

**Clifton Park Town Board Meeting Minutes
November 6, 2006**

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 LED BY MEMBERS OF
BOY SCOUT TROOP 6**

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

Absent: Councilman Paolucci

Also Present: Town Attorney Trainor
Michael Handerhan, Supervisor of Buildings and Grounds
Mark Heggen, Comptroller
Michael O'Brien, Environmental Specialist
Stephen Myers, Director of Building and Development
Michael Shahan, Town Administrator

MOTION by Councilman Speckhard, seconded by Councilman Speckhard, to approve the minutes of the October 10 and 16, 2006 meetings as presented.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Roth reiterated affected developers and the public should have been given the opportunity to speak at the Public Forum held October 16, 2006. He reported he has received comments from the Town Board to send certain PUD applications to the Planning Board for further review and would like to do this at the November 13, 2006

Town Board meeting. Other applications are to be returned to the developer with a letter from the Supervisor stating the Town Board concerns and asking for revisions to the PUD.

PRESENTATIONS TO THE BOARD

Eagle Scout Christian Bidwell, reported on his Eagle Scout project of building a patio, walkway and plantings outside the Locust Lane Clubhouse. He said Troop 48 met at the Locust Lane Clubhouse for many years and this was a way of giving back to the community. There is a memorial in the park in memory of Marshall Hall, a resident and Eagle Scout who died at the age of 18 in May of 1983.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 384 of 2006, a resolution authorizing the Town Supervisor to sign a purchase contract to acquire a software/computer package for use by the Building, Zoning, Fire Prevention and Planning Departments and to authorize a transfer from Contingency.

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

WHEREAS, a need exists to update and integrate computer operations to manage and access daily functions and existing records for the offices of Building, Planning, Zoning and Fire Prevention, and

WHEREAS, the Town of Clifton Park received a grant from NYS Archives Local Government Records Management Grant and the Town is required to contribute \$26,000 as the local share, and

WHEREAS, General Code, representing Software Consulting Associates, has proposed a full software/computer system which fully integrates all functions through an extensive shared parcel database and records access and management tools at a cost of \$31,900 for the software package and \$14,500 for data conversion, customization and training; now, therefore be it

RESOLVED, that the Town Supervisor is hereby authorized to enter into an agreement with General Code, representing Software Consulting Associates, to acquire a software/computer system for use by the Building, Zoning, Fire Prevention and Planning Departments at a total cost of \$31,900 for the software package and \$14,500 for data conversion, customization, installation and training, and be it further

RESOLVED, that a transfer of \$25,000 from A-8989-16 (Community Development-E-Government), and a transfer of \$1,000 from Contingency to A-3620-70 (Building

Department-Grant) to account for the Town's share of the Grant; and be it further

RESOLVED, that the cost of the software and training in the amount of \$46,400 be paid from A-3620-70 (Building Department-Grant).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 385 of 2006, a resolution appointing members to the Historic Preservation Commission.

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

WHEREAS, the Historic Preservation Commission has recommended that members of the Commission be reappointed; now, therefore, be it

RESOLVED, that the following members be reappointed to the Historic Preservation Commission, to serve at the pleasure of the Board, as set forth in Local Law No. 10 of 2006, adopted on October 10, 2006;

Mark S. Kazmierczak 394 Vischer Ferry Road, Clifton Park
Ernest Haffner 12 Dutch Meadow Lane, Rexford
Brian McGlinchey 3 Delaware Court, Rexford
Deanna Rubinger 34 Sweetbrier Drive, Ballston Lake
Bonnie Fredrick 722 Clifton Park Center Road, Clifton Park
Nancy Kiyonaga 14 Garnsey Road, Rexford
Karen Esposito 18 Guilder Place, Ballston Lake
Deborah Emmons-Andarawis 67 Hubbs Road, Ballston Lake
Andrea Becker 8 Brassfield Court, Clifton Park
Anna C. Fisher 341 Riverview Road, Rexford
Peter Fowler 320 Riverview Road, Rexford

and be it further

RESOLVED, that Peter Fowler, 320 Riverview Road, Rexford, be appointed as Secretary to the Historic Preservation Commission at Grade 1, Step 1.

