

May 21, 2007

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

Also Present: Town Attorney McCarthy
Mark Heggen, Comptroller
Richard Kukuk, Superintendent of Highways
Kathleen Maynard, Director of Planning
Barbara McHugh, Director of Community Development
Steven Myers, Director of Building and Development
Michael O'Brien, Environmental Specialist
Michael Shahan, Town Administrator

MOTION BY Councilman Roth, seconded by Councilwoman Walowit, to approve the minutes of the May 7, 2007 meeting as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Roth referred to an email from Todd and Tracey Tidgewell, dated May 20, 2007, regarding an application to erect a cell tower at the Jonesville Fire Station and asking the town to retain an independent expert to advise the town on this matter. Both Councilmen Roth and Paolucci agreed with this recommendation. Councilman Paolucci further stated the town should receive engineering input as well.

Councilman Paolucci reviewed monies used to reduce highway tax and county tax since 2000 amounting to \$21.969 million, as well as open space land acquisitions since 2001 totaling \$2,377,338. He reported since the year 2000, budgets have totaled approximately \$88 million and \$20 million has been returned to the taxpayers through tax stabilization fund, and highway and county tax reduction.

PRESENTATIONS

The Supervisor presented Lauren Wolfe with the following resolution for her dedication and service to the community.

Resolution No. 152 of 2007, a resolution honoring Lauren Wolfe for her many achievements and for her service to the community.

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

WHEREAS, Lauren Wolfe is a senior at Shenendehowa and an inspiration to all who come in contact with her, and

WHEREAS, Lauren has committed herself to Girl Scouts for the last ten years, and

WHEREAS, Lauren has recently received the Girl Scout Gold Award, the highest award in Girl Scouts, for her "Gold Award Project", which entailed her working the last two years with her school and community to make school bus stops safer and to make drivers and teen drivers more aware of school bus stops, and

WHEREAS, Lauren has participated in many voluntary events including food pantry, selling Girl Scout cookies and convincing people to donate cookies for our Troops in Iraq, filling "Bunny Bags" for children in families who can't afford to buy the simplest items needed for every day good hygiene, and

WHEREAS, Lauren recently motivated her mother and a friend to train for and run with her in the "5K Race for the Cure", once again to benefit others, and

WHEREAS, to all who know Lauren she is a leader in every way and an inspiration, for Lauren herself has been in remission with a muscle disease for seven years; now, therefore, be it

RESOLVED, that Lauren Wolfe is hereby honored by the Clifton Park Town Board, for her personal achievements, her service to her community, and for being an inspiration to her peers, to never give up.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Team 20 of Shenendehowa High School Robotics team demonstrated their winning project. Rose Bauer, advisor, noted the Robotics Team started in 1992 and explained the team has six weeks to design, build and test. Each team member introduced himself/herself and explained his/her responsibility on the project.

MOTION by Supervisor Barrett, seconded Councilman Paolucci, to recess for five minutes. Motion unanimously carried at 7:50. Meeting resumed at 7:57.

PRESENTATIONS TO THE BOARD

County Supervisor Anita Daly gave an update of various activities at the county and introduced Town of Waterford Supervisor Jack Lawler, Chairman of the Saratoga County Water Authority, who reviewed the planned County Water project, along with Water Authority project manager Wes Carr and Dan Lowenstein of Malcolm Pirnie, Inc.

Town Comptroller Heggen reported the Annual Financial document was filed with the State Comptroller on May 1, 2007. He said revenue and expenditures are in line with previous years. Regarding a resolution on the agenda this evening, Mr. Heggen said he received three responses to the auditing services RFP and all were well qualified.

Town Administrator Shahan reported the town's new carrier, Selective Insurance, has done a loss control inspection which included seven different locations and the carrier was very impressed with town upgrades, generators, and with the quality of elements of Project Adventure at Collins Park. He recommended to the Town Board that the County Workplace Violence Policy be adopted. This is being reviewed by Town Attorney McCarthy. Mr. Shahan reported a six foot

stockade fence will be erected between the Grooms Tavern property and that of the adjoining neighbor to the west.

MOTION by Councilman Paolucci, seconded by Councilwoman Walowit, to recess for three minutes. Motion unanimously carried at 9:30 p.m. Meeting resumed at 9:35 p.m.

