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December 17, 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
Myla Kramer, Director of Parks, Recreation and Community Affairs
Kathleen Maynard, Director of Planning
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 December 3, 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 Hughes reported the tax rebate deadline has passed and all but \$300,000 of the \$2,250,000 has been distributed. The Town Board will consider a resolution this evening allocating the \$300,000 to the Open Space fund. He said though applications were brought to apartment complexes, there was a high number of renters that did not apply.

MOTION BY Councilwoman Walowit, seconded by Councilman Hughes, to go into Executive Session to discuss personnel matters regarding the Justice Court. Motion carried at 7:05 p.m.

In attendance: Supervisor Barrett, Councilmen Paolucci, Hughes, Roth, Councilwoman Walowit, Town Clerk O'Donnell, Town Administration Shahan, Town Justices Hughes and Rybak

No action was taken.

MOTION BY Councilwoman Walowit, seconded by Councilman Paolucci, to return to the regular Town Board meeting. Motion carried at 7:15 p.m.

PRESENTATION TO THE BOARD

Ann Schwanda explained the Quilt Project in which the Town of Clifton Park staff and the community at large have participated. She noted in 2006, 100 quilts were made and donated to individuals in Saratoga County. Ms. Schwanda said she works with most all Shenendehowa

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schools, offering students an opportunity to serve and make a difference in the community. Supervisor Barrett thanked Ms. Schwanda for all her work for the community.

Supervisor Barrett thanked residents for their generosity with regard to Operation Adopt a Soldier. He reported eight car loads of items, donations received at the town hall, have been forward for delivery to the troops. He thanked Ms. McHugh for coordinating this effort.

PUBLIC HEARING, 7:10 PM
TO CONSIDER A CONSERVATION EASEMENT APPLICATION
FOR PROPERTY AT 61 APPLETON ROAD

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on December 7, 2007.

Supervisor Barrett explained the application is for 114 acres for 15 years and is requested by Carl and MaryAnn Springel.

The public hearing was opened for comments from the audience at 7:20 p.m.

Kevin Dailey reported he has entered into an agreement with the Springels to eventually put a permanent easement on the property as part of the town's incentive zoning program under CR zoning. Mr. Dailey further reported he has obtained an option on the Curnyn Meadows McCormick property on Grooms Road and proposes to subdivide the property for residential purposes and to combine this with the concept of an equine center. He explained the Springel property adjoins the Curnyn Meadows property and, therefore, between the Springels and himself a conservation easement could be put on 175 acres of land. Mr. Dailey noted though much of the property is wet, approximately 60 + acres on the Springel portion is upland. He stated the Conservation Easement under discussion this evening and the Incentive Zoning proposal are two separate issues but he wanted to advise the Town Board what is under discussion regarding the Springel property. He further stated all this acreage is shown as a future nature preserve on the western Clifton Park zoning map.

Supervisor Barrett noted the Conservation Easement law has an option to break the contract but there is a penalty.

Councilman Paolucci asked why Messrs. Dailey and Springel are proceeding with the Conservation Easement. Mr. Dailey responded when he met with Mr. Smead in October the Curnyn Meadows option was not in place. He feels it could take almost two years to go through the entire Town and Planning Boards process and Mr. Springel would be paying taxes on the entire 114 acre parcel during that time.

Supervisor Barrett said the Board looks favorably on the program and would like to see more land protected.

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 7:50 p.m.

REPORTS TO THE BOARD

Comptroller Heggen reviewed the November financial report noting revenues and expenditures are still tracking in line with 2006. He stated the resolution on the agenda regarding budget transfers is usual for year end.

Town Administrator Shahan – no report.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

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Resolution No. 343 of 2007, a resolution adopting Local Law No. 13 of 2007, a local law amending Chapter 208, Zoning Code of the Town of Clifton Park, as amended.

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

WHEREAS, the Town continues to upgrade it's systems for compliance with NYSDEC'S General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems Permits, (MS4 Permits), and

WHEREAS, Steven Myers, Director of Building and Development, has recommended that the following sections of Chapter 208 of the Town Code be amended to upgrade the Town's systems for compliance:

- 208-6, Additional Standards for Administration and Enforcement
- 208-69.1, Location and Boundaries
- Section 208-114, Conceptual Plan
- Section 208-115, Application for preliminary site plan approval
- Section 208-118, Application for final site plan approval;

and

WHEREAS, on July 16, 2007, at 7:10 P.M. a public hearing was conducted to obtain comment from the public regarding the proposed changes; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby adopts Local Law No. 13 of 2007, a local law amending Chapter 208, Zoning Code of the Town of Clifton Park, as amended, and be it further

RESOLVED, that the Town Clerk file said local law with the New York State Department of State as required by law; and be it further

RESOLVED, that this local law shall take effect immediately upon its adoption.