Councilman Roth commended Chairman Mark Kazmierczak for his work in making this a viable working Commission.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 386 of 2006, a resolution authorizing the implementation and funding, in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore.

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

WHEREAS, a Project for the Reconstruction of Clifton Park Center Road, Ushers Road and Vischer Ferry Road from Miller Road to Moe Road, Van Patten Drive to CR 82 and Route 146 to Clifton Park Center Road, P.I.N. 1753.43 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds, and

WHEREAS, the Town of Clifton Park desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Preliminary Engineering and ROW Incidentals;

NOW, THEREFORE, the Town Board, duly convened does hereby

RESOLVE, that the Town Board hereby approves the above-subject project, and it is hereby further

RESOLVED, that the Town Board hereby authorizes the Town of Clifton Park to pay in the first instance 100% of the federal and non-federal share of the cost of Preliminary Engineering and ROW Incidentals work for the Project or portions thereof, and it is further

RESOLVED, that the sum of \$935,000.00 (Nine hundred thirty five thousand dollars and no cents) has already been appropriated from Highway Department funds and made available to cover the cost of participation in the Preliminary Engineering and ROW Incidentals phases of the Project, and it is further

RESOLVED, that the sum of \$361,500.00 (Three hundred sixty one thousand five hundred dollars and no cents) has already been appropriated from H9-3310-140 and made available to cover the additional cost of participation in the Preliminary Engineering and ROW Acquisition phase of the Project, and it is further

RESOLVED, that an additional sum of \$4,390,677.00 (Four million three hundred ninety thousand, six hundred seventy seven dollars and no cents) is hereby appropriated from H9-5112-200, and made available to cover the cost of participation in the Construction phase of the Project, and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Town Board of the Town of Clifton Park shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Town Supervisor of the Town of Clifton Park be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Town of Clifton Park with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid-and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 387 of 2006, a resolution awarding the bid for a Diesel Powered Generator for use by the Senior Center.

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

WHEREAS, bids were received for a Diesel Powered Generator for use by the Senior Center, and

WHEREAS, the lowest most responsible bidder was Kinsley Power in the amount of \$22,935, and

WHEREAS, Michael Handerhan, Supervisor of Buildings and Grounds, has recommended that the bid of Kinsley Power in the amount of \$22,935 be accepted; now, therefore, be it

RESOLVED, that the bid for a Diesel Powered Generator is hereby awarded to Kinsley Power, in the amount of \$22,935, from funds approved by Resolution No. 164 of 2006, with a transfer to A-1624-200 (Senior Center-Equipment).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 388 of 2006, a resolution awarding the bid for the installation and wiring of a Diesel Powered Generator for use by the Senior Center.

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

WHEREAS, bids were received for the installation and wiring of a Diesel Powered Generator for use by the Senior Center, and

WHEREAS, the lowest most responsible bidder was Wiring Concepts, LLC in the amount of \$13, 250, and

WHEREAS, Michael Handerhan, Supervisor of Buildings and Grounds, has recommended that the bid of Wiring Concepts, LLC in the amount of \$13, 250 be accepted; now, therefore, be it

RESOLVED, that the bid for the installation and wiring of a Diesel Powered Generator for use by the Senior Center is hereby awarded to Wiring Concepts, LLC, in the amount

of \$13,250, to be paid from funds previously designated from Resolution No. 164 of 2006 with a transfer to A-1624-200 (Senior Center-Equipment).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 389 of 2006, a resolution scheduling a public hearing to consider Local Law No. ____ of 2006, a Local Law amending Local Law No. 18 of 1988 as amended by Local Law No. 2 of 1998 and Local Law No. 4 of 2005, regarding Transient Merchants.

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

WHEREAS, the Town Board has recommended that Chapter 189, Transient Retail Merchants be amended per the attached, and

WHEREAS, on October 2, 2006 at 7:10 pm a public hearing was conducted to obtain comment from the public, and

WHEREAS, the Town Board wishes to solicit the comments of the Town's citizens regarding additional proposed changes to the law; now, therefore, be it

RESOLVED, that a public hearing be held on Monday, November 13, 2006 at 7:10 pm, in the Wood Memorial Room, Town Hall, Clifton Park to consider Local Law ____ of 2006, a Local Law amending Local Law No. 18 of 1988, as amended by Local Law No. 2 of 1998 and Local Law No. 4 of 2005 as per the attached, and be it further

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

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 390 of 2006, a resolution referring a Conservation Easement Application to the Planning Board for review and comment.

