

**Clifton Park Town Board Meeting Minutes
November 7, 2005**

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 Speckhard
Councilman Roth
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Also Present: Town Attorney Trainor
Richard Kukuk, Superintendent of Highways
Steven Myers, Director of Building and Development
Michael Shahan, Town Administrator

MOTION by Councilman Paolucci, seconded by Councilman Roth, to approve the minutes of the October 11 and October 17, 2005 meetings as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Roth reported the town has received a \$25,000 grant from NYS Department of Parks, Recreation and Historic Preservation for the Grooms Tavern project. This grant was received through Senator Bruno's office. A resolution will be on the agenda for November 14, 2005 authorizing the Supervisor to sign the contract.

Councilman Roth praised the town sponsored theater group Not So Common Players production of "Little Shop of Horrors".

PUBLIC PRIVILEGE

No one wished to be heard.

Resolution No. 281 of 2005, a resolution authorizing the Town Administrator to attend the U.S. EPA Region III Emergency Preparedness Conference.

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

WHEREAS, an Emergency Preparedness and Prevention and Hazmat Spills Conference is being given from December 4-7, 2005 in Baltimore, Maryland, and

WHEREAS, Michael Shahan, Town Administrator has requested authorization to attend this Conference, and

WHEREAS, attendance at this conference will confer a benefit upon and be in the best interest of the Town of Clifton Park; now, therefore, be it

RESOLVED, that Michael Shahan is hereby authorized to attend the 2005 U.S. EPA Region III Conference in Baltimore, Maryland, at a cost not to exceed \$1250, to be paid from
A-4010-024 (Community Services/Public Safety).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 282 of 2005, a resolution accepting a donation of land in the Somerset Subdivision off of Miller Road.

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

WHEREAS, Sackman Mortgage Corporation and Sackman LLC wishes to donate to the Town of Clifton Park, parcels of land in the Somerset Subdivision, and

WHEREAS, the Town of Clifton Park wishes to accept such donations for passive recreation and parkland, now, therefore, be it

RESOLVED, that the Town Board accepts the conveyance of the following lots briefly described as follows:

Street Tax Map No.
7 Tern Court 270.19-1-6
31 Sandpiper Lane 276.7-4-27
33 Sandpiper Lane 276.7-4-26
57 Blue Jay Way 276.7-3-41
59 Blue Jay Way 276.7-3-40

and be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt of an approval by the Town Attorney, and Town Engineer of all necessary documents, provision of a title report which is acceptable to the Town Attorney, and upon payment of all taxes, recording fees and assessments, and be it further

RESOLVED, that there be appended to the within resolution a copy of the recorded conveyance after it has been returned from the Saratoga County Clerk; and be it further

RESOLVED, that the Town Supervisor is therefore authorized to execute the Donation Agreement and related forms on behalf of the Town of Clifton Park.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 283 of 2005, a resolution authorizing and approving a change in the method of determining annual benefit assessments for Olde Nott Farm Sewer District No. 1.

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

WHEREAS, by resolution adopted August 11, 1997, the Town Board of the Town of Clifton Park (the "Town") approved the establishment of Olde Nott Farm Sewer District No. 1 (the "District") and the assessment of District costs in proportion to the benefit which each lot or parcel will derive from the sewer system, and

WHEREAS, District costs have previously been allocated and apportioned among benefited properties in proportion to the ad valorem assessed value of the respective properties, and

WHEREAS, based on information derived from actual operation of the system, the Town Board has, after due consideration, determined that a usage-based assessment method will result in assessments that more closely relate to the benefit which each property derives from the sewer system, and

WHEREAS, the Town Board now desires to authorize and approve a change in the method of determining annual benefit assessments in the District; now, therefore, be it

RESOLVED, that commencing January 1, 2006, benefit assessments for District capital, operating and maintenance costs shall be determined based on water consumption by each property in the District; and be it further

RESOLVED, that the appropriate Town officers are hereby authorized and directed to take such steps as are necessary or appropriate to implement the new assessment method.

Supervisor Barrett explained the sewer charges in this district are tremendous and with this change, users will be billed based on water usage. He reported he met with approximately 35 homeowners in this regard and noted there will be a shift of some costs from the homeowners to the three main businesses within the district – Riverview Cancer Center, Stewarts and the Edison Club. The businesses, as well as the homeowners, agreed that this is a fairer way to charge. Mr. Ziobrowski will read the meters on a regular basis. The Supervisor expressed appreciation to Mr. Jeff Cowin of the homeowners' association for his work in this regard. Supervisor Barrett said the outlook for the Olde Nott Farm Sewer system is not a positive one and residents have been informed of challenges in the future. He said some possible alternatives are being looked at, one of which is to "mothball" the plant altogether and replace it with a pumping station and hook into another sewer line, whatever is best and least expensive for residents and businesses. At this point, the sewer plant is facing approximately \$300,000 to \$500,000 in improvements and upgrades that are going to have to be done within the next few years. It is hoped to get rid of the plant for something more stable and cost effective.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 284 of 2005, a resolution authorizing the Assessor to relevely delinquent water charges on the 2006 property tax bills.

