

Clifton Park Town Board Meeting Minutes

April 19, 2004

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 Speckhard
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Absent: Councilman Paolucci
Councilman Roth

Also Present: Town Attorney Trainor
Michael Handerhan, Supervisor of Buildings and Grounds
Mark Heggen, Comptroller
Barbara McHugh, Director of Community Development
Michael Shahan, Town Administrator
Walter Smead, Assessor

MOTION by Councilwoman Walowit, seconded by Councilman Speckhard, to approve the minutes of the meeting as presented.

ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Roth

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett announced the GEIS Workshop is scheduled for May 12, 2004 at 6 pm in the Town Hall. He noted residents in the GEIS area will be invited to the Workshop.

PRESENTATIONS TO THE BOARD

Bob Goepfert, representing Arts and Culture Committee, updated the Board on the

upcoming “Arts Caravan Weekend” scheduled for May 1st and 2nd in various locations throughout the community.

Myla Kramer, representing the Citizens Corps Council, updated the Board on the progress of the Council, noting everyone can do something to make the community safer. The Council gives everyone the opportunity to take some responsibility for the safety of their community. She reviewed the Mission of the Council as follows: 1) to provide a platform from which to empower local citizens to better prepare for and respond to emergency situations through education, training and volunteering and 2) to create opportunities for local citizens to contribute in assisting neighbors and supporting their community against threats of terrorism, public health issues, natural disasters and crime. Ms. Kramer reviewed the goals of the Council. She announced a town wide public safety event will be held on August 1st.

Councilman Speckhard asked if computer sabotage had been looked at and recommended Ms. Kramer speak with the town’s computer consultant, Howard LaVine. He noted a great deal of work had been done in the past with regard to anticipated Y2K problems.

Ms. Kramer said this has not been looked at but can be put on the agenda and discussed with Mr. LaVine. She explained there are two databases being looked at - the first a list of resources within the town from business and citizens, and the second would be for vulnerable and at risk residents.

Councilman Speckhard asked how the different fire districts will be brought together. Ms. Kramer replied she and Ms. McHugh have been meeting with some of the fire districts to explain the Citizen Corps program. Councilman Speckhard asked that he receive a copy of the minutes of the Citizen Corps Council meetings.

**PUBLIC HEARING, 7:10 PM
TO CONSIDER A LOCAL LAW AMENDING THE
CONSERVATION EASEMENT LAW AND LOCAL LAW NO. 12 OF 1996**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on April 9, 2004.

Supervisor Barrett reviewed the current Conservation Easement legislation and noted there are approximately 3000 acres in the program. The proposed legislation includes buildings on farms that are used mainly for farming.

Town Assessor Walter Smead reported currently there are 64 parcels in the program, as well as six historic buildings and the rest is open space. He reported a team, consisting of himself, Supervisor Barrett, Planning Director Kemper, Isabel Prescott of Riverview Orchards and Kevin Bowman of Bowman Orchards, reviewed the law and looked at changes to make it a little easier to administer. He stated the main purpose of the change is to open the program to working farms and to tighten some language and definitions. He reviewed the proposed changes such as the town allowing applicants to submit a full copy

of a tax map instead of a survey map when the entire parcel is being put into the program. This will save the applicant hundreds of dollars. If the land is to be split up, a survey map would be required. Mr. Smead noted there are other tax breaks farmers can apply for but the Conservation Easement must be done first before applying for any others. He noted that retail farm stores do not qualify for the Conservation Easement or the NYS program.

Supervisor Barrett said hopefully this will bring more farms into the program. He stated if we lose farms, the town will lose a piece of history, as well as character. It was noted the Conservation Easement runs with the property, not the individual.

The public hearing was opened for comments from the audience at 7:50 p.m.

Margaret Catellier, Royal Oak Drive, representing Friends of Clifton Park Open Space, spoke in favor of the proposed legislation. She recommended tax breaks be offered for farmer retail buildings as well.

Youseff Ballout, Torrero Drive, spoke in favor the legislation, stating it is in the spirit of the Open Space Plan. He recommended the town look at permanent easements.

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 8:02 p.m.

