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February 16, 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 Hughes  
Councilman Romano  
Councilwoman Walowit  
Supervisor Barrett  
Town Clerk O'Donnell

Also Present: Town Attorney McCarthy  
Michael Shahen, Town Administrator  
Barbara McHugh, Director of Community Development  
Michael Montague, Environmental Specialist

**ANNOUNCEMENTS AND COMMUNICATIONS**

Supervisor Barrett thanked all involved in WinterFest. Councilman Romano noted approximately 50 people took part in the Dwaaskill Nature Preserve walk.

**REPORT TO THE BOARD**

Town Administrator Shahen reported work has started on the Grange roof. He reviewed the additional work he authorized on the Town Hall HVAC project which amounted to approximately \$759. Mr. Shahen said he is preparing a resolution for the purchase of a new police car which is budgeted. He explained by the time the new car arrives the present car will have approximately 230,000 miles.

**PUBLIC PRIVILEGE ON RESOLUTIONS**

No one wished to be heard.

Resolution No. 36 of 2010, a resolution authorizing the Town of Clifton Park to sponsor four Red Cross babysitter certification courses.

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

WHEREAS, in a continuing effort to provide educational courses to the residents of the Town, four Red Cross babysitter certification courses will be offered through Captain and the Town's Teen Job Assist Program,

WHEREAS, this program will be funded utilizing Citizen Corps grant funding as part of public preparedness and safety education outreach efforts in the community; now, therefore, be it

RESOLVED, that the Town of Clifton Park is authorized to sponsor four Red Cross babysitter certification courses at a cost not to exceed \$1600 for books, instructor, materials and certifications, to be paid from A-8762-015 (Disaster Preparedness-Contractual).

**ROLL CALL VOTE**

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

Noes: None

**DECLARED ADOPTED**

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Resolution No. 37 of 2010, a resolution authorizing the Town of Clifton Park to sponsor Basic First Aid /CPR and AED classes as part of the Citizen Corps Grant Public Safety Education Program.

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

WHEREAS, the Citizen Corps grant funding provides emergency training to residents as provided by the Clifton Park-Halfmoon-Ambulance Corps certified instructors and provides participants with an American Heart Association Certificate, and

WHEREAS, the Basic First Aid/CPR and AED class is scheduled to be conducted on Saturday, April 17, 2010 by the Clifton Park-Halfmoon Ambulance Corps, at a total cost not to exceed \$875, and

WHEREAS, this class is mandatory for new and current CERT volunteers needing re-certification and is also open to the residents of the Town at no charge; now, therefore, be it

RESOLVED, that authorization is hereby given to the Town of Clifton Park to sponsor a Basic First Aid/CPR class provided by the Clifton Park-Halfmoon Ambulance Corps at a cost not to exceed \$875 for books, materials and certifications, to be paid from A-8762-015 (Citizen Corps Grant Funding).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 38 of 2010, a resolution authorizing the Town Supervisor to sign Form CSC-1, Section 211 Application for Janice L. Semanek.

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

WHEREAS, Janice L. Semanek has been employed by the Town of Clifton Park as the Deputy Comptroller since October 2007, and

WHEREAS, Janice L. Semanek has previously received a waiver from the New York State Civil Service Commission for employment pursuant to §211 of the Retirement and Social Security Law for the period January 1, 2008 through December 31, 2009, and

WHEREAS, the Town of Clifton Park has completed a search of qualified candidates and has determined that employment of Ms. Semanek is in the best interest of the Town of Clifton Park, and

WHEREAS, the Town of Clifton Park has completed the attached Form CSC-1, Section 211 Application for the Deputy Comptroller, and

WHEREAS, under Article 210 of the Penal Law, the Town Board believes that the information contained in the application is correct to the best of the knowledge of the Town Board, and

WHEREAS, the criteria for continued approval under Section 211 has been satisfied and the appropriate documentation has been provided, now, therefore, be it

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RESOLVED, that the Clifton Park Town Supervisor is hereby authorized to sign Form CSC-1, Section 211 Application on behalf of the Town of Clifton Park for a waiver pursuant to Section 211 of the Retirement and Social Security Law for Deputy Comptroller Janice L. Semanek for the period January 1, 2010 through December 31, 2011.

Supervisor Barrett explained this is required for individuals employed by the Town who are receiving their full retirement from New York State. This application requires approval from New York State.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 39 of 2010, a resolution authorizing the Town Supervisor to sign Form CSC-1, Section 211 Application for Barbara A. McHugh.