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilman Speckhard

WHEREAS, the Rexford Water District has reported unpaid water bills per the attached schedule for the Rexford Water District, and

WHEREAS, it is necessary for the Assessor to relevel the unpaid bill on the property owner's 2006 tax bill to ensure payment of the same; now, therefore, be it

RESOLVED, that the Town Board accepts the reported delinquent water charges for the Rexford Water District per the attached schedule and authorizes the Assessor to relevel that amount on the property owners' 2006 property bill.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 285 of 2005, a resolution allocating money for Capital Projects in the Highway Department.

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

WHEREAS, the Highway Department is in need of improvements to the seven bay storage building and for the construction of a cement slab to accommodate a hydraulic lift, and

WHEREAS, McDonald Engineering has prepared specifications outlining the needed work to be done for the project and competitive bids are being sought for the construction of the concrete flooring, and

WHEREAS, the Town Board wishes to allocate money for engineering expenses, cost of flooring and the purchase and installation of a hydraulic lift in the Highway Department; now, therefore, be it

RESOLVED, that \$80,000 is hereby allocated, from the Unreserved Surplus Account for a needed Capital Project in the Highway Department.

Superintendent Kukuk explained the lift will be used for the heavy duty plow trucks and is an item necessary for the safety of employees and productivity. Councilman Roth

explained \$20,000 is budgeted in the 2005 budget for a different lift but due to problems with that type of lift, it was decided to purchase the lift proposed in the following resolution. He said this purchase could reduce costs as trucks have been sent out for maintenance and now can be done in house.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 286 of 2005, a resolution authorizing the purchase and installation of a hydraulic lift under New York State Contract.

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

WHEREAS, Highway Superintendent Richard Kukuk has identified a need for a hydraulic lift in the Highway Department, and

WHEREAS, Superintendent Kukuk has requested authorization to purchase a hydraulic lift under New York State Contract, as described in Schedule A; now, therefore, be it

RESOLVED, that Richard Kukuk is hereby authorized to purchase a TR-33-25 Mohawk Hydraulic Lift under New York State Contract Group PC54466, from Total Tool Ltd, Castleton, New York as described in Schedule A, at a cost not to exceed \$49,299.62, with funds to come from funds designated in Resolution No. 285 of 2005 with a transfer to A-5132-200 (General Fund-Highway Garage-Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 287 of 2005, a resolution to call for bids for the construction of concrete flooring at the Highway Department.

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

WHEREAS, John McDonald Engineering, P.C., has submitted specifications for the construction of concrete flooring at the Highway Department, and

WHEREAS, pursuant to law, competitive bidding for the construction is required, now, therefore, be it

RESOLVED, that the Highway Department is hereby authorized to call for bids for the construction of concrete flooring, said bid opening scheduled for November 21, 2005 at 2:00 pm, in the Office of the Town Clerk; and be it further

RESOLVED, that the Town Clerk of the Town of Clifton Park shall cause Notice to be published in the official newspaper of the Town of Clifton Park.

Superintendent Kukuk said this concrete reinforced floor is necessary due to use the installation of the hydraulic lift. He said eventually he would like to see all bays with concrete floor, doors and insulated and lighted properly.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 288 of 2005, a resolution creating the position of Senior Automotive Mechanic in the Highway Department, and appointing Dean Charbonneau to the position.

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

WHEREAS, the Saratoga County Civil Service Commission has approved the job title of Senior Automotive Mechanic in the Highway Department, and

WHEREAS, Highway Superintendent Richard Kukuk wishes to create the position of Senior Automotive Mechanic and appoint current employee Dean Charbonneau to fill the position, now, therefore, be it

RESOLVED, that effective immediately the position of Senior Automotive Mechanic is hereby created and that Dean Charbonneau is hereby provisionally appointed to the position at Grade 7, Step 1, to be paid retroactive to October 2, 2005; and be it further

RESOLVED, that due to the needs of the Highway Department, Dean Charbonneau has been performing the Senior Automotive Mechanic duties since January 1, 2005 and the

Highway Superintendent recommends that he be compensated at Grade 6, Step 4 from January 1, 2005 through October 1, 2005, retroactive pay is \$1,740.16 and additional pay for the remainder of the year is \$354.60, and that the total additional amount of \$2,094.76 is to be paid with a transfer from DA-5110-215 (Highway Construction-Traffic Safety) to DA-5142-E255 (Highway-Snow Removal) and to DA-5110-E255 (Highway-Highway Construction).

Superintendent Kukuk said Mr. Charbonneau is a crucial highway employee and has acted in a supervisory capacity.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 289 of 2005, a resolution creating the position of Welder in the Highway Department and appointing Daniel Lynch to the position.