PUBLIC PRIVILEGE ON RESOLUTIONS

Comment from the floor that the \$2.25 million be used to purchase permanent open space rather than rebate \$150. Supervisor Barrett responded, in addition to the proposed rebate, the town has made strategic frugal open space purchases.

Resolution No. 153 of 2007, a resolution allocating funds from undesignated surplus.

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

WHEREAS, the Town Board wishes to transfer funds to be allocated as a supplemental budget for the following projects:

• Buildings and Grounds Building addition and improvements	\$390,000
• Fire Prevention Bus (upfront dollars)	10,000
• Building Department Renovations	11,600
• Building Department temporary position, includes 15% for fringe benefits	15,840
• Community Development office furniture	1,560
• Town Hall HVAC system upgrade	20,000
	Total
	\$449,000

now, therefore, be it

RESOLVED, that \$449,000 be allocated from undesignated surplus to the above referenced projects.

Councilman Paolucci said he has questions about some of the allocations and there are some things he can't support.

MOTION TO TABLE by Councilman Paolucci, seconded by Councilwoman Walowit.

ROLL CALL VOTE ON MOTION TO TABLE

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

Noes: Councilman Roth

MOTION CARRIED

Supervisor Barrett said the Buildings and Grounds building may be too small already and he would like to look at some other options. Regarding the temporary position in the Building Department, Councilman Roth explained the grant runs out in July and the additional funds are necessary to complete the work in the Building Department. With regard to the Building Department renovations, Mark Kazmierczak, grant clerk, explained with the purchase of the new machines, there is very little file space left and there is no space for the secretary to the Zoning Board of Appeals. Town Administrator Shahan reported there are areas in the Building Department that are not visible to the counter and renovation of the site would allow better service to the customer. Supervisor Barrett said these items can be addressed in a few weeks.

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Resolution No. 154 of 2007, a resolution awarding the bid for the Pump Station Repair Services.

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

WHEREAS, the bid process for the above referenced project was coordinated by Consulting Engineer Jack McDonald, and

WHEREAS, on May 2, 2007, bids were received for the above referenced project, and

WHEREAS, the low bidder for the Pump Station Repair Services is Water Resource Technologies, Inc., Mechanicville, New York, in the amount of \$82,425, and

WHEREAS, McDonald Engineering has indicated that a reference check confirms that Water Resource Technologies, Inc. is a responsible bidder and qualified to provide the services for which they bid, and

WHEREAS, as per letter from McDonald Engineering, dated May 3, 2007, McDonald Engineering has recommended to the Town Board that the bid of Water Resource Technologies be accepted as the lowest most responsible bidder for the project for which they bid; now, therefore, be it

RESOLVED, that the Town Board accepts and awards the above referenced bid in an amount not to exceed \$82,425, to Water Resource Technologies, amount to be budgeted from G7-8111-34 (Clifton Park Sewer District No. 1-Pump Maintenance).

Environmental Specialist O'Brien explained there are 579 grinder pumps in the Sewer District that require an outside contractor to repair when necessary.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 155 of 2007, a resolution approving an amenity zoning request on the Massaroni Property located on Tanner Road.

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

WHEREAS, under the Town's Open Space Incentive Zoning option for a proposed subdivision in accordance with Section 208-43.16 of the Town Code, the applicant is requesting a density increase of up to 2 additional units in exchange for providing the public benefit of \$30,000 per unit for a total of \$60,000 to be placed in a dedicated Western Clifton Park Open Space Incentive Zoning Fund, and

WHEREAS, a project narrative, requested incentive and proposed amenity, subdivision calculations, site location map, constrained and unconstrained plan, and proposed layout was submitted to the Town Board in accordance with Section 208-43.16 of the Town Code, and

WHEREAS, the Planning Board conducted an advisory review of the proposal and held a Public Workshop for public input, and the Town Board has considered the Planning Board's advisory report, and

WHEREAS the Town Board conducted a Public Hearing on April 9, 2007 to obtain public comments on the proposal, and

WHEREAS, an Environmental Assessment Form has been prepared for this proposal and the Town Board circulated a request to be Lead Agency under SEQRA for 30 days, and