Mr. Myers explained this and the following resolutions will bring the town into conformance with DEC requirements. He said this will be a manpower intensive program. Supervisor Barrett noted this is an unfunded state mandate and he would like regular reports to see how these requirements are working out.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 344 of 2007, a resolution adopting Local Law No. 14 of 2007, a local law amending Chapter 169, Sewers, Article III, Use of Public Sewers Required, as amended.

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

WHEREAS, the Town continues to upgrade it's systems for compliance with NYSDEC'S General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems Permits, (MS4 Permits), and

WHEREAS, Steven Myers, Director of Building and Development, has recommended that Chapter 169, Sewers, Article III, Use of Public Sewers Required, of the Town Code be amended to upgrade the Town's systems for compliance, and

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WHEREAS, on July 16, 2007, at 7:30 P.M. a public hearing was conducted to obtain comment from the public regarding the proposed changes; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby adopts Local Law No. 14 of 2007, a local law amending Chapter 169, Sewers, Article III, Use of Public Sewers Required, as amended, and be it further

RESOLVED, that the Town Clerk file said local law with the New York State Department of State as required by law; and be it further

RESOLVED, that this local law shall take effect immediately upon its adoption.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 345 of 2007, a resolution adopting Local Law No. 15 of 2007, a local law amending Chapter 86, Construction and Design Standards, of the Town Code, as amended.

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

WHEREAS, the Town continues to upgrade it's systems for compliance with NYSDEC'S General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems Permits, (MS4 Permits), and

WHEREAS, Steven Myers, Director of Building and Development, has recommended that the following sections of Chapter 86 of the Town Code be amended to upgrade the Town's systems for compliance:

- Section 86-7, Storm Drainage
- Section 86-114, Storm Drainage System

and

WHEREAS, on July 16, 2007, at 7:20 P.M. a public hearing was conducted to obtain comment from the public regarding the proposed changes; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby adopts Local Law No. 15 of 2007, a local law amending Chapter 86, Construction and Design Standards, of the Town Code, as amended, and be it further

RESOLVED, that the Town Clerk file said local law with the New York State Department of State as required by law; and be it further

RESOLVED, that this local law shall take effect immediately upon its adoption.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

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Resolution No. 346 of 2007, a resolution adopting Local Law No. 16 of 2007, a local law amending Chapter 73, Building Construction and Fire Prevention, Section 73-12 regarding Water Supply or Fire Flows, and Section 73-20, Permits, as amended.

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

WHEREAS, the Director of Building and Development has recommended that Chapter 73, Section 73-12, regarding Water Supply or Fire Flows and Section 73-20, Permits, be amended to reflect current New York State Building Code, and

WHEREAS, on November 13, 2007, at 7:10 p.m., a public hearing was conducted to obtain comment from the public regarding the proposed changes to the Town Code; now, therefore, be it

RESOLVED, that Local Law No. 16 of 2007, a local law amending Chapter 73-12, regarding Water Supply or Fire Flows and Section 73-20, Permits, to reflect current NYS Building Code, is hereby adopted, and be it further

RESOLVED, that the Town Clerk file said local law with the New York State Department of State as required by law; and be it further

RESOLVED, that this local law shall take effect immediately upon its adoption.

Mr. Myers said the Town Code had a lot of particulars about fire flow that now aren't necessary because it is built into the new State Building Code and rather than cause confusion it was easier to use the state mandates.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 347 of 2007, a resolution authorizing disbursement of unused portions of Tax Rebate allocations to the Open Space Capital Reserve Account.

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

WHEREAS, the Town Board allocated \$2,250,000 for the Clifton Park Tax Relief Bill of 2007 by Resolution No. 157 of 2007, and

WHEREAS, the Tax Rebate Program will conclude with funds left over from the allocation made for the program, and

WHEREAS, the Town Board wishes to commit unexpended funds from the Tax Rebate allocation directly into the Town's Open Space Capital Expense Account for the future preservation of Open Space through purchase, conservation easements, or other Open Space acquisition mechanisms; now, therefore, be it

RESOLVED, that the Comptroller is authorized to transfer \$300,000 from A-1370-15 (Tax Rebate Account), to the Capital Reserve Fund established by Resolution No. 49 of 2003, for the preservation of Open Space in Clifton Park.

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ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 348 of 2007, a resolution approving an outside user connection to the Woodland Hills Sewer District No. 1 for 983 Route 146.

