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November 17, 2008

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
Michael Shahan, Town Administrator
Mark Heggen, Comptroller
Jude Hazard, Information Specialist

MOTION BY Councilman Hughes, seconded by Councilman Paolucci, to approve the minutes of the November 3 and 6, 2008 meetings as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett thanked all involved in the Shredding Day, noting this event will be scheduled again in 2009. The town partnered with 3N Document Destruction for this event and participants donated can goods.

Councilman Roth announced the town Blood Drive is scheduled for December 10th.

Councilman Roth further announced the town sponsored Clifton Park Community Chorus will perform "A Celebration of the Season" on December 14th.

Councilman Hughes gave an update of the Mohawk Landing (6 acre park off Riverview Road) progress. He expects the opening to be late spring or early summer.

**PUBLIC HEARING, 7:10 PM
TO CONSIDER A LOCAL LAW AMENDING CHAPTER 17
TOWN CODE OF ETHICS**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on November 13, 2008.

Councilman Hughes summarized the proposed local law explaining a refresh of the Code has not been done since 1998. He expressed appreciation for their assistance and input to William Pomeroy, Ethics Chair, Joel Peller, Ethics Board Attorney, Town Attorney McCarthy, NYS Association of Towns and NYS Bar Association and Mark Davies. Councilman Hughes reviewed proposed changes, including mandatory ethics training; prohibit immediate family members of Town Board members from being employed with the town on a fulltime basis; strengthen procurement guidelines which will be formally adopted as policy; prohibit any Town Board member from appearing before the town for two years after one leaves office. Additionally, there

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will be a five year ban for a Town Board member to appear before the town if there was a financial interest involved that related to any topic the Town Board member worked on while serving on the Board. He further explained a former Town Attorney would not be able to represent clients before any Clifton Park board for two years post employment. Political party officers would be prohibited from taking an appointed position with the town for two years. Councilman Hughes further explained any ethics violation will be an open record and made available to the public through the Town Clerk's office.

Councilman Roth recommended starting the ethics training in 2009. He spoke favorably of the proposed legislation, stating it clarifies the current legislation.

Councilman Paolucci said he would like to see the ethics training include all employees. It was noted this may have to be part of union negotiations.

Councilwoman Walowit spoke in support of the proposed legislation.

The public hearing was opened for comments from the audience at 7:35 p.m.

Norman Goldman, London Square Drive, recommended including all town employees in the ethics training as it is important for employees to know what is required and expected of them.

In response to Mr. Goldman's question regarding procurement, Town Attorney McCarthy said a proposed new requirement under state ethics law states the procurement policy needs to specify, at least by title, those employees who can engage in authorized approved procurement.

Jim Baisley, Barkwood Drive, spoke in favor of the proposed legislation. He suggested having the Ethics Board members listed on the website. He asked who is interpreting the Ethics Code. Mr. McCarthy replied Deputy Town Attorney Joel Peller as attorney to the Ethics Board. Councilman Hughes said the website will be updated with Ethics Board members this week.

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.

Jude Hazard, Town Information Specialist, updated the Board on the town's "Shop Locally" initiative. Flyers will be distributed to Clifton Park stores, as well as prizes offered through the website by businesses. Supervisor Barrett said he hopes the Chamber will partner with the town.

REPORTS TO THE BOARD

Town Comptroller Heggen reviewed the October financial report, noting expenditures are within budget.

Town Administrator Shahan reported the 2009 Budget is ready for adoption this evening.

PUBLIC PRIVILEGE ON RESOLUTIONS

Resolution No. 313 of 2008, a resolution awarding a contract for the removal of twelve trees in the Clifton Gardens Park District and authorizing a transfer of funds.

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

WHEREAS, the Clifton Gardens Park District has identified twelve trees to be removed from the playground area of the park in order to enlarge the playground area and to enhance both sunlight and security, and

WHEREAS, quotes were received by the Town Board, acting as Commissioners of the Clifton Gardens Park District, for tree removal in the District, and

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WHEREAS, the lowest conforming quote for the removal of the trees, was submitted by Adirondack Tree Surgeons, Gansevoort, New York, in an amount not to exceed \$4,695; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Clifton Gardens Park District, hereby awards the contract for the removal of twelve trees to Adirondack Tree Surgeons at a cost not to exceed \$4,695, to be budgeted with a transfer of \$4,6950 from SP2-909 (Fund Balance) to SP2-7121-24(Clifton Gardens Park District-Maintenance).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 314 2008, a resolution accepting an application for a Historic Preservation Easement for property at 18 Ferry Drive, Rexford.

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

WHEREAS, an application for a Historic Preservation Easement was received from Paul and Louetta Littman, 18 Ferry Drive, Rexford, and

WHEREAS, a public hearing was held on October 20, 2008, in order to receive public comment, regarding a Historic Preservation Easement application for a parcel at 18 Ferry Drive, Rexford, (SBL 287.016-01-26.0), in accordance with Local Law No. 12 of 1996, and

WHEREAS, on November 3, 2008, the Public Hearing was continued to obtain additional comment regarding the Historic Preservation Easement, and

WHEREAS, the Town Board has considered the application and the comments received; now, therefore, be it

RESOLVED, that the application for a parcel at 18 Ferry Drive, Rexford, (SBL 287.016-01-26.0), is hereby accepted and is granted a Historic Preservation Easement in accordance with the provisions of Local Law No. 12 of 1996; and be it further

RESOLVED, that the applicant, Paul and Louetta Littman, whose parcel has been granted a Historic Preservation Easement, shall execute an agreement provided by the Town of Clifton Park.