WHEREAS the Town Board has reviewed the Environmental Assessment Form and finds that the proposed project including the incentive can be adequately supported and will not significantly impact the environment nor reduce the availability of facilities for projects permitted as of right, and the proposal provides a public benefit of funding to be used towards securing permanent open space for the public; now, therefore, be it

RESOLVED, that the Town Board hereby establishes itself as Lead Agency for this proposal under SEQRA and authorizes the preparation of a Negative Declaration and Findings Statement by the Town Engineering Consultant, and be it further

RESOLVED, that the Town Board hereby approves the density increase request of up to a maximum of 2 additional units for the property in exchange for open space benefits for the Town of Clifton Park and the applicant is hereby required to pay in full the amount of \$60,000 to be placed in the designated Western Clifton Park Open Space Incentive Zoning Fund, and such fund may only be utilized by the Town of Clifton Park to acquire lands and interests to lands in Western Clifton Park.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 156 of 2007, a resolution supporting the Rose and Kiernan Clifton Park International Soccer Classic.

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

WHEREAS, for thirty-one years the Rose and Kiernan Clifton Park Soccer Classic has drawn youth soccer teams from states up and down the East Coast, Canada and Europe, and

WHEREAS, this annual event enhances the economy of the Town of Clifton Park, and

WHEREAS, financial support in the form of sponsorship is needed in order to meet the rising costs of conducting the tournament; now, therefore, be it

RESOLVED, that the Town of Clifton Park supports the 31st Annual Rose and Kiernan Clifton Park International Soccer Classic with a \$5,000 sponsorship, to be paid from the Contingency Fund.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

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Resolution No. 157 of 2007, a resolution allocating funds for the Clifton Park Tax Rebate Program.

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

WHEREAS, the Town has an undesignated unreserved fund balance in excess of \$10,000,000, and

WHEREAS, the Town has allocated the funds to eliminate the bonded indebtedness obligated by the General Fund, and

WHEREAS, the Board wishes to provide tax relief to the people of Clifton Park in the form of a tax rebate payable to all households within the Town in the amount of \$150, and

WHEREAS, the Town Assessor and Comptroller have estimated that a tax rebate program in that amount will reduce the Town's undesignated unreserved fund balance in the amount of \$2,250,000; now, therefore, be it

RESOLVED, that the Board hereby allocates the amount of \$2,250,000 from the undesignated unreserved fund balance to the Clifton Park Tax Relief Program.

Councilman Roth announced he will abstain from voting on this resolution due to the fact he was not informed of or included in this proposal, or asked for input at the time it was announced. He stated he supports the Tax Rebate program but feels the Board should wait until approval is received from the State Comptroller's office.

ROLL CALL VOTE

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

Noes: None

Abstain: Councilman Roth

DECLARED ADOPTED

Resolution No. 158 of 2007, a resolution referring the Maxwell Road PDD to the Planning Board for review and comment.

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

WHEREAS, a PDD application has been made to the Town Board for a proposed forty (40) multi-family residential/condominium units in twelve (12) buildings and a change from existing R-1 and B-1 Zoning to the proposed PUD, and

WHEREAS, Section 208-72 of the Town Code provides for a review of PDD applications by the Planning Board at the Town Board's discretion; now, therefore, be it

RESOLVED, that the Maxwell Road PDD application is hereby referred to the Town Planning Board for further review and comment and that the Planning Board report back to the Town Board within sixty days.

It was noted this will on the agenda for the June 12, 2007 Planning Board meeting.

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ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 159 of 2007, a resolution authorizing the Supervisor to sign an arrangement letter with Cusack & Co. for auditing services on 2006 Financials and to transfer \$900 from A-1315-200 (Comptroller) to A-1320-19 (Auditor).

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

WHEREAS, it is necessary that an audit of the Town's financial activities for the fiscal year 2006 be conducted, and

WHEREAS, an acceptable proposal for the audit of the 2006 fiscal year activities of the Town of Clifton Park has been submitted by Cusack & Company, Latham, NY; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby authorizes the Supervisor to sign an arrangement letter with Cusack & Co. for auditing services on 2006 Financial Statements, at a total cost of \$17,000 and to transfer \$900 from A-1315-200 (Comptroller) to A-1320-19 (Auditor), \$14,000, to be paid from A-1320-19 (Auditor), \$1,000 from CD-4911 (Section 8 – Admin. Fee) and \$1,100, from H9-1320-19 (Capital).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 160 of 2007, a resolution awarding the bid for Arena Dasher Boards.