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

WHEREAS, as a condition of site plan approval, the owners of Clifton Park Family Dentistry are required to connect to the Woodland Hills Sewer District No. 1, as an outside user, and

WHEREAS, the Town Board, acting as Commissioners of the Woodland Hills Sewer District No. 1, have reviewed and approved the application and they have no objection to the new user, and

WHEREAS, the Superintendent has collected or will collect all appropriate fees as required by the Rules and Regulations of the Woodland Hills Sewer District No. 1, and

WHEREAS, the Town Engineer has reviewed the location and has confirmed that there will be no detrimental impact on the sewer system; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Woodland Hills Sewer District No. 1, hereby approves an outside user connection to the District's facilities for Clifton Park Family Dentistry, 983 Route 146, S.B.L. No. 271.6-1-42, pursuant to the attached agreement, and authorizes the Supervisor to sign the agreement on behalf of the Woodland Hills Sewer District No. 1, and be it further

RESOLVED, that the approval of the outside user connection is contingent upon approval by the Saratoga County Sewer District No. 1; and be it further

RESOLVED, that this approval for an outside-user connection by Clifton Park Family Dentistry, is specifically conditioned upon adherence to the Town of Clifton Park's Policy for New Sewer Users, which Policy shall be incorporated by reference into the Outside User Agreement applicable to this property.

Environmental Specialist Michael O'Brien said the applicant has received an easement through to Trice Drive. This is a low use single grinder pump and there is plenty of capacity. This has been signed off on by the town engineer.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 349 of 2007, a resolution authorizing the purchase of a Sewer Service Vehicle for use by the Clifton Park Sewer District No. 1 from State Contract PC 62755.

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

WHEREAS, Michael O'Brien has identified a need for a Sewer Service Vehicle for tow service operations in the Clifton Park Sewer District No. 1, and

WHEREAS, Mr. O'Brien has requested authorization to purchase a GMC 5500 Cab and Chasis, with options, from Burr Truck and Trailer Service, Vestal, New York, at a cost not to exceed \$41,200.44 from State Contract PC 62755; now, therefore, be it

RESOLVED, that authorization is hereby given to the Clifton Park Sewer District No. 1, to purchase a Sewer Service Vehicle, with options, at a cost not to exceed \$41,200.44 from Burr Truck and Trailer, 2901 Vestal Road, Vestal, New York, 13850, through State Contract PC 62755, Award No. 20165, to be paid from G7-8111-200. (Equipment)

Mr. O'Brien reported a new laborer will be hired in 2008. He stated as abilities increase so does the scale of work and it is necessary to purchase a service vehicle. Mr. O'Brien said this will allow the town to wean off dependence on contractors. Supervisor Barrett said this will continue to build the Sewer Department to a point where the many responsibilities taken on can be handled in house, thereby saving money. It is hoped the current Clifton Park Sewer District No. 1 rates can be maintained while upgrades are done. The Supervisor expressed appreciation to Mr. O'Brien for his work and dedication over the years.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 350 of 2007, a resolution authorizing the Clifton Park Sewer District No. 1 to go out to bid for a new standby generator for the Wood Dale Drive Pump Station and to encumber 2007 funds for the purchase.

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

WHEREAS, Michael O'Brien, Superintendent of the Clifton Park Sewer District No. 1, has requested authorization to go out to bid for a standby generator for the Wood Dale Drive Pump Station, and

WHEREAS, McDonald Engineering has estimated the cost for the generator, timer and installation to be approximately \$35,000; now, therefore, be it

RESOLVED, that the Clifton Park Sewer District No. 1 is hereby authorized to go out to bid for a standby generator for the Wood Dale Drive Pump Station, at a cost not to exceed \$35,000; and be it further

RESOLVED, that an amount not to exceed \$35,000 be encumbered from the 2007 Budget line G-7-8111-200 (Equipment) to pay for the generator.

Mr. O'Brien explained National Grid has been responsive but service goes out approximately once a month. He has been working with McDonald Engineering in purchasing a "crystal quiet" generator and is also working with neighbors. Residents do not want a diesel generator.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

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Resolution No. 351 of 2007, a resolution authorizing the budget transfers specified in Exhibit A.

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

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 Hughes, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 352 of 2007, a resolution authorizing a Grade increase for Laurie Luse based on a review by the Saratoga County Department of Personnel of her position as Payroll Clerk.

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

WHEREAS, at the request of the Town, the Saratoga County Department of Personnel conducted a desk audit and reviewed a position questionnaire describing Laurie Luse's current duties as Payroll Clerk, and

WHEREAS, the Saratoga County Department of Personnel has recommended that the Town adjust the Grade 5 allocation based on the amount and complexity of work that continues to grow, as the Town expands; now, therefore, be it

RESOLVED, that at the recommendation of the Saratoga County Department of Personnel, the Comptroller is hereby authorized to adjust the Grade 5 allocation to Grade 6, to reflect the amount and complexity of the work that Laurie Luse performs as Payroll Clerk; and be it further

RESOLVED, that the Grade and Step for the Payroll Clerk will be at Grade 6, Step 4, \$39,676 as approved in the 2008 budget, effective January 1, 2008.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 353 of 2007, a resolution authorizing the hiring of a Program Assistant for the Webkinz Camp.

