

April 2, 2018

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.

Present: Supervisor Barrett
Councilman Whalen
Councilwoman Standaert
Councilman Romano
Councilwoman Walowit
Town Clerk O'Donnell

Also Present: Town Attorney McCarthy
Dahn Bull, Superintendent of Highways
Mark Heggen, Comptroller
Daniel Clemens, Supervisor of Buildings and Grounds
Myla Kramer, Director of Parks, Recreation and Community Affairs
Steven Myers, Director of Building and Zoning
Walter Smead, Assessor

MOTION BY Councilman Romano, seconded by Councilwoman Standaert, to approve the minutes of the March 5, 2018 meeting as presented.

ROLL CALL VOTE

Ayes: Councilwoman Standaert, Councilman Romano, Supervisor Barrett

Noes: None

Abstain: Councilman Whalen, Councilwoman Walowit

MOTION CARRIED

MOTION BY Councilman Whalen, seconded by Councilwoman Walowit, to approve the minutes of the March 12 and 19, 2018 meetings as presented.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Abstain: Councilman Romano

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett announced the upcoming events: Yard Waste pickup starting April 9th, weather permitting, Shredding Day scheduled for April 29th; with food donation requested for each bag of paper; Bulk Waste pickup starts April 16th with map and dates available on the website. Supervisor noted County Waste was the only company to reply to the RFP and they keep the price about the same every year. He thanked County Waste for the yard waste and bulk pickup and 3N Document Destruction for making shredding day possible, noting between 1100-1500 food items are donated to the Jonesville Food Pantry every year through this program.

Supervisor Barrett announced the town-wide cleanup is planned for April 21st and volunteers are needed. To volunteer contact Councilwoman Standaert.

Supervisor Barrett announced the 2017-2018 draft Town of Clifton Park/DEC SPEDES Report is available for public review and comments, and will be available for 30 days on cliftonpark.org. Contact Stormwater Management Technician Scott Reese with comments or questions.

EAGLE SCOUT PRESENTATION

Supervisor Barrett presented the following resolution to Alex L. Bianconi in recognition of his outstanding achievement.

Resolution No. 81 of 2018, a resolution recognizing Alex Bianconi for attaining the rank of Eagle Scout in service to his community.

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

WHEREAS, the Town of Clifton Park takes immense pride in the accomplishments of its residents and recognizes the valuable contributions of the Boy Scouts of America to our community and to our nation, and

WHEREAS, Alex Bianconi has proven himself to be an outstanding member of Boy Scout Troop 246, chartered by the Clifton Park Elks Lodge 2466, and has earned the rank of Eagle Scout, awarded on Sunday, March 18, 2018, and

WHEREAS, the rank of Eagle Scout is the highest award that a Boy Scout can earn and to achieve this rank, Alex Bianconi demonstrated leadership within Troop 246, and organized and completed his Eagle Scout project which benefited the local community, and

WHEREAS, Alex Bianconi's Eagle Scout project rehabilitated the old Beaver Dam Trail located at Veterans Memorial Park by rehabilitating the half mile trail by clearing several large trees and building 170 feet of puncheon style bridges to traverse through wetland areas along the half mile trail, in addition to creating a trail kiosk, and

WHEREAS, Alex recruited volunteers for the project, and received assistance totaling approximately 175 hours that were devoted to the project by the volunteer team in accomplishing this project, and

WHEREAS, Alex Bianconi's dedication to the Boy Scout Oath, while using his time and energy to give back to his community will serve to prepare him for a meaningful, productive role in society; now, therefore, be it

RESOLVED, that the Clifton Park Town Board honors the accomplishments of Alex L. Bianconi as an outstanding citizen for his achievements and advances, and recognizes Alex as one of the community's newest Eagle Scouts; and be it further

RESOLVED that a copy of this resolution be presented to Alex L. Bianconi.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Alex said the process to Eagle Scout was a valuable tool and learning experience and thanked his parents and members of Troop 246 for their help.

PUBLIC HEARING, 7:05 PM (7:20 PM)
 TO CONSIDER A LOCAL LAW AMENDING CHAPTER 208 THE ZONING CODE
 BY REZONING A PORTION OF LAND AT ENGLISH ROAD AND NYS ROUTE 9

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on March 22, 2018.