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

WHEREAS, Barbara A. McHugh has been employed by the Town of Clifton Park as the Director of Community Development and Planning since October 2001, and

WHEREAS, Barbara A. McHugh has previously received waivers from the New York State Civil Service Commission for employment pursuant to §211 of the Retirement and Social Security Law for the period January 1, 2002 through December 31, 2009, and

WHEREAS, the Town of Clifton Park has completed a search of qualified candidates and has determined that employment of Ms. McHugh is in the best interest of the Town of Clifton Park, and

WHEREAS, the Town of Clifton Park has completed the attached Form CSC-1, Section 211 Application for the Director of Community Development and Planning, and

WHEREAS, under Article 210 of the Penal Law, the Board believes that the information contained in the application is correct to the best of the knowledge of the Town Board, and

WHEREAS, the criteria for continued approval under Section 211 has been satisfied and the appropriate documentation has been provided, now, therefore, be it

RESOLVED, that the Clifton Park Town Supervisor is hereby authorized to sign Form CSC-1, Section 211 Application on behalf of the Town of Clifton Park for a waiver pursuant to Section 211 of the Retirement and Social Security Law for Director of Community Development and Planning, Barbara A. McHugh for the period January 1, 2010 through December 31, 2011.

Supervisor Barrett explained this is required for individuals employed by the Town who are receiving their full retirement from New York State. This application requires approval from New York State.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

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Resolution No. 40 of 2010, a resolution authorizing Michael Montague to attend a two day Environmental Compliance Training for Municipalities Seminar.

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

WHEREAS, Environmental Specialist Michael Montague has requested authorization to attend a two day Environmental Compliance Training for Municipalities seminar on March 9-10, 2010 in New York City, and

WHEREAS, attendance at this conference will confer a benefit upon and be in the best interest of the Town of Clifton Park; now, therefore, be it

RESOLVED, that Michael Montague is hereby authorized to attend a two day Environmental Compliance Training for Municipalities seminar, on March 9-10, 2010 in New York City, New York, at a cost not to exceed \$550, to be paid from A-8090-001 (Environmental Specialist-Training & Conference).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 41 of 2010, a resolution determining that proposed Clifton Gardens Park renovation and improvement project is a Type II Action for purposes of the New York State Environmental Quality Review Act.

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

WHEREAS, the Clifton Park Town Board, Saratoga County, New York (the "Town"), is considering undertaking the renovation and improvement of the Clifton Gardens Park, including reconstruction of tennis and basketball courts, replacement of fencing, grading or improvement of the sites, preparation of surveys, maps, plans and estimates in connection with the improvements and the acquisition of original furnishings, equipment, machinery and apparatus required in connection therewith (the "Project"), as described in the report prepared by John M. McDonald Engineering, P.C. which is on file in the Town Clerk's office, and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (the "SEQR Act"), and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations"), the Town desires to comply with the SEQR Act and the regulations with respect to the Project; now, therefore, be it

RESOLVED, by the members of the Town Board of the Town of Clifton Park, Saratoga County, New York as follows:

1. The Project constitutes a "Type II Action" under 6 NYCRR § 617.5(c)(2), as it constitutes the replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, and no further action under the SEQR Act and the Regulations is required.

2. This Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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Councilman Paolucci explained the basketball courts have been failing for a number of years and have been patched; now the options are either to remove or replace the courts. He said the park district committee has done due diligence in looking at various options. John M. McDonald Engineering has assessed the situation and determined the cost would be approximately \$150,000 to replace the courts, prepare fencing and other work. Councilman Paolucci reported the park district has about \$80,000 and the current tax levy for the park district is enough to cover the principal and interest. The committee felt since there would not be an impact to tax payers, this would be a way to make the appropriate modifications and reparations to the park and expects to bond approximately \$90,000. The Councilman noted the park district will need \$20,000 for the district's annual maintenance costs.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 42 of 2010, a resolution scheduling a public hearing regarding Clifton Gardens Park renovations and improvements.

