

April 19, 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
Supervisor Barrett
Town Clerk O'Donnell

Absent: Councilwoman Walowit

Also Present: Town Attorney McCarthy
Michael Shahan, Town Administrator
Mark Heggen, Comptroller
Myla Kramer, Director of Parks and Recreation
Barbara McHugh, Director of Community Development
Michael Montague, Environmental Specialist
Michael O'Brien, Collection System Manager
John Scavo, Director of Planning

MOTION BY Councilman Romano, seconded by Councilman Paolucci, to approve the minutes of the April 5, 2010 meeting as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett announced the upcoming Not So Common Players production "The Fantasticks" to be presented April 30, May 1-9.

The Supervisor thanked all involved in the very successful Shredding Day.

Councilman Hughes announced the Historic House Tour is scheduled for May 16th. All proceeds will be used for maintenance and upkeep of Grooms Tavern.

EARTH DAY 2010 PRESENTATION

In honor of Earth Day, Councilman Hughes gave a presentation, attached, of the town's accomplishments in this regard. He reviewed history of the town's Open Space Plan, noting since 2000 approximately 1000 acres have been protected. He reported Clifton Park was the first town in New York State to hire an Environmental Specialist. He further noted the town has created enhanced public access to the waterfront and Nature Preserves through grants, as well as town monies. Councilman Hughes reviewed the following Key Town Priorities: Preserve Open Space, Connect the Trails Network, Protect Farmland, Enhance Parks and Recreation, Conserve Energy and Natural Resources. He thanked David Miller and Jim Romano, former co-chairs of the Open Space, Trails and Riverfront Committee for all their work and dedication. He reviewed activities of the town G.R.E.E.N. Committee to conserve energy and natural resources.

Councilman Romano said the Open Space Committee is looking at the approximately 300 town-owned parcels and is researching stewardship programs which will be very important in maintaining these properties in the future. He asked anyone interested in getting a group of people together to assist in this regard to contact Open Space Coordinator Jennifer Viggiani.

REPORTS TO THE BOARD

Town Comptroller Heggen presented the March Financial Report, noting expenditures and revenue are in line.

Town Administrator Shahan said he, Messrs. Myers, Kazmierczak, Kukuk and Handerhan have resolved most of the sink hole problems reported by residents. He has looked at The Grange, noting it is going to require a great deal of work and has asked Buildings and Grounds to try and get it into a useable condition. Mr. Shahan further reported some of the Common roads need paving, as well as part of the parking lot at Burning Bush Clubhouse. Supervisor Barrett recommended paving the entrance to the Common. Mr. Shahan said the Parkside Trail parking lot will be cleaned up. He reported a letter has been sent to the soccer club with the parking restrictions on Parkside Trail.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 92 of 2010, a resolution honoring Sean Paul Doner for attaining the rank of Eagle Scout.

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

WHEREAS, Sean Paul Doner, 5 Glendale Drive, Clifton Park of Boy Scout Troop 246 has attained the rank of Eagle Scout, and

WHEREAS, to become an Eagle Scout, Sean earned twenty-four (24) merit badges and served Boy Scout Troop 246 as a Senior Patrol Leader for his leadership position, and

WHEREAS, the Town of Clifton Park Town Board wishes to acknowledge and honor Sean's achievements, including his Eagle Scout Service Project which entailed leading a group of adult and youth volunteers in erecting seven flag poles including landscaping and lighting for the flagpoles located at the baseball fields at Clifton Common, and

WHEREAS, the project encompassed two large aspects of Sean's life, patriotism and baseball, and

WHEREAS, in his project description Sean wrote "The American flag represents our freedom that was given to us many years ago, people died for this country and we shouldn't take it for granted. By putting in flag poles at the Clifton Common people can now share the same feeling as I do, as well as looking at them when we sing our National Anthem"; now, therefore, be it

RESOLVED, that the Clifton Park Town Board recognizes and honors Sean Paul Doner of Boy Scout Troop 246 for having attained the rank of Eagle Scout.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 93 of 2010, a resolution authorizing the Supervisor to execute a TE 9A Form requesting the New York State Department of Transportation to lower the maximum speed at which vehicles may proceed on Grooms Road (County Route 91) from Exit 8A of the Northway to the Miller Road Intersection.