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

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WHEREAS, the Town is offering it's first-ever February school vacation week camp based on the popular Webkinz toy; and

WHEREAS, Parks & Recreation Director Myla Kramer has recommended that Matthew McMahon, 15 Jacob Drive, Halfmoon, be hired to fill the position; now, therefore, be it

RESOLVED, that authorization is hereby given to hire Matthew McMahon, 15 Jacob Drive, Halfmoon, as the Program Assistant for the Webkinz Camp to be held from February 18-22, 2008, effective immediately, to be paid a total of \$700, at the completion of the camp, to be paid from A7021-0152 (Parks & Rec. Admin.-Other Contractual).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 354 of 2007, a resolution amending the purchase payment schedule in the Agreement for the purchase of development rights with Isabel and Joel Prescott and authorize the Town Supervisor to sign the addendum to the contract.

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

WHEREAS, on January 17, 2006, by Resolution No. 29 of 2006, the Town Board authorized the Town Supervisor to enter into an amended contract to purchase the development rights for a parcel of land from Isabel and Joel Prescott, and

WHEREAS, on January 20, 2006, the Town entered into a contract for the purchase of Development rights for eighty-five acres along Riverview Road, for a total purchase price, after discount for bargain sale of \$787,000, and

WHEREAS, terms of the original purchase contract called for the purchase of development rights for eighty-five acres of scenic, farm and open space lands along Riverview Road, and

WHEREAS, the sellers now wish to include, and the Town wishes to purchase, development rights on an additional two prime scenic acres on the river side of the property in order to enhance the overall scenic effect of the property and the view from Riverview Road, and

WHEREAS, the Prescotts have requested a change in payment terms that requires a payment of \$795,000, and

WHEREAS, Resolution No. 29 of 2006 previously allocated \$135,000 for the project and the Town was awarded a Saratoga County Grant of \$100,000 for this project, and

WHEREAS, Resolution No. 313 allocated \$560,000 for the project; now, therefore, be it

RESOLVED, that the Town Board hereby approves the amended payment schedule, per the attached and authorizes the Town Supervisor to sign the addendum to the contract.

Town Attorney McCarthy said this addendum adds two acres into the easement area and authorizes lump sum payment at closing. Supervisor Barrett thanked the Prescotts for working with the town in order to preserve this scenic open space, as well as preservation of town history and culture.

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ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 355 of 2007, a resolution scheduling the 2008 Organizational Meeting, and the first 2008 Town Board Meeting for the Town of Clifton Park.

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

WHEREAS, it is necessary to schedule the 2008 Organizational Meeting and the first 2008 Town Board Meeting; now, therefore, be it

RESOLVED, that the 2008 Organizational Meeting for the Town of Clifton Park shall be held on Wednesday, January 2, 2008, at 7:00 p.m. in the Wood Memorial Meeting Room, One Town Hall Plaza, Clifton Park; and be it further

RESOLVED, that the first Town Board Meeting of 2008 will be held on Wednesday, January 2, 2008, at 7:30 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 356 of 2007, a resolution authorizing the Town Supervisor to sign a Permanent Right of Way and Easement for a Sanitary Sewer Line on Glenbrook Court to serve the Bella Vista Manor Subdivision.

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

WHEREAS, the Saratoga County Sewer District No. 1 has requested an easement from the Town for a portion of the sewer line which was installed on Glenbrook Court to serve the Bella Vista Manor Subdivision, and

WHEREAS, the Permanent Right of Way and Easement is needed for the installation, maintenance, inspection, repair, relining, removal, replacement, improvement, use and operation of a sanitary sewer line and force main over all that certain tract, piece or parcel of land as described, per Schedule "A"; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign a Permanent Right of Way and Easement to the Saratoga County Sewer District No. 1, for a Sanitary Sewer Line on Glenbrook Court to serve the Bella Vista Manor Subdivision.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

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PUBLIC PRIVILEGE

Barbara Nebb, Riverview Road, reported the road sign for Riverview Road, located on the west side of Route 146 and Riverview Road has disappeared.

Bob Gauvreau, Oakwood Blvd., said it is a public duty and right to speak on town issues and feels using a timer during public privilege restricts speech.

Jim Baisley, Barkwood Lane, said the \$300,000 left from the tax rebate should have gone back into unallocated funds and then monies considered for the open space fund. He said it is unclear to him why budget adjustments are being done.

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 8:45 p.m.

Patricia O'Donnell
Town Clerk