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

WHEREAS, bids were opened on May 18, 2007 for the above referenced project, and

WHEREAS, Premier Rinks, Inc., 15300 25th Avenue North, Suite 600, Minneapolis, Minnesota, 55447, was the lowest competitive bidder in an amount of \$156,600 for Arena Dasher Boards, and

WHEREAS, Scott Bobrow, Arena Management Group, has determined that Premier Rinks has submitted the lowest responsive bid; now, therefore, be it

RESOLVED, that the bid for Arena Dasher Boards be awarded to Premier Rinks, Inc., 15300 25th Avenue North, Suite 600, Minneapolis, Minnesota, 55447, in an amount of \$156,600, \$143,000 to be paid from amounts approved from 2005 County Surplus allocation, and \$13,600 from Unreserved Undesignated Fund Balance; subject to the Town Attorney's review of the bid documents within three days of the award.

Comptroller Heggen explained the bid of Becker Arena Products, Inc. included the lift as an alternate price of \$16,000 which brought the bid to \$168,000, higher than Premier Rinks, Inc. (aka Athletica) bid.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 161 of 2007, a resolution regarding bids for Emergency Sewer Repair Services, for repairs of Sewer Districts operated by the Town of Clifton Park.

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

WHEREAS, competitive bids were opened on March 22, 2007 for services used by Sewer Districts operated by the Town of Clifton Park, and

WHEREAS, McDonald Engineering has recommended that the bids be awarded to all four responsive contractors in order to secure the maximum availability of Emergency Sewer Repair Service, and

WHEREAS, McDonald Engineering has checked the references of all of the contractors and has determined each to be a responsible bidder, that they have provided similar services with satisfactory results in the past to other clients, and

WHEREAS, Michael O'Brien, Environmental Specialist, has recommended that the bid for Emergency Sewer Repair Service for repairs of Sewer Districts, operated by the Town of Clifton Park, be awarded to the four competitive bidders, per Schedule "A", in order to provide options and flexibility in the case of scheduling problems or equipment problems; now, therefore, be it

RESOLVED, that the bid for Emergency Sewer Repair Service for repairs of Sewer Districts, operated by the Town of Clifton Park, be awarded to multiple contractors, TKC, Wm. Schultz Construction, Wm. Keller & Sons Construction and KGK Construction Services, per Schedule "A".

Environmental Specialist O'Brien explained this will allow contractors to be lined up in the event of a significant emergency with the price known prior to work being done. This includes all town sewer districts.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 162 of 2007, a resolution authorizing the Town Supervisor to enter into a contract to purchase land from Emmor and Ann Caldwell at Route 146 in Rexford and allocating funds from undesignated surplus for the purchase.

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

WHEREAS, the Town Board wishes to enter into an agreement with Emmor and Ann Caldwell to purchase approximately fifty-four and 56/100's acres of land for parkland and

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passive use recreation, and will prohibit commercial and residential development on the parcel, and

WHEREAS, the acquisition of this land would confer a benefit to the Town of Clifton Park and its residents, and

WHEREAS, the purchase of the acreage of land is identified as follows:

Section, Lot, Block	Commonly known address
270.-00-1-1	Route 146, Rexford

located in the Town of Clifton Park, and

WHEREAS, the purchase will be paid as follows, with \$750,000 allocated during Fiscal Year 2007, \$400,000 in Fiscal Year 2008, and \$250,000, in Fiscal Year 2009; now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to enter into the attached Agreement with Emmor and Ann Caldwell for the purchase of a portion of approximately fifty-four and 56/100's acres of land located on Route 146, Rexford, for parkland purposes; and it is further

RESOLVED, that the Comptroller is authorized to transfer \$750,000 from the Unreserved Fund Balance to be paid at closing, and to create a Capital Projects Fund, from which he shall transfer \$400,000 in the Fiscal Year 2008, and an additional \$250,000 in Fiscal Year 2009, pursuant to contract terms, in addition to any necessary closing and transfer fees as determined by the Town Attorney, (such as may be applicable: title report, title insurance, environmental site assessment, baseline easement report, survey, preparation of deed, mortgage subordination/release, and recording fees) to be paid with a transfer from the Unreserved Fund Balance with a transfer to A8150-200 (Inter-fund Transfer-Equipment).