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

WHEREAS, the Town Board of the Town of Clifton Park (the "Town"), proposes to undertake the renovation and improvement of the Clifton Gardens Park, including reconstruction of tennis and basketball courts, replacement of fencing, grading or improvement of the sites, preparation of surveys, maps, plans and estimates in connection with the improvements and the acquisition of original furnishings, equipment, machinery and apparatus required in connection therewith (the "Project"), as described in the report prepared by John M. McDonald Engineering, P.C., which is on file in the Town Clerk's office, and

WHEREAS, the total estimated maximum cost of the Project is \$155,000, and

WHEREAS, the Town Board now desires to call a public hearing regarding the Project, as required by Town Law Section 202-b; now, therefore, be it

RESOLVED that the Town Board will hold a public hearing to hear all persons interested in the Project, which public hearing shall be held at Town of Clifton Park Town Hall, One Town Hall Plaza, Clifton Park, New York, in the Town of Clifton Park on March 1, 2010 at 7:10 p.m.; and be it further

RESOLVED, and ordered that the Town Clerk give notice of such hearing by publishing in the official Town newspaper the Notice of Public Hearing in substantially the form attached hereto and by posting the Notice of Public Hearing on the Town's official sign-board not less than ten nor more than twenty days before such hearing.

It was noted the Park District Committee did post notice of the November 2009 meeting in the Community News for two weeks.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

2/16/2010

Resolution No.43 of 2010, a resolution authorizing funding for a NYSERDA Flex Tech energy efficiency and technical feasibility study of the Town's Ice Arena.

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

WHEREAS, the Clifton Park Ice Arena is currently one of the largest users of energy in the Town, and

WHEREAS, the Town is exploring opportunities to reduce the Ice Arena's energy consumption by the implementation of energy efficiency technologies, and

WHEREAS, the Town has previously applied for funding through the New York State Energy Research and Development Authority for financial assistance to defray cost of the study, and

WHEREAS, the New York State Energy Research and Development Authority's Flex Tech program contracts with highly qualified firms to provide a variety of technical assistance services to New York State organizations with the goal of identifying and encouraging implementation of cost-effective energy-efficiency measures throughout the state, and

WHEREAS, the energy efficiency and technical feasibility study will provide a thorough energy study at the Ice Arena, including an analysis of a possible photo-voltaic system on the roof, and

WHEREAS, Malcolm Pirnie, a pre-qualified NYSERDA energy expert consultant, has estimated the cost of such a study at the Town's Ice Arena to be approximately \$12,000, and

WHEREAS, matching funds are available through NYSERDA for up to 50 percent of the total project costs; now, therefore, be it

RESOLVED, that the Town Board appropriates up to \$6,000 for an energy efficiency and technical feasibility study to be completed by Malcolm Pirnie for the Clifton Park Ice Arena, to be paid from A-7112-024 (Clifton Common-Repair & Maintenance).

Supervisor Barrett reported the 20 year old chiller is aging and he hopes, with this study showing energy savings, grant money may be available for a partial or full coverage of a new chiller for the ice arena. Director of Community Development McHugh reported the application for the NYSERDA Flex Tech program has been accepted and the town has reached out for a NYSERDA approved energy consultant who will meet at the facility to go over the entire physical plant. She noted electrical is the largest expense in operating the arena. Supervisor Barrett said it is important that any upgrades done show energy savings. Councilman Romano asked if the service to the arena will be reviewed. Ms. McHugh responded yes. In response to Councilman Romano's question, Ms. McHugh responded Albany County ice arena went through this process with Malcolm Pirnie and the town will be talking with Albany County officials to see how satisfied they are with the program.

#### ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

#### PUBLIC PRIVILEGE

Trevor Gensch, Sandpiper Lane, asked for clarification on the drainage issue. He referred to emails between himself, Superintendent of Highways Kukuk, and the Supervisor. Supervisor Barrett said Jack McDonald has some ideas on recreating the benefits that a swale would provide

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to the area for drainage. The Supervisor will pass the information along to the Board and Mr. Gensch. Supervisor Barrett said Mr. McDonald recommends going along with current plans while other possible solutions are being looked at. Mr. Gensch said he objects to continuing on with the current plans and the better idea would be to stop entirely, evaluate the whole situation and find out the best action to take rather than patching it along. Supervisor Barrett responded Mr. McDonald feels the other fixes in the plan are needed and that he, Mr. McDonald, doesn't believe piping to the road will fix the problem. Mr. Gensch asked that Mr. McDonald review piping to the road before he rules it out. Mr. Gensch said he has not received a study on that possible solution. Regarding dewatering the pond in order to put in a flow restrictor, Mr. Gensch objects to that, however, if it happens he asks that the water not be sent down the pipe onto his property. Mr. Shahan said it would not go to Mr. Gensch's house.

Beverly Czub, Miller Road, Rexford, reported Mr. Gensch's property used to be her property and there is a great deal of ice on the land that wasn't there previously.

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 7:45 p.m.

Patricia O'Donnell  
Town Clerk