Town Administrator Shahan announced the Security Officers all passed the civil service exam. He reported the new senior bus will be arriving June 1st. The town will receive a \$16,000 grant from the Office of the Aging bringing the cost down to \$24,000. He noted \$45,000 was originally budgeted.

Town Comptroller Heggen presented the quarterly financial report. He said the dental fund will now be included in the general fund. He reported the unappropriated fund balance at the end of 2003 was approximately \$6 million and total fund balance is close to \$9 million in the general fund alone.

Supervisor Barrett noted some of those funds are designated. He said in 2003 \$2.6 million was given back in the form of tax cuts to reduce the Highway tax and the County property tax. He proposed the Board look at using all of the money to reduce the highway tax.

PUBLIC PRIVILEGE

No one wished to be heard.

Resolution No. 100 of 2004, a resolution awarding a contract for landscaping services for Meadow Estates Park District.

Introduced by Councilman Speckhard, who moved its adoption, seconded by

Councilwoman Walowit.

WHEREAS, quotes were received by the Town Board, acting as Commissioners of the Meadow Estates Park District, for landscaping services for the Meadow Estates Park District, and

WHEREAS, the lowest conforming quote for the work to be done was presented by Moonlight Horticultural for \$1,530; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Meadow Estates Park District, hereby awards the contract to Moonlight Horticultural, Pattersonville, NY, for landscaping services for the Meadow Estates Park District, at a cost not to exceed \$1530 to be budgeted from SP12-7142-24(Meadow Estates Park District Maintenance).

ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Roth

DECLARED ADOPTED

Resolution No. 101 of 2004, a resolution awarding a contract for mowing services for Stoney Creek II Park District.

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

WHEREAS, quotes were received by the Town Board, acting as Commissioners of the Stoney Creek II Park District, for mowing services for the Stoney Creek II Park District, and

WHEREAS, the lowest conforming quote for the work to be done was presented by Moonlight Horticulture at a cost of \$112 per mowing, not to exceed fifteen mowings, at a cost not to exceed \$1,680; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Stoney Creek II Park District, hereby awards the contract to Moonlight Horticultural, Pattersonville, NY for mowing services for the Stoney Creek II Park District, at a cost not to exceed \$1,680, \$112 per mowing, for fifteen mowings, to be budgeted from SP0-7120-24 (Stoney Creek II Park District Maintenance).

ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilwoman Walowit, Supervisor Barrett
Noes: None
Absent: Councilman Paolucci, Councilman Roth

DECLARED ADOPTED

Resolution No. 102 of 2004, a resolution awarding a contract for twelve tree plantings at Wyncrest Park District.

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

WHEREAS, quotes were received by the Town Board, acting as Commissioners of the Wyncrest Park District, for tree plantings in the Wyncrest Park District, and

WHEREAS, the lowest conforming quote for the work to be done was \$4,500 presented by D & D Lawncare; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Wyncrest Park District, hereby awards the contract to D & D Lawncare, Latham, NY, for twelve tree plantings at the Wyncrest Park District, at a cost not to exceed \$4,500 to be paid from SP11-7140-24 (Wyncrest Park District-Maintenance).

ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Roth

DECLARED ADOPTED

Resolution No. 103 of 2004, a resolution awarding a contract for landscaping services for Wyncrest Park District.

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

WHEREAS, quotes were received by the Town Board, acting as Commissioners of the Wyncrest Park District, for landscaping services for the Wyncrest Park District, and

WHEREAS, the lowest conforming quote for the work to be done was presented by Moonlight Horticulture for \$1,789; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Wyncrest Park

District, hereby awards the contract to Moonlight Horticultural, Pattersonville, NY for landscaping services for the Wyncrest Park District, at a cost not to exceed \$1,789 to be budgeted from SP11-7140-24 (Wyncrest Park District-Maintenance).

ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Roth

DECLARED ADOPTED

Resolution No. 104 of 2004, a resolution approving an outside user hook-up to the Route 9 Fire Road Water District No. 1.