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

WHEREAS, a concerned citizen of the Town of Clifton Park has made a request to the Town for support extending the 40 mph speed zone on CR 91 from I-87 to Miller Road, and

WHEREAS, the current speed limit is 40 mph on CR 91 from Exit 8A of Interstate 87 to the Moe Road intersection, and

WHEREAS, the Town Board agrees that consistency and safety would be served by extending the 40 mph speed zone to Miller Road, and

WHEREAS, a request by the Town of Clifton Park to NYS DOT to lower the maximum speed limit requires the Town to execute a TE 9A Form, and

WHEREAS, the executed form is then forwarded to the County Highway Superintendent for further consideration; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to execute and sign the TE 9A Form pursuant to Section 1622.1 of the Vehicle and Traffic Law requesting the establishment of a lower maximum speed on CR 91 from the Exit 8A intersection to the Miller Road intersection; and be it further

RESOLVED, that the executed form shall be transmitted to the County Highway Superintendent for his execution of the TE 9A Form.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 94 of 2010, a resolution awarding the bid for the Stony Creek Park Project and transferring funds from Stony Creek Undesignated Fund Balance to Stony Creek I Park District-Equipment.

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

WHEREAS, on March 29, 2010, the bids were received for the above referenced contract which involves trail construction and a new parking area on Town-owned park land in Stony Creek I Park District, and

WHEREAS, Paul Olund, R.L.A., of Environmental Design Partnership, LLC, consultant to the Town, has reviewed the bids and has recommended that the bid be awarded to Cleveland Brothers Landscaping, Inc., Corinth, NY, as low bidder, in an amount of \$148,536.00; now, therefore, be it

RESOLVED, that the Town Board as Commissioners of the Stony Creek Park District No 1 hereby accepts and awards the above referenced bid to Cleveland Brothers Landscaping,

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Inc., Corinth, NY, in an amount of \$148,536.00, to be paid with a transfer of \$148,536 from SP9-909 (Stony Creek I-Fund Balance) to SP9-7115-200 (Stony Creek I Park District-Park District Equipment).

Supervisor Barrett referred to a letter from Cleveland Brothers Landscaping, the low bidder, clarifying their bid. He explained though there were errors in their bid it did not change the actual bid amount or any of the specs.

Mr. Scavo said the park district was able to accommodate the concerns of residents to minimize impacts of the trail.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 95 of 2010, a resolution authorizing the Supervisor to sign a Memorandum of Understanding to accept a \$37,500 Grant Award from the Capital District Transportation Committee's Community and Transportation Linkage Program and provide the required \$27,500 cash match.

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

WHEREAS, the Town of Clifton Park has been awarded \$37,500 from the Capital District Transportation Committee (CDTC), the Metropolitan Planning Organization for the Capital District, through the Community and Transportation Linkage Program, and

WHEREAS, the goal of the state program is to assist communities in implementing their Linkage Projects, for which the Town completed the Exit 9 Land Use and Transportation Study jointly with Halfmoon in 2008, and

WHEREAS, the new grant project is to develop a Town Center land use plan in Clifton Park to advance the Exit 9 Study's recommendations on land use and transportation enhancements that serve to strengthen Clifton Park's quality of life, mobility and the vitality of its economic base focused at and near Exit 9, and

WHEREAS, the CDTC has approved the Clifton Park Town Center Plan in its 2010-2012 Unified Work Planning Program, and

WHEREAS, the CDTC has approved a grant study consultant cost of \$65,000 (\$37,500 federal and \$27,500 local cash match), and

WHEREAS, the Town and the CDTC will work together to secure a consultant and invoice the Town of Clifton Park for the cash match at the time that 25% of the study has been completed, as local cash will be used to pay the consultant first and federal funds will be used last; now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to sign a Memorandum of Understanding (as attached) with the CDTC, and work with town staff and CDTC staff to advance this project in a timely manner, and be it further

RESOLVED, that budget line item A-6989-135 (General Fund-Other Economic Development-Engineering) in the amount of \$27,500 is established to create the local cash match for this project; and be it further

RESOLVED, that a transfer from Undesignated Fund Balance (A909) of \$27,500 is hereby authorized to A-6989-135 (General Fund-Other Economic Development-Engineering).