Mr. Matthew Chauvin, applicant's representative, noting the project has been before the Town Board previously, said town record's reflected a zoning that was inconsistent with the mapping that had been previously published. He said a B4A zone will allow the site to be used for parking ancillary to the restaurant, noting there are significant reasons being the health, safety and welfare by keeping parking off of Route 9. He continued the proposed zoning is consistent with the character of the area along the Route 9 corridor. Mr. Chauvin reviewed the proposed buffering of lights and sound to further insulate surrounding homes. He reported his client and the Village of Round Lake have signed a Memorandum of Understanding regarding entertainment at the restaurant and the Village of Round Lake Board has submitted a letter to the Town of Clifton Park stating they have no objection to the proposed rezoning and has withdrawn its opposition. Supervisor Barrett read portions of the Memorandum of Understanding, noting that was something that needed to be done. Mr. Chauvin said rezoning will then allow subdivision so the parcel can be used for parking and a residential block be created going up English Road to allow a single family home "down the line". In response to Supervisor Barrett's statement regarding the crushed stone parking area and garage, Mr. Chauvin said The Mill had been using the property for six or seven years but when contacted by the town that the area was zoned B1 and parking not allowed, use was discontinued. He said the bandstand has been removed and there will be no entertainment in the Town of Clifton Park section. Mr. Chauvin stated plans are to restrict sound, as well as add acoustic panels and The Mill staff has the ability to control the level of music. Town Attorney McCarthy said B4 zone includes restaurant uses where B1 does not. He stated the B4 designation is appropriate and his recommendation is to continue to allow the accessory use to the restaurant. Mr. Chauvin noted LI zoning allows parking so this B4 designation is in character with the Route 9 corridor. Mr. Chauvin further reported the Planning staff is "happy" with the plan.

The public hearing was opened for comments from the audience at 7:40 p.m.

Tom Schweder, 91 English Road, noting his is the first residential property from what is being proposed, asked what the town will do to make sure the usage of the proposed property is restricted. Town Attorney McCarthy stated the Town Board cannot bind future Boards, noting this is a 1.05 acre lot that will have a lot of landscaping and berming and any further commercial development would be subject to a site plan review. Mr. McCarthy stated the Clifton Park legislation will make clear that no further expansion of the restaurant building will take place. Mr. Schweder expressed concern about future uses in the area and asked if property were to be sold, would plantings and berming have to remain and would the property be open to all B4 uses Mr. McCarthy responded yes to both questions but this Board would incorporate all things discussed including the MOU, in referring it to the Planning Board which would then be incorporated into the subdivision and become legally binding. He noted the MOU is an exhibit but would be considered. Mr. Shapiro asked what would stop someone in the future to change another parcel on the property to B4. Mr. McCarthy responded an application would be made and considered by the Planning Board. He further stated all zoning is not forever, is a legislative act and a future board can always change a legislative act. Mr. Shapiro asked if parking would be allowed behind the berming and garage. Mr. Chauvin said no it would not be legal.

Daniel Shapiro, Wylie Road, Round Lake, also expressed concern about future uses of the area, stating changing the zoning to B4 could allow development of the land that would be antagonistic to the residential landowners and possibly to residents of Round Lake. He asked if there was a violation what would be the nature of the enforcement. Mr. McCarthy responded violation of a subdivision is enforceable, including restoration. Mr. McCarthy said B4 does not include residential but the other piece will remain B1. Supervisor Barrett reviewed the boundary to note the limit of the B4 zoning, noting the boundary of the zoning would be clearly stipulated. Mr. Shapiro asked if it would be possible to have .98 acres so it wouldn't be permissible to build a structure

which would then satisfy the concerns. Director of Building and Zoning reviewed requirements of an area variance.

Councilman Whalen asked how much of the proposed B4 zone would be affected by noise mitigation techniques. Mr. Chauvin responded with the proposed buffering along the boundary, the usable area is reduced by approximately 20 percent.

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 7:58 pm.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 82 of 2018, a resolution appointing Carol Trifaro as a member to the Emergency Services Advisory Board.

Introduced by Councilwoman Standaert, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, an opening exists for a member from the Clifton Park-Halfmoon Fire District #1 to the Emergency Services Advisory Board, due to the resignation of Nicholas DeMarco, and

WHEREAS, the Clifton Park-Halfmoon Fire District #1 recommends Carol Trifaro, 30 Tallow Wood Drive, Clifton Park, to fill the position; now, therefore, be it

RESOLVED, that Carol Trifaro is hereby appointed as a member from the Clifton Park-Halfmoon Fire District #1 to the Emergency Services Advisory Board for the unexpired term of Nicholas DeMarco, term to expire December 31, 2018.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 83 of 2018, a resolution authorizing the purchase of stump grinding equipment.

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

WHEREAS, Daniel Clemens, Supervisor of Buildings and Grounds, has identified a need for a stump grinder for town owned lands and parks, and

WHEREAS, Clark Equipment Co, dba Bobcat Company, West Fargo, ND, has a SGX 60 stump grinder per the attached quotation number: HMM-07546, at a total cost not to exceed \$6,756.40 for purchase under New York State Contract #PC67141, and

WHEREAS, Daniel Clemens has recommended the equipment be purchased from Bobcat Company pursuant to the New York State Contract identified above; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor of Buildings & Grounds to purchase the stump grinding equipment from Bobcat Company, in a total amount not to exceed \$6,756.50, from A-7110-200 (Buildings & Grounds-Equipment).