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

WHEREAS, the Route 9 Fire Road Water District No. 1 has been approved by the Town Board and the New York State Comptroller's Department of Audit and Control, and

WHEREAS, a request has been received by the Town Board, acting as Commissioners of the Route 9 Fire Road Water District No. 1, to approve an outside user hook-up per the attached agreement for BBC Development LLC; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Route 9 Fire Road Water District No. 1, hereby approves an outside user hook-up to the District's facilities by BBC Development LLC, for property at 1728 Route 9, pursuant to the attached agreement and authorizes the Supervisor to sign the agreement on behalf of the Route 9 Fire Road Water District.

Councilman Speckhard asked if item number 8 in the agreement regarding the outside user connection fee could be tabled. He said there are user fees for all districts and there needs to be a consistent outside user policy in terms of charging a fee or not charging a fee. He stated this needs to be addressed. Mr. Trainor responded for purposes of this agreement the Board can modified it any way desired but he recommended passing the agreement with the fee in it and then modify at a later date. Councilman Speckhard stated a town wide user fee is needed. Supervisor Barrett said the Board needs to go forward this evening on precedent.

ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Roth

DECLARED ADOPTED

Resolution No. 105 of 2004, a resolution authorizing Change Order No. 1 for the Locust Lane Clubhouse Renovations, Contract No. 1.

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

WHEREAS, Resolution No. 5 of 2004 awarded a contract to Rozell East, Inc. for General Construction at the Locust Lane Clubhouse in an amount of \$52,000, and

WHEREAS, a Change Order was prepared by McDonald Engineering which provides the breakdown of individual item costs, and

WHEREAS, the Change Order results in a decrease of \$800 for General Construction at the Locust Lane Clubhouse from the current contract amount of \$52,000 to arrive at a new contract amount of \$51,200; now, therefore, be it

RESOLVED, that Supervisor Barrett is hereby authorized to sign Change Order No. 1 dated March 17, 2004, to Rozell East, Inc. for Contract No. 1 General Construction at the Locust Lane Clubhouse, and be it further

RESOLVED, that the decrease amount of \$800 be released from A-1625-200 (Locust Lane Clubhouse-Equipment).

ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Roth

DECLARED ADOPTED

Resolution No. 106 of 2004, a resolution authorizing Change Order No. 1 for the CAPTAIN Building Addition , Contract No. 4.

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

WHEREAS, Resolution No. 7 of 2003 awarded a contract to Family Danz Heating & A.C., Inc. for Contract No. 4 HVAC Work, in an amount of \$48,180, and

WHEREAS, a Change Order was prepared by McDonald Engineering which provides the breakdown of individual item costs, and

WHEREAS, the Change Order results in a decrease of \$2,000 for HVAC Work for the Captain Building Addition from the current contract amount of \$48,180 to arrive at a new contract amount of \$46,180; now, therefore, be it

RESOLVED, that Supervisor Barrett is hereby authorized to sign Change Order No. 1 dated January 13, 2004, to Family Danz Heating & A.C., Inc. for Contract No. 4 HVAC Work, for the Captain Building addition, and be it further

RESOLVED, that the decrease amount of \$2,000 be released from A-1620-200 (Town Hall-Equipment).

ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Roth

DECLARED ADOPTED

Resolution No. 107 of 2004, a resolution establishing a fund for the park to be created on the corner of Moe Road and Clifton Park Center Road.

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

WHEREAS, the Town of Clifton Park has identified a need for the creation of a park and whereby the Town Board has approved the same by Resolution No. 98 of 2004, and

WHEREAS, the Town Board wishes to work with Eagle Scout candidate Kevin Gonyeau of Boy Scout Troop No. 30 of Clifton Park wherein he proposes to sell engraved bricks/paver stones to local residents and supporters of parklands, and

WHEREAS, the funds generated for such sales will be earmarked by the Town Board to offset the costs of designing and constructing the park; now, therefore, be it

RESOLVED, that the Town Board hereby establishes a fund for the park on the corner of Moe Road and Clifton Park Center Road, and be it further

RESOLVED, that all monies collected from the sale of bricks/paver stones by Boy Scout Troop No. 30 or otherwise coordinated by the Town's Director of Community Development be collected and deposited in such account as administered by the Town

Comptroller.

Councilman Speckhard expressed concern that the three foot high berm along the northern side of the park could present a security issue. Supervisor Barrett said there cannot be anything obstructing the view of Security Officers' driving by, especially at night. Ms. McHugh noted the road is slightly elevated at that point.

ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Roth

DECLARED ADOPTED

Resolution No. 108 of 2004, a resolution hiring summer help for the Stoney Creek II Park District .

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

WHEREAS, a need has been identified for summer help at the Stoney Creek Park District No. 2 to do weeding and light landscaping chores, and

WHEREAS, Seth Watson, 10 Tudor Street, Clifton Park, has been recommended to be hired for this position; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Stoney Creek Park District No. 2 hereby authorizes the summer hiring of Seth Watson, 10 Tudor St., Clifton Park, for the Stoney Creek Park District No. 2 at \$7.00 per hour, effective immediately, to be paid from SPO-7120-24 (Stoney Creek II Park District Maintenance).

ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Roth

DECLARED ADOPTED

Resolution No. 109 of 2004, a resolution adopting a change in the accounting principle for reporting the dental fund.

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

WHEREAS, in 2003 the Town of Clifton Park had adopted the accepted reporting requirements for the Town's Dental fund in accordance with Government Accounting Standards Board No. 34, and

WHEREAS, the presentation of the dental fund as an internal service fund in the Town's financial report is no longer an appropriate presentation, and

WHEREAS, the Government Accounting Standards Board under the provisions of Statement 10 allow the reporting of the Town's dental fund to be reported in the revenue and expenses of the general fund; now, therefore, be it

RESOLVED, that the dental fund be presented in the general fund in accordance with GASB Statement No.10, and that this change be effective retroactive to January 1, 2003.

ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Roth

DECLARED ADOPTED

Resolution No. 110 of 2004, a resolution establishing an operating budget for the proposed "Full Day" Day Camp program as sponsored by the Department of Parks, Recreation and Community Affairs.

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

WHEREAS, the Director of Parks, Recreation and Community Affairs has identified an increasing need for a "Full Day" Day Camp Program in the Town of Clifton Park for the Summer 2004 Recreation program, and

WHEREAS, a day long recreational opportunity would confer a benefit to the residents of the Town; now, therefore, be it

RESOLVED, that a budget be established, for a "Full Day" Day Camp Program, per Schedule A at the request of the Director of Parks, Recreation and Community Affairs.

Supervisor Barrett reported the YMCA will not be using the arena this year so it has been

decided to run a full day Day Camp at this site. The camp, for Clifton Park residents only, will run from 9:00 a.m. to 4:00 p.m. at a cost of \$80 per week with early and late hours at an additional fee. He emphasized the half day camp from 9 to 12 will continue as usual. Supervisor Barrett expressed appreciation to Ms. Haffner, McHugh and Mr. Shahan for putting the program and financials together.

ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Roth

DECLARED ADOPTED

PUBLIC PRIVILEGE

Norman Goldman, London Square Drive, questioned the role of the Citizen Corps Council and how it relates to what is already in place. Supervisor Barrett explained this is for volunteers to help in the event of a disaster.

Bill Engleman, Partridge Plateau, read a prepared statement expressing concern with developers contributing to political parties especially during an election year. He spoke against the Maxwell Drive South PDD adopted November 2003.

Youseff Ballout, Torrero Drive, ask what action would be taken if a disclosure form was found to be untrue. He said the Maxwell Drive South PDD is not in the best interests of the town.

Town Attorney Trainor replied the disclosure form would be referred to the Ethics Board.

Supervisor Barrett stated the area has many services and is appropriate for senior housing. The area is privately owned and the land owned by the school will be developed. He said since the Exit 9 GEIS every project approved has had more greenspace than required. The Supervisor said tens of thousands of dollars have been received in GEIS fees from developers in that area. He stated the town has been a leader in open space preservation.

Mr. Goldman recommended finding a way to have applicants' disclosure forms amended so that at the time a project is acted upon the information is up to date. He asked about the progress of affordable housing for older people.

Supervisor Barrett said anything proposed for the Maxwell Road South area would not have been approved unless it was restricted to people 55 and older. He noted DCG will be paying full property taxes. The Supervisor stated this senior housing is a good thing

for the town.

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

Motion carried at 9:23 p.m.

Patricia O'Donnell
Town Clerk