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

WHEREAS, an application has been received by the Town Clerk for a Conservation Easement for Eagle Crest Golf Club, Inc., and

WHEREAS, the Planning Board shall investigate the area to determine if the proposal would be of benefit to the people of the Town of Clifton Park; now, therefore, be it

RESOLVED, that the Town Board hereby refers the Conservation Easement Application for Eagle Crest Golf Club, Inc., to the Planning Board for comment and review and report back within forty five days to the Town Board.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 391 of 2006, a resolution authorizing the installation of a street light at the entrance to the Stoney Heights Subdivision at the intersection of Grooms Road and Stoney Heights Court.

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

WHEREAS, the Stoney Heights Subdivision was previously approved by the Town of Clifton Park Planning Board and the installation of a street light is depicted on the approved subdivision plan, and the street light is warranted at this time; now, therefore, be it

RESOLVED, that authorization is hereby granted for the installation of a street light at the intersection of Grooms Road and Stoney Heights Court, said subdivision being located on the south side of Grooms Road, east of its intersection with Vischer Ferry Road in the Town of Clifton Park; and be it further

RESOLVED, that said street light shall be charged to the Town of Clifton Park Lighting District No. 1 and a copy of this authorization shall be forwarded to National Grid utility company.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 392 of 2006, a resolution authorizing the Assessor to relevel delinquent sewer charges on the 2007 property tax bills.

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

WHEREAS, the Clifton Park Sewer District No. 1 has reported unpaid sewer bills, per the attached schedule, for the Clifton Park Sewer District No. 1, and

WHEREAS, it is necessary for the Assessor to relevel the unpaid bill on the property owner's 2007 tax bill to ensure payment of the same; now, therefore, be it

RESOLVED, that the Town Board accepts the reported delinquent sewer charges for the Clifton Park Sewer District No. 1, per the attached schedule, and authorizes the Assessor to relevel that amount on the property owner's 2007 property bill.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 393 of 2006, a resolution authorizing the Supervisor to sign a lease with Toshiba for a Color Copier for the Building Department.

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

Roth.

WHEREAS, Steven Myers, Director of Building & Development, has requested that a new color copier be leased for use by the Building Department, and

WHEREAS, the proposed cost for leasing the copier has been budgeted per the attached schedule; now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to enter into a lease agreement with Toshiba for a Toshiba 281C Color Copier from Central Business Equipment for thirty-six (36) months, at a cost not to exceed \$221.94 per month, to be paid from A-3620-3 (Building & Development-Copier)

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 394 of 2006, a resolution approving application for permission of the New York State Comptroller regarding proposed increase in maximum cost of Extension No. 1 to Rexford Water District No. 2.

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

WHEREAS, pursuant to Resolution No. 383 of 2006, the Town Board of the Town of Clifton Park, New York (the "Town") has authorized an increase in the maximum cost of Extension No. 1 (the "Extension") to Rexford Water District No. 2, subject to receipt of approval of the New York State Comptroller in accordance with Town Law Section 209-h and Part 85 of the New York State Comptroller's Regulations; and

WHEREAS, at the direction of the Town Board, the Town Supervisor has prepared an application dated October 16, 2006 and amended November 6, 2006 (the "Application") requesting State Comptroller's approval of the cost increase. A copy of the Application is attached to this resolution.

NOW, THEREFORE, be it resolved by the Town Board of the Town of Clifton Park as follows:

1. The Town Board believes the contents of the Application to be accurate.

2. The Town Board has previously determined that it is in the public interest to increase the maximum amount to be expended for the Extension and the increased cost of the Extension will not constitute an undue burden on the property which will bear the cost thereof.

3. The real property to be assessed the cost of the proposed improvements in the Extension will be benefited by the proposed improvements and no benefited property has been excluded.

4. This resolution is adopted in accordance with Section 85.3 of the New York State Comptroller's Regulations.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 395 of 2006, a resolution authorizing the purchase of a Lanier wide format copier/scanner and toner cartridge for use by the Building & Development Department, from State Contract.