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 84 of 2018, a resolution authorizing alcoholic beverages to be served at a gathering to be held at Collins Park Pavilion on May 19, 2018.

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

WHEREAS, Christopher Curtin, 28 Evergreen Ave., Clifton Park, is hosting a gathering on May 19, 2018 from 11:00 A.M. to 4:00 P.M., and

WHEREAS, a request has been received for permission to serve alcohol in the form of beer and wine at the event; now, therefore, be it

RESOLVED, that Christopher Curtin is hereby authorized to serve beer and wine at a gathering at Collins Park Pavilion on June 24, 2018 from 11:00 A.M. to 4:00 P.M. consistent with the terms of the permit application received in the office of Parks and Recreation.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 85 of 2018, a resolution authorizing Tim Ward and “Dig Deep, Inc.” to serve alcoholic beverages at a fundraising event to be held at Veteran’s Memorial Park on September 1, 2018.

Introduced by Councilwoman Standaert, who moved its adoption, seconded by Councilman Whalen.

WHEREAS, Tim Ward and “Dig Deep, Inc.” are hosting a fundraising softball tournament on September 1, 2018 from 11:00 A.M to 7:00 P.M., and

WHEREAS, Tim Ward has requested permission to serve alcohol in the form of beer and wine at the event; now, therefore, be it

RESOLVED, that Tim Ward and “Dig Deep, Inc.” are hereby authorized to serve beer and wine at a fundraising softball tournament at Veteran’s Memorial Park on September 1, 2018 from 11:00 A.M. to 7:00 P.M.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 86 of 2018, a resolution hiring returning camp counselors for the 2018 full day and four half day Summer Day Camp Program.

Introduced by Councilman Whalen, who moved its adoption, seconded by Councilwoman Standaert.

WHEREAS, the Town Board wishes to hire returning staff members for operation of the town's Summer Day Camp Program, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that the individuals listed in the attached Schedule A be rehired; now, therefore, be it

RESOLVED, that the individuals listed in the attached Schedule A be rehired as staff for the town's 2018 Day Camp Program, effective May 1 through August 17, 2018; and be it further

RESOLVED, that the returning camp counselors be paid as indicated on Schedule A.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 87 of 2018, a resolution scheduling a public hearing to consider renewing existing term easements pursuant to Section 125-10 Conservation Easements of the Town Code.

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

WHEREAS, the town initiated a Term Conservation Easement Program in 1996, with term easements issued with a minimum 15-year term thereafter, and

WHEREAS, the first term conservation easements issued pursuant to Town Code Chapter 125 expired in 2011, and

WHEREAS, on February 6, 2012, the Town Board adopted Local Law No. 1 of 2012, providing for the streamlining of the process for holders of existing term conservation easements to re-apply for terms of their choice, and

WHEREAS, an application was received from a holder of an existing conservation easement to renew their existing conservation easement, and

WHEREAS, pursuant to Chapter 125-10 (C) the Town Board is required to hold a single public hearing on all applications for renewal annually, and act upon all applications for renewal of existing term conservation easements by April 10th; now, therefore, be it

RESOLVED, the Town Board hereby schedules a public hearing on April 9, 2018 at 7:00 P.M. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, to consider all applications submitted for renewing existing expiring conservation easements, pursuant to Chapter 125-10 (C) of the Town Code; and be it further

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

Town Assessor Walter Smead reported there was only one Conservation Easement to be renewed this year and applicant has met all requirements.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 88 of 2018, a resolution authorizing the purchase of plow trucks for town lands and Highway Department purposes from a “piggy back” contract with Onondaga County.

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

WHEREAS, after assessing the needs of the Highway Department, Highway Superintendent Dahn Bull has recommended the purchase of two trucks with plow body packages for use by the Highway Department, per the attached, and

WHEREAS, the prices quoted are extended from the Onondaga County bid award, under the provisions of New York State General Municipal Law Section 103 of the General Municipal Law, which allows one municipality to “piggy back” off the contracts of another municipality as long as that contract was let in a manner that constitutes competitive bidding consistent with state law and made available for use by other government entities, and

WHEREAS, General Municipal Law Section 103 has been amended to allow the extension of equipment configurations and awarded pricing discounts to all political subdivisions in New York State based upon qualified bid responses to a municipal entity with notice, and

WHEREAS, after reviewing the options available, Highway Superintendent Dahn Bull has recommended that the pricing from Tracey Road Equipment, East Syracuse, New York be accepted for an amount of \$206,792 each, and

WHEREAS, by Resolution No. 55 of 2018, the Town Board authorized the execution of a master municipal lease with KeyBank for cost-effective financing of town vehicles including Highway equipment; now, therefore, be it

RESOLVED, that the Highway Department is authorized to purchase two Western Star 4700SB Trucks with Henderson Plow Body and Plow Package from Tracey Road Equipment, Inc. 6803 Manlius Center Road, East Syracuse, NY, per the attached list; and be it further

RESOLVED, that the Clifton Park Town Board hereby authorizes the purchase under Onondaga County Contract #7823, in an amount not to exceed \$413,584, to be paid through the master municipal lease with KeyBank.