Director of Planning Maynard displayed a map of the Caldwell property, noting it is contiguous to the 100 acres purchased on Route 146.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 163 of 2007, a resolution authorizing the Highway Superintendent to attend the 2007 Highway School in Ithaca, N.Y.

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

WHEREAS, Richard Kukuk, Highway Superintendent, has requested that he be authorized to attend a Highway School in Ithaca, N.Y., June 4-6, 2007, at a cost not to exceed \$675, and

WHEREAS, Mr. Kukuk's attendance at the conference would provide a benefit to the Town; now, therefore, be it

RESOLVED, that Richard Kukuk, Highway Superintendent, is hereby authorized to attend the Highway School in Ithaca, N.Y., June 4-6, 2007, at a cost not to exceed \$675, to be paid from A05010-00001 (Training-Conferences).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PRESENTATION TO THE BOARD CON'T.

Helmut Gerstenberger, Chairman of the Clifton Park Water Authority, gave an overview of the Water Authority, its history and its mission. He noted approximately 31,000 people are serviced in the community and currently use, on average, about three million gallons a day, with a maximum output of 6.2 million gallons a day. He reported the cost of production and distribution currently is at \$.67 per 1000 gallons of water but does not include debt service which will be in play for the next 15 years. Mr. Gerstenberger further stated agreements are in place with the Towns of Glenville and Halfmoon for back up water if needed. He explained the water source is entirely ground water, mostly in the Vischer Ferry Preserve area. In looking at long-term water solutions, Mr. Gerstenberger stated it is important to look at long-term negotiated contracts to insure price stability. He reviewed various County Water Authority proposals and explained in June 2006, CPWA decided to rescind their commitment to the county water plan based on the change of the project and what had been presented to CPWA. He reviewed options being looked at including the Viola plan, long-term purchase agreement with the Town of Glenville, purchasing water from the Town of Halfmoon and the Town of Colonie, construction of a surface water treatment plant on the Mohawk River, and the expansion of the Boyack Road treatment plant and Vischer Ferry Preserve well field. Mr. Gerstenberger stated if water is purchased from outside sources, it cannot be equally distributed to all customers. He distributed the Water Authority Financial Report for 2005-2006. He said it is the Water Authority Board's objective to evaluate all options but no decisions have been made as yet.

Councilman Roth, liaison to the Water Authority, stated he is impressed with the staff at the Authority, particularly Administrator Don Austin.

PUBLIC PRIVILEGE

Mary Gillespie, Heather Drive, representing Meadow Estates Park District, stated members of the Park District support town activities, however, with the parking situation on Clifton Park Center Road during the 4th of July celebration last year emergency vehicles would not have been able to get through. She asked the Town Board look at the situation and not allow Meadow Estates to become a parking lot on July 4th.

Norman Goldman, London Square Drive, asked how it will be determined who gets a rebate and eligibility requirements.

Youseff Ballout, Torrero Drive, stated the town has been sitting on a lot of money and asked why this is being done prior to approval of the State Comptroller. He asked how the town went about pricing the Caldwell property and is all of the property developable.

Supervisor Barrett reported 75-80 percent of the town's revenue comes from sales tax.

Todd Kerner, Spruce St., asked why the public was not made aware of the press conference announcing the tax rebate. He stated, while there is no general town tax, there are numerous taxing districts. He would prefer to see money returned to the county to reduce property taxes or do away completely with the highway tax. Mr. Kerner stated the town needs to spend more money on parks and infrastructure.

Mr. Goldman expressed concern with the quality of tapes of Town Board meetings that are shown on television the following evening.

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Jim Baisley, Barkwood Drive, reviewed various items on which sales tax money has been spent. He recommended people attend the budget public hearing and offer suggestions as to how funds should be spent.

Mike Dudick, Addison Way, ZBA Chairman, spoke in favor of the rebate.

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 11:38 p.m.

Patricia O'Donnell
Town Clerk