Historic Preservation Commission Chair Kazmierczak said this is for the structure only.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 315 of 2008, a resolution accepting a conveyance of the following easement.

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

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WHEREAS, pursuant to the condition of approval, the Town of Clifton Park Planning Board required that Deborah and David Deyoe convey a 15 foot strip of Land to the Town of Clifton Park to be used for potential future trail along Waite Road, and

WHEREAS, a Bond has been provided to the Town Planning Department as security for the contractor to complete all remaining punch list items; now, therefore, be it

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

| <u>Easement</u> | <u>Name of Owner</u> |
|---|-------------------------|
| 15 foot strip of Land lying easterly along Waite Road | Deborah and David Deyoe |

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.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 316 of 2008, a resolution adopting the 2009 Budget for the Town of Clifton Park.

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

WHEREAS, a public hearing was held on the Preliminary Budget on November 6, 2008 to obtain comment from the public regarding the proposed Budget for 2009, and

WHEREAS, the comments of the public have been incorporated into the proposed budget; now, therefore, be it

RESOLVED, that the 2009 Town of Clifton Park Budget is hereby adopted per Schedule A.

Supervisor Barrett said the town relies heavily on sales tax, noting at least 70 percent of revenues come from sales tax monies. He further said there will be no town tax and the highway tax will be kept at 15.5 cents per \$1000 assessed value. He reported the highway tax has been reduced from 87 cents in 1999 to 15.5 cents. There will be no lay offs or services cut. Supervisor Barrett announced the town has a \$10 million surplus.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 317 of 2008, a resolution authorizing the acceptance of sealed bids for surplus equipment in the Highway Department.

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

WHEREAS, the Clifton Park Town Board adopted Resolution No. 299 of 2008 authorizing the Highway Superintendent to advertise and accept sealed bids for the sale of surplus equipment in the Highway Department, and

WHEREAS, said bid was advertised in the Gazette on October 27, 2008 soliciting bids for this sale, and

WHEREAS, all bids were opened and publicly read on November 6, 2008; now, therefore, be it

RESOLVED, that the Clifton Park Town Board accepts the highest bids for the following items;

| <u>ITEM</u> | <u>NAME</u> | <u>AMOUNT</u> |
|--|---------------------|---------------|
| <u>1970 AM/GE Army Truck</u> VIN O5A0127OC12410369 | David Nigriny | \$1,208.00 |
| <u>1970 Army Tow Truck</u> VIN O5E12071C12711119 | David Nigriny | \$1,790.00 |
| <u>1991 International Cab & Chassis (for parts)</u> VIN 1HTSDZ7R4MH320762 | A. D. Hall | \$ 405.00 |
| <u>1985 Chevrolet Blazer</u> VIN 1G8ED18J6FF202130 | Franklin Valizorsky | \$1,607.00 |
| <u>1979 Elgin Pelican Sweeper</u> VIN S54138D | Dado Inc. | \$ 757.00 |
| <u>1990 International Cab & Chassis</u> VIN 1HTSDTVR7LH240628 | | \$ 576.00 |
| <u>1978 Ford CT-8000 Vac Truck</u> VIN Q80BVCC9969 | | \$1,501.00 |
| <u>1975 Diamond Rio/Cab & Chassis</u> VIN DRB42HC606276 | | \$ 376.00 |
| <u>MISCELLANEOUS ITEMS</u> | | |
| (1) Dump Body | Dado Inc. | \$1,100.00 |
| Air Compressor | Dan Fowler | \$ 65.00 |
| Snowblower | Mark Carota | \$ 150.00 |

MOTION BY Councilwoman Walowit, seconded by Councilman Paolucci to waive the reading of the item, name and amount. Motion unanimously carried.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

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Resolution No. 318 of 2008, a resolution authorizing the Town Supervisor to file commitment documents with Saratoga County for collection of the Town's share of the 2009 Sales Tax Revenues.

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

WHEREAS, the Town of Clifton Park is required to file commitment papers regarding the collection of Sales Tax Revenue for 2009; now, therefore, be it

RESOLVED, that the Clifton Park Town Board hereby authorizes the collection of Sales Tax Revenue to be paid in cash for 2009 from Saratoga County; and be it further

RESOLVED, that the Town Supervisor is hereby authorized to file the appropriate documents of commitment with Saratoga County.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Youseff Ballout, Torrero Drive, speaking with regard to the proposed ethics legislation, recommended adding that no town employee be allowed to participate in town auction of surplus equipment. He asked if the town has commenced any action or dialogue with the Town of Colonie regarding the Stoney Creek Reservoir area. He urged the Board to pursue this acquisition.

Supervisor Barrett responded there have been meetings and the Town of Clifton Park has expressed interest.

Councilman Roth stated, at this point, the Town Board has done everything possible to obtain the property and it is in the Town of Colonie's hands. Colonie has been told they can use the water if needed.

Norman Goldman, London Square Drive, asked the distance from the parking area to the Riverfront Park. He reiterated his concern regarding political signs.

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

Motion carried at 8:30 p.m.

Patricia O'Donnell
Town Clerk