulative impacts of growth in the western portion of Town, and

WHEREAS, the Town Board issued a Positive Declaration to require the preparation of a DGEIS in accordance with 6 NYCRR 617.7, and

WHEREAS, the Town Board has reviewed the DGEIS prepared by its consultant; now, therefore, be it

RESOLVED, that the DGEIS is complete for public review and the Town Board acting as Lead Agency authorizes the issuance of the attached Notice of Completion and Notice of Public Hearing; and be it further

RESOLVED, that the Town Board will hold a public hearing on the Western Clifton Park Draft GEIS on January 18, 2005 at 7:10 pm, in the Wood Memorial Room, One Town Hall Plaza, Clifton Park and the Town Clerk is directed to publish notice of the same.

Mr. Kemper explained public comment will continue for ten days after the public hearing at which time the Town Board has the option to close the public comment period and start preparation of the final GEIS. Supervisor Barrett said the Town Board welcomes all comments.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Councilman Roth left at 8:15 p.m.

PUBLIC PRIVILEGE

No one wished to be heard.

MOTION by Councilman Paolucci, seconded by Councilwoman Walowit, to adjourn the meeting to the next regular meeting or any other meeting necessary for the conduct of Town business.

Motion carried at 8:17 p.m.

Patricia O'Donnell
Town Clerk