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

WHEREAS, the Saratoga County Civil Service Commission has approved the job title of Welder in the Highway Department, and

WHEREAS, Highway Superintendent Richard Kukuk wishes to create the position of Welder and current employee Daniel Lynch has been recommended to fill the position; now, therefore, be it

RESOLVED, that the position of Welder in the Highway Department is hereby created and effective immediately, Daniel Lynch is hereby appointed to the position, at Grade 6, Step 1, retroactive to October 2, 2005, and that the total additional amount of \$416.52 required to be paid through the end of the year be paid with a transfer from DA 5110-210 (Highway Construction-Materials/Supplies) to DA-5142-E498 (Highway Snow Removal/Daniel Lynch) and DA-5110-E498 (Highway Construction/Daniel Lynch).

Superintendent Kukuk said Mr. Lynch is a skilled welder and metal fabricator, making parts for trucks and sanders.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 290 of 2005, a resolution authorizing the hiring of an MEO in the Highway Department.

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

WHEREAS, an opening exists for an MEO in the Highway Department, and

WHEREAS, Richard Kukuk, Superintendent of Highways has recommended that David Pettis, 91 Rowland Street, Ballston Spa be hired to fill this position; now, therefore, be it

RESOLVED, that authorization is hereby given to the Superintendent of Highways to hire David Pettis, Ballston Spa as an MEO, Grade 5, Step 1, effective immediately, to be paid from DA05110-E1500 (Highway-Construction) and DA05142-E1500 (Highway/Snow Removal).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC HEARING, 7:20 PM
ANNUAL PLAN FOR 2006
SECTION 8 HOUSING

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on September 24, 2005.

Joseph E. Mastrianni, Joseph E. Mastrianni, Inc, Administrator of the Program, distributed information regarding the Housing Choice Voucher Program, attached, and noted due to cut in federal funding, the program will be \$10,000 short this year compared to last year. Program includes Towns of Clifton Park, Halfmoon, Malta and Village of Round Lake.

The public hearing was opened for comments from the audience at 7:53 p.m.

Everyone was given an opportunity to speak in favor of or against the program and no

one wished to be heard. Supervisor Barrett declared the public hearing closed at 7:55 p.m.

Resolution No. 291 of 2005, a resolution adopting an Annual Plan for 2006 for the Town of Clifton Park Section 8 Program.

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

WHEREAS, the Town of Clifton Park operates a Section 8 Housing Assistance Payments Program funded by the U. S. Department of Housing and Urban Development, and

WHEREAS, the Town of Clifton Park is required by the U. S. Department of Housing and Urban Development to prepare and adopt a written Annual Plan that establishes local policies for administration of the Section 8 Housing Assistance Payments Program in accordance with regulations of the U. S. Department of Housing and Urban Development; and

WHEREAS, the Town Board of the Town of Clifton Park has caused a written Annual Plan for 2006 to be prepared establishing local policies for administration of the Section 8 Housing Assistance Payments Program in accordance with regulations of the U. S. Department of Housing and Urban Development, and has reviewed such written plan; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby adopts the Annual Plan for 2006 for operation of the Town of Clifton Park Section 8 Housing Assistance Payments Program.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Norman Goldman, London Square Drive, read prepared comments which reiterated his concerns and criticisms regarding the town's White House Conference on the Aging survey, noting renters, to whom the form was not mailed, comprise almost 20 percent of the target population age 20 and above. He stated of the 4633 forms returned; only 71 were from renters. Mr. Goldman further stated the results are not representative of the target population, and he asked that the survey be recalled and withdrawn from the

process.

William Engleman, Partridge Plateau, questioned the blue flagging along Longkill and Ushers Roads. Councilman Paolucci responded this is the TIP project. He explained the work being done at this time is minor clearing if utility relocations are necessary but at this time isn't sure what the blue flags denote. Mr. Engleman said the area at the corner of Longkill and Ushers is a blue lupine site and, therefore, a potential habitat for the Karner Blue butterfly, among other species. He said, in his view, the site must not be disturbed prior to a complete assessment of the roadway and trail plan. Mr. Engleman stated the town received and copied false and incomplete information in the Final Design Report which formed the basis for several assessments that concluded there were no impacts to the rare and endangered species from the transportation project. He urged the Town Board not to allow any vegetation or soil disturbance at this site unless a full assessment of impacts to the endangered species has been done. Supervisor Barrett said this could be the sidewalk area. He explained a sidewalk is planned as it is less intrusive than a multi-use path.

Laurel Zona, Sylvan Trail, presented a proposal and asked the Town Board's consideration with regard to opening a Children's Museum in Clifton Park Center similar to the Minnesota Children's Museum.

Jim Baisley, Barkwood Drive, questioned work going on in the mulching area of the transfer station. Supervisor Barrett responded this is with regard to the leaf program. He explained the area didn't meet state requirements as to the amount of leaves taken in. County Waste is doing the site work to bring it into compliance. Mr. Baisley questioned the benefit to the Town of Clifton Park when leaves are being brought in from other towns. The Supervisor said there has been some town expense but if this work isn't done, the town free leaf pickup would have to be ended.

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

Motion carried at 8:26 p.m.

Patricia O'Donnell
Town Clerk