Mr. Scavo explained this is focusing on Exit 9 heading west to the Moe Road- Route 146 intersection looking at the functionality, anticipation of involving the existing zoning and at existing zoning regulations to encourage sustainable growth. He noted in the tough economic times just weathered, that corridor saw a significant reinvestment. He said this is the economic engine of the community moving forward and demonstrating the private investment in the corridor furthers the argument with DOT that we need an investment into the infrastructure that is part of the state highway system.

Supervisor Barrett noted million and millions of dollars in private sector investment has been made in that small area and improvements regarding traffic, pavement, markings, pedestrian access can't be done without NYS Department of Transportation.

Mr. Scavo said every five years the Capital District Transportation Commission, who are the partners with this grant, develop a Transportation Improvement Program project list which receives federal funding that is guaranteed to New York State. He explained this study will advance where we fall in the TIP project list and will also provide the ability to get stakeholder participation and come up with better design details. Mr. Scavo noted because of funding availability in the Concept Plan for the Exit 9 Corridor Study, it wasn't possible to go into great detail but under this scope a simulation can be created of what the corridor is anticipated to look like and will drive the corridor improvements.

Councilman Hughes said the area can also be improved aesthetically and it is all premised upon partnership with DOT and others who can help to advance this as a priority.

Supervisor Barrett said the Buildings and Grounds Department have done a great job on Clifton Country Road with plantings and flowers.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 96 of 2010, a resolution proclaiming May 1st "Silver Star Banner Day", the permanent and official day to honor the wounded and ill soldiers of the Town of Clifton Park.

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

WHEREAS, the Town of Clifton Park has always honored the sacrifice of the men and women in the Armed Forces, and

WHEREAS, The Silver Star Families of America was formed to make sure we remember the blood sacrifice of our wounded and ill by designing and manufacturing a Silver Star (Service) Banner and Flag, and

WHEREAS, to date The Silver Star Families of America has freely given thousands of Silver Star (Service) Banners to the wounded and their families, and

WHEREAS, the members of The Silver Star Families of America have worked tirelessly to provide the wounded of this Town and Country with Silver Star (Service) Banners, Flags and care packages, and

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WHEREAS, The Silver Star Families of America's sole mission is that every time someone sees a Silver Star (Service) Banner in a window or a Silver Star (Service) Flag flying, we remember those whose lives were sacrificed for this Town, State and Nation, and

WHEREAS, the people of the Town of Clifton Park wish that the sacrifice of so many in our Armed Forces never be forgotten; now, therefore, be it

RESOLVED, that the Town of Clifton Park does hereby proclaim our appreciation of the Silver Star Families of America and honor their commitment to our wounded Armed Forces members; and be it further

RESOLVED, that the Town of Clifton Park hereby declares May 1st "Silver Star Banner Day" the permanent and official day to honor the wounded and ill soldiers of the Town of Clifton Park.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 97 of 2010, a resolution awarding the bid for the Longkill I Park Multiuse Path Project.

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

WHEREAS, on April 5, 2010, bids were received for the above referenced contract, and

WHEREAS, the low bidder for the Longkill I Park Multiuse Path Project is J. Priore Construction Co., Inc. in the amount of \$51,865, and

WHEREAS, as per letter from McDonald Engineering, dated April 9, 2010, McDonald Engineering has reviewed the bids and has recommended to the Town Supervisor that J. Priore Construction Co., Utica, NY be accepted as the lowest most responsible bidder; now, therefore, be it

RESOLVED, that the Town Board as Commissioners of the Longkill I Park District hereby accepts and awards the above referenced bid in the amount of \$51,865 to J. Priore Construction Co. Inc., to be paid with \$30,000 from SP5 7123-200 (Longkill I Park District-Capital Improvement), \$8,000 from SP5-909 (Longkill I Fund Balance) to SP5-7123-200 (Longkill I Park District-Capital Improvement), \$6,000 from SP5-7123-11 (Longkill I Park District-Water) to SP5-7123-200 (Longkill I Park District-Capital Improvement) and with a transfer of \$7,865 from SP5-7123-24 (Longkill I Park District-General Maintenance) to SP5-7123-200 (Longkill I Park District-Capital Improvement).