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

WHEREAS, Steven Myers, Director of Building & Development, has requested authorization to purchase a Lanier wide format copier/ scanner and toner cartridge for use by the Building & Development Department, and

WHEREAS, the proposed cost of \$10,526 for the purchase of the copier/scanner and toner cartridge has been budgeted from approved LGRMIF Funds; now, therefore, be it

RESOLVED, that authorization is hereby given to the Building & Development Department to purchase a copier/scanner and toner cartridge at \$10,526 from Electronic Business Products, through State Contract PC 59457, to be paid from A-3620-070-1500 (Building Dept.-Grant Expense).

ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilman Roth,

Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 396 of 2006, a resolution authorizing the Town Supervisor to enter into a License and Service Agreement with County Waste and Recycling Service, Inc.

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

WHEREAS, there is a need to obtain collection services for yard waste which shall be taken to the Town of Clifton Park Transfer Station; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to enter into a five year agreement with CWRS to provide collection services for yard waste, at no cost to the Town, in exchange for a License to use a portion of the Transfer Station for mulching operations, in accordance with the attached Agreement.

Supervisor Barrett reported this provides for full town-wide leaf pickup for all Clifton Park residents at no charge to the residents or the town budget. Free mulch will be provided to residents although there will be a cap on the amount taken. Councilman Roth recommended asking Mr. Earl if the contract date could be extended to the first or second week of December depending upon the weather.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 397 of 2006, a resolution hiring a substitute driver for the Senior Express.

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

WHEREAS, a need exists for a substitute driver for the Senior Express, and

WHEREAS, Joseph Grande, 14 Summerlin Drive, Clifton Park, has been recommended to fill the position; now, therefore, be it

RESOLVED, that Joseph Grande, 4 Summerlin Drive, Clifton Park, be appointed to fill the position of substitute driver for the Senior Express, at Grade 1, Step 3, (Part-Time Matrix)\$11.31 per hour, to be paid from A-6772-E2350 (Senior Van-Sub Driver), effective immediately.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 398 of 2006, a resolution awarding the bid for the Locust Lane Pool Clubhouse Roof Replacement

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

WHEREAS, on October 25, 2006 bids were received for the above referenced contract, and

WHEREAS, the low bidder for the Locust Lane Pool Clubhouse Roof Replacement is Monahan & Loughlin, Inc. in the amount of \$51,000 for the base bid and \$54,400 for the alternate bid, and

WHEREAS, as per letter from McDonald Engineering, dated October 31, 2006, McDonald Engineering has reviewed the bids and has recommended to the Town Supervisor that Monahan & Loughlin, Inc. be accepted as the lowest most responsible bidder for the alternate bid work; now, therefore, be it

RESOLVED, that the Town Board accepts and awards the above referenced alternate bid in the amount of \$54,400 to Monahan & Loughlin, Inc., amount to be budgeted from A1625-024 (Locust Lane Clubhouse Repairs & Maintenance).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

PUBLIC PRIVILEGE

Jason Capogna, 28 Juniper Drive, referred to the town Noise Law and reported heavy metal music is being played between 7:00 a.m. and 10:00 p.m. from the duplex behind his home and has been going on all summer. He said his daughter cannot sleep and the music rattles his house. He has called the police but they say there is nothing they can do since there is no restriction during those hours. Mr. Capogna said this is a rental property and he has called the owner but he doesn't seem willing to have the tenants keep the noise at the decent level. He is asking the Town Board to look at changing the legislation to where there is a reasonable decibel/noise level, the same as after 10:00 p.m. Mr. Capogna reported the same individuals have been ticketed for having bonfires.

Mary Jo Bracken, Juniper Drive, speaking with Mr. Capogna, reported there are bonfires every week or so at the duplex behind her home and have been going on since the summer. She asked the Town Board to consider amending the noise law so police can act to protect the spirit of the ordinance. She stated the band is practicing fully amped, some lyrics are lewd and the noise level is unbearable and abusive.

Supervisor Barrett responded he will work with the residents.

Norman Goldman, London Square Drive, again expressed concern with electronic voting machines.

Responding to the noise complaint, Councilman Speckhard said he hopes there is a way to address it.

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 8:03 p.m.

Patricia O'Donnell
Town Clerk