Highway Superintendent Bull reported the new price is \$205,650 for each. He said Highway will used old trucks for back up.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 89 of 2018, a resolution approving the purchase of GPS devices and software for town vehicles from state contract.

Introduced by Councilwoman Walowit, who moved its adoption, seconded by Councilwoman Standaert.

WHEREAS, by Resolution No. 19 of 2015, the Town Board authorized a contract with Verizon Communications for GPS devices for Highway vehicles pursuant to an existing state contract, and

WHEREAS, the Town Board wishes to extend and expand the contract with Verizon for additional GPS services for additional vehicles operated at the Highway Department as well as Security and Buildings & Grounds, and

WHEREAS, GPS monitoring devices are available from Verizon through a municipal/state contract administered by NYSOGS; now, therefore, be it

RESOLVED, that the Highway Superintendent is authorized to sign the attached contract with Verizon for additional GPS services, and be it further

RESOLVED, that the Comptroller is authorized to pay these additional amounts through the end of the year:

| | |
|--------------------------|------------|
| Installation | \$875.15 |
| Monthly monitoring | \$581.60 |
| 8 months | \$4,652.80 |

and, be it further

RESOLVED, that the additional amounts will be paid from A-5132-004 (Highway Garage-Computer) in the amount of \$436.71 and from A-1620-024 (Town Hall Building Operations-General Maintenance) in the amount of \$4,216.09.

Supervisor Barrett thanked Highway Superintendent Bull and Supervisor of Buildings and Grounds Clemens for their research and work on this project.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 90 of 2018, a resolution adopting Local Law No. 2 of 2018, a local law amending the fee schedule for the Transfer Station.

Introduced by Councilwoman Standaert, who moved its adoption, seconded by Councilman Whalen.

WHEREAS, on March 19, 2018, the Town Board held a public hearing to receive comments regarding a proposal to adjust annual and pro-rated fees for Transfer Station permits, and

WHEREAS, the fee schedule for Transfer Station user permits are contained in Section 97-3 of the Town Code, and

WHEREAS, the Town Board wishes to adjust the user fees for the Transfer Station to reflect rising costs of operation; now, therefore, be it

RESOLVED, that the Town Board adopts Local Law No. 2 of 2018, a local law amending Section 97-3 of the Town Code, as attached; and be it further

RESOLVED, that the Town Clerk is directed to publish notice thereof.

Supervisor Barrett explained the town subsidizes the Transfer Station, noting \$62,000 was spent on repair of the two waste hoppers on top of the subsidy. He reported County Waste pays the town \$60,000 a year to use a portion of the Transfer Station for mulching and recycling.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Sandy Roth, Sweet Brier Drive, member of the Elks, speaking on behalf of Messrs. Daniel Mathias and Craig Masterson, noting Troop 246 is sponsored by the Clifton Park Elks, congratulated Alex Bianconi on achieving the rank of Eagle Scout and wished Aiden Carrow success on moving to the Elks regional national hoop finals. Speaking with regard to the road coming in from McElroy Road to the Elks Lodge, Mr. Roth said he had approached former Buildings and Grounds Supervisor Mike Handerhan about repaving that road. Mr. Roth said Mr. Handerhan looked at the road and said he would put approximately \$50,000 in his budget to repave that road. (In acknowledging Mr. Handerhan's passing, Mr. Roth praised Mr. Handerhan's work as the Supervisor of Buildings and Grounds). He reported when the town got the land for Veterans Park, the decision was made to use the front part to the Veterans Road access road. Supervisor Barrett said there has been talk about paving the town access road into the Veterans Road but doesn't remember talking about main entrance. Mr. Roth said he believes there is an MOU that the town would maintain the access road to the Elks and Veterans Park. It was noted the Veterans Park property was purchased 1996. Mr., Roth said the area they are asking to be paved is approximately 800 yards.

David Horn, Dawson Lane, expressed concern about the traffic build up on the Route 146A corridor, noting safety is an issue with more people pulling out onto Route 146A particularly with the proposed new developments and stacking on Route 146A to Route 146 continues to grow. Supervisor Barrett reported NYDOT is reviewing possible work to be done to help ease traffic at the Routes 146/146A intersection. He explained the town did not look favorably on commercial development in the area, and noted residential development will generate less traffic than commercial.

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

Motion carried at 8:50 p.m.

Patricia O'Donnell
Town Clerk