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 98 of 2010, a resolution authorizing the Town Supervisor to enter into an agreement with the Ballston Lake Emergency Squad (BLES) for provision of Emergency Medical Services and Emergency Ambulance Services.

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

WHEREAS, a need exists for the provision of emergency medical and ambulance services within the geographical boundaries of the Town of Clifton Park, and

WHEREAS, the Ballston Lake Emergency Squad is organized and operated for the purpose of the provision of health care and education services across a broad spectrum of the communities it serves; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to enter into an agreement with the Ballston Lake Emergency Squad for the continuation of Emergency Medical Services and Emergency Ambulance Services, and be it further

RESOLVED, that the term of the Agreement shall be for three (3) years commencing retroactively from January 1, 2010 through and including December 31, 2012, and shall continue for additional three (3) year periods thereafter unless either party elects to terminate the Agreement by giving notice to the other of intent to do so at least six (6) months prior to the term; and be it further

RESOLVED, that Schedule "T" of the Agreement be amended annually, to reflect the Town's annual appropriation amount to the Ballston Lake Emergency Squad (BLES).

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 99 of 2010, a resolution adopting Local Law No. 4 of 2010, a local law repealing existing Chapter 80, Burning and enacting a new Chapter 80, of the Town Code.

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

WHEREAS, in October, DEC implemented statewide regulations imposing a new law on Open Burning which applies in Clifton Park and conflicts with the Town of Clifton Park Open Burning Law, and

WHEREAS, the new law preserves the backyard Fireplaces/Fire Pits that are currently in use in many areas of the Town, and

WHEREAS, on April 12, 2010, at 7:10 p.m. a Public Hearing was conducted to obtain comment regarding the proposed changes to Chapter 80, and

WHEREAS, the public was given the opportunity to speak in favor of or against the proposed changes to Chapter 80; now, therefore, be it

RESOLVED, that Local Law No. 4 of 2010, a local law repealing existing Chapter 80, Burning, and enacting a new Chapter 80, is hereby adopted; and be it further

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RESOLVED, that the Town Clerk publish notice of the same.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 100 of 2010, a resolution extending the contract with National Water Main Cleaning Co. for one year for Clifton Park Sewer District No. 1 Sewer Line Cleaning and Video Inspection.

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

WHEREAS, on June 25, 2009, bids were received for the above referenced contract, and

WHEREAS, the low bid for sewer line cleaning and video inspection was submitted by National Water Main Cleaning Co. (NWMC), Newark, NJ, and

WHEREAS, Resolution No. 212 of 2009 awarded the bid to National Water Main Cleaning Co., and

WHEREAS, NWMC successfully completed work for the 2009 Season, and the contract provides for extension of the existing contract for one year based on 2009 unit pricing, and

WHEREAS, NWMC has agreed to perform additional work in accordance with the contract requirements for no increase in their unit bid prices of \$1.00 per foot, not to exceed \$61,000, and

WHEREAS, as per letter from McDonald Engineering, dated April 2, 2010, McDonald Engineering has recommended to the Town Supervisor that the contract be extended for one year in the amount of \$61,000 based on NWMC'S 2009 unit prices; now, therefore, be it

RESOLVED, that the Town Board exercises its option to extend the above referenced contract to NWMC in the amount of \$61,000 for Sewer Line Cleaning and Video Inspection, as per the following:

	<u>Per linear foot</u>
	Unit Price
Scheduled Sewer Line Cleaning Amount	\$0.50
Scheduled Video Inspection Bid Amount	\$0.50
Easement/Off-Road Sewer Line Cleaning Bid Amount	\$0.75
Easement/Off Road Video Inspection Bid Amount	\$0.75
	<u>Per callout</u>
Emergency Mobilization Amount	\$50.00
	<u>Per linear foot</u>
Emergency Sewer Line Cleaning Bid Amount	\$ 2.75
Emergency Video Inspection Bid Amount	\$1.00

estimated total cost of contract is \$61,000, \$50,000 to be paid from G7-8111-35 (Sewer District No.1-Sewer Line Cleaning) and \$11,000 to be transferred from G7-8111-21 (Sewer District No. 1-Emergency Repairs) to G7-8111-35 (Sewer District No. 1-Sewer Line Cleaning).

