

November 15, 2010

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 Romano
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Absent: Councilman Hughes

Also Present: Town Attorney McCarthy
Michael Shahan, Town Administrator
Mark Heggen, Comptroller
Barbara McHugh, Director of Community Development

MOTION BY Councilman Romano, seconded by Councilwoman Walowit, to approve the minutes of the November 1, 2010 meeting as presented.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett reported the County Board of Supervisors has approved a \$90,000 grant for the purchase of the Barney Road Golf Course.

RECOGNITION

The newest members of the town's CERT Team were recognized and introduced by Director of Community Development McHugh. Ms. McHugh reviewed the training received by the CERT volunteers.

Supervisor Barrett thanked the newest members for their dedication and stressed the importance of CERT training in emergency preparedness.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 271 of 2010, a resolution honoring Brian Michael Gagnon for attaining the rank of Eagle Scout.

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

WHEREAS, Brian Michael Gagnon, 4 Merion Avenue, Clifton Park, of Boy Scout Troop 42 has attained the rank of Eagle Scout, and

WHEREAS, Brian's positions of responsibility have included Den Chief, Chaplin Aid, Instructor, Patrol Leader, Assistant Senior Patrol Leader and Senior Patrol Leader, and

WHEREAS, Brian completed Junior Leader Training in 2004 and is currently an Assistant Sports Director at Camp Boyhaven, a resident summer camp for Cub Scouts age six to ten; and

WHEREAS, for his Eagle Scout Project, Brian built three eight foot trellis panels behind a statue of the Virgin Mary at Corpus Christi Catholic Church which is Brian's parish and also the location of the charter organization for Boy Scout Troop 42, added landscaping and two benches to complete the project, and

WHEREAS, these panels now separate the statue and patio area from the nearby street, adding to the serenity of the area for those who wish to use it for reflection or meditation; now, therefore, be it

RESOLVED, that the Clifton Park Town Board recognizes and honors Brian Michael Gagnon of Boy Scout Troop 42 for having attained the rank of Eagle Scout.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 272 of 2010, a resolution adopting the 2011 Budget for the Town of Clifton Park.

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

WHEREAS, a public hearing was held on the Preliminary Budget on November 4, 2010 to obtain comment from the public regarding the proposed Budget for 2011, and

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

RESOLVED, that the 2011 Town of Clifton Park Budget is hereby adopted per Schedule A.

Supervisor Barrett reviewed changes made to the 2011 budget: A line item is being added for the golf course with revenues of \$180,000 and expenditures of \$160,000. \$40,000 added to budget after the public hearing for the white house roof repair/replacement but noted town staff will do a good deal of the work to keep the cost down. The building is in full use. Highway tax in the Tentative Budget showed an increase of two cents per \$1000 of assessed value, however, at the public hearing it was decided to increase to three cents per \$1000 due to increasing supply costs and a commitment to maintain high funding levels for paving the town's aging infrastructure and decreasing sales tax revenues. \$5000 being added for Garnsey Park and \$5000 for the Dwaaskill Nature Preserve. Retirement and employee benefits have "exploded" over the year; therefore, 43 employees will receive a 2 percent increase rather than the 3½ percent in the budget. Supervisor's 2011 salary will be \$21,076, town board \$13,679. These savings will amount to a little over \$32,000. No layoffs as positions that became vacant in 2010 are not funded in 2011 budget. \$10,000 additional to the Senior Center and \$5000 to Carelinks.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 273 2010, a resolution accepting an application for a Historic Conservation Easement for a parcel of land located at 394 Vischer Ferry Road.

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

WHEREAS, the Planning Board has reviewed the application for a Historic Conservation Easement submitted by Denise Zumbo for a parcel of land at 394 Vischer Ferry Road (SBL 277.-1.77) and agree that the application meets the intent of the Conservation Easement provision pursuant to Local Law No. 12 of 1996 and assures preservation of the parcel for a period of twenty-five years, and

WHEREAS, the Planning Board voted unanimously to recommend that the Town Board accept the Historic Conservation Easement as presented, and

WHEREAS, a public hearing was held on November 1, 2010 in order to receive public comment regarding the Historic Conservation Easement application for a parcel of land located at 394 Vischer Ferry Road, Clifton Park (SBL 277.-1-77), in accordance with Chapter 125 of the Town Code as amended and

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

RESOLVED, that the application for a parcel of land located at 394 Vischer Ferry Road and owned by Denise Zumbo (SBL 277-1-77) is hereby accepted and is granted a Historic Conservation Easement in accordance with the provisions of Article XIII of Chapter 208-78 of the Town Code; and be it further

RESOLVED, that said applicant whose parcel has been granted a Conservation Easement shall execute an agreement provided by the Town of Clifton Park.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 274 of 2010, a resolution authorizing \$13,202.25 to be appropriated from H32-7629-15 (Capital Project Mohawk Towpath By-Way Corridor-Trails Contractual) for additional professional services required by New York State Canal Corporation for the Canal Towpath Community Connector Trailway Project.