Collection System Manager O'Brien explained this is a continuation of cooperation with NYSDEC in getting all sewer lines thoroughly inspected. He said this is the last year to build into a program of rehabbing the bad areas. The Clifton Knolls subdivision is scheduled to be done and residents will be notified through signage and the website. This is the last year of the cleaning regiment for DEC and the town is required to get all pipes inventoried, mapped and inspected by video and the plan of action submitted to DEC. Mr. O'Brien said there has been a huge decrease in sewer issues because of the cleanings.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 101 of 2010, a resolution authorizing the hiring of new Counselors and Lifeguards for the 2010 Season.

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

WHEREAS, it is necessary that additional Counselors and Lifeguards be hired by the Office of Parks, Recreation and Community Affairs for the 2010 Season, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs has recommended that the individuals listed in Schedules A and B attached hereto, be hired for such purpose; now, therefore, be it

RESOLVED, that the individuals listed in Schedules A and B attached hereto, shall be hired as Counselors and Lifeguards for the 2010 Season, effective immediately through September 27, 2010.

Director of Parks and Recreation Kramer reported parents are happy with the additional hours for full day camp, as well as opening the camp to individuals who don't live but work in town.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 102 of 2010, a resolution authorizing 2009 Final Budget Adjustments as specified in Exhibit A.

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

WHEREAS, the Town 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

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RESOLVED, that the Budget Adjustments specified in Exhibit A be adopted per the Town Comptroller's recommendations.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 103 of 2010, a resolution awarding the bid for the Clifton Gardens Park Improvements Project and creating a Capital Projects Fund.

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

WHEREAS, on April 8, 2010, bids were received for the above referenced contract, and

WHEREAS, the low bidder for the Clifton Gardens Park Improvements Project is Peter Luizzi and Bros. Contracting, Inc. in the amount of \$99,175, and

WHEREAS, as per letter from McDonald Engineering, dated April 9, 2010, McDonald Engineering has reviewed the bids and has recommended to the Town Supervisor that Peter Luizzi & Bros. Contracting, Inc., be accepted as the lowest most responsible bidder; now, therefore, be it

RESOLVED, that the Town Board as Commissioners of the Clifton Gardens Park District hereby accepts and awards the bid for the Clifton Gardens Park Improvements Project to Peter Luizzi & Bros. Contracting, Inc., in the amount of \$99,175, and be it further

RESOLVED, that the Comptroller is authorized to create the line H32 (Clifton Gardens Park District Improvement Fund) with a maximum budget of \$130,000; and be further

RESOLVED, that the bid amount of \$99,175 be paid from H32 (Clifton Gardens Park District Improvement Fund).

Councilman Paolucci reported the bid came in significantly less than expected.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

PUBLIC PRIVILEGE

Kathleen Semanak Hayes, Rexford, representing Mr. Eugene Pettis of Vischer Ferry Road, read his letter requesting equestrian trails in town and suggested an area behind the Edison Club, on the backside of the golf course. Supervisor Barrett said this is a good idea and would be a nice addition to a park.

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Frank Berlin, Main St, Jonesville, expressed appreciation for the shredding day and the paved area for brush drop off at the Transfer Station. He recommended recognizing the people in town who volunteer in so many different aspects. He spoke in favor of town ownership of the golf course in order to keep it open space. Mr. Berlin noted the various positive actions that have come about due to the Open Space Plan.

Jim Baisley, Barkwood Lane, thanked the Town Board for passing the resolution proclaiming May 1st Silver Star Banner Day. He asked the Town Board to help the Gensches anyway possible.

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

Motion carried at 8:55 p.m.

Patricia O'Donnell
Town Clerk