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

WHEREAS, the New York State Department of Transportation (NYSDOT) has awarded a grant to the Town of Clifton Park as sponsor, and to the Town of Halfmoon as partner, under the federal Transportation Enhancements Program (TEP) that provides federal aid for highway projects which are not on the state highway system for a multi-use trail along the former Erie Canal Towpath between the two towns to be known as the Erie Canal Towpath Community Connector Trail, and

WHEREAS, the total project costs were estimated in 2006 to be \$2,100,000 with grant funds totaling \$1,680,000 and thus requiring a sponsor match of \$420,000, and

WHEREAS, the Town Boards of Clifton Park and Halfmoon have executed a cooperative inter-municipal agreement pursuant to Section 119 GML regarding their rights, duties, and responsibilities of the project and to determine their respective contributions toward the “sponsor match” (Clifton Park 60% and Halfmoon 40%), and

WHEREAS, Resolution No. 276 of 2008, authorized the Town Supervisor to accept the Request for Qualifications (RFQ) from Foit-Albert as the prime engineering consultant and negotiate a final scope and contract amount for engineering services associated with the Erie Canal Towpath Community Connector Trailway project, and

WHEREAS, the Federal Highway Administration (FTA) and NYSDOT have required the Town to acquire the towpath property from NYS Canal Corporation to proceed forward with the grant award project, and

WHEREAS, NYS Canal Corporation required the town to conduct additional survey work beyond the projects original proposed scope before a land transfer is considered by NYS Canal Corporation; now, therefore, be it

RESOLVED, that the Town Board authorizes the hiring of Gilbert VanGuilder Land Surveyor, PLLC sub-consultant to Foit-Albert Associates, to conduct the additional services as required by NYS Canal Corporation at a cost of \$13,202.25, to be paid from H32-7629-15 (Capital Projects Mohawk Towpath By-way Corridor-Trails-Contractual) and leveraged as part of the Town’s local match contribution to the project costs.

Director of Community Development McHugh explained a minor regulation in the federal granting program and state DOT that requires grantees to have ownership and total control over all parcels where grant monies are invested. Although the town has had a long-term agreement with the Canal Corporation to maintain the Vischer Ferry Preserve and specifically the towpath that runs through it, that was not stringent enough according to the requirements. There is an opportunity with the Canal Corporation to transfer control of those lands to the town. The town will use some of the grant funds to cover as a cash match to identify specifically, by mapping and surveying, which portions of the land the town plans to improve, that being the original historic towpath. Ms. McHugh stated this project will have long term benefits to the community and state heritage and it is in the best interest of the town to specifically identify all the lands for which the town will be responsible. Councilman Romano asked since the town is in partnership with the Town of Halfmoon, have they encountered the same situation. Ms. McHugh responded no because the Town of Halfmoon owns most of the original towpath.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 275 of 2010, a resolution scheduling a public hearing to consider a local law amending Chapter 92, the Dog Law of the Town of Clifton Park.

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

WHEREAS, by Chapter 59 of the Laws of 2010, the New York State Legislature transferred responsibility for the issuance of dog licenses and the setting and collection of license fees, and

WHEREAS, the legislation requires that municipalities enact local laws effective by January 1, 2011 to assume the local jurisdiction mandated by the changes to state law, and

WHEREAS, the Town Board wishes to schedule a Public Hearing to obtain comment from the public regarding amending Chapter 92 of the Town Code to implement the required changes; now, therefore, be it

RESOLVED, that a public hearing is scheduled for December 13, 2010 at 7:10 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York, to consider changes to Chapter 92 of the Town Code; and be it further

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

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No.276 of 2010, a resolution accepting the conveyance of a five foot strip of land as a result of the subdivision of the Lands of Barbara McCune.

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

WHEREAS, a condition of approval of the 2007-004 subdivision of the lands of Barbara McCune, the Town of Clifton Park Planning Board required that the owner convey a five foot strip of land to the Town of Clifton Park; now, therefore, be it

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

- | | |
|--|---|
| <ul style="list-style-type: none"> • Five-foot Strip of Land 607 and 609 Bruno Road | <p><u>Name of Owner</u> Lands of Barbara McCune</p> |
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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 and upon payment of all taxes 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 Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

PUBLIC PRIVILEGE

Beverly Czub, Miller Road, reviewed information received at a Volunteer Seminar.

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

Motion carried at 7:57 p.m.

Patricia O'Donnell
Town Clerk