

July 1, 2013

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

Also Present: Town Attorney McCarthy
Richard Kukuk, Superintendent of Highways
Mark Heggen, Comptroller
Myla Kramer, Director of Parks, Recreation and Community Affairs
Louis Pasquarell, Director of Safety and Security

MOTION BY Councilman Romano, seconded by Councilwoman Walowit, to approve the minutes of the June 17, 2013 meeting as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett reviewed events planned for the 4th of July. He thanked the following sponsors: \$5000 level - County Waste, Shanes and Moes Restaurants, Price Chopper, Collision Experts and Jockey 101.3 (in kind), \$1500 level - Siena Fence and First Niagara Bank, \$500 level Mohawk Honda, Holiday Inn Express, CDPHP, Jack Byrne Ford, Miranda Real Estate Group, CT Male, Players Park, Saratoga National Bank, and John McDonald Engineering. The \$2000 sponsor for the Sunday Nights on the Common is CDPHP and \$500 level - Ianniello, Anderson and Reilly Law Firm, Hollandale Apartments, Price Chopper and Saratoga National Bank.

Supervisor Barrett reported Town Councilwoman Amy Standaert was sworn in by Supreme Court Justice Thomas Nolan prior to the Town Board meeting and welcomed her to the Town Board.

PRESENTATION

Supervisor Barrett welcomed Girl Scout Troop 2177, reporting the troop, along with parents and volunteers, did a wonderful job of "sprucing up" Spirit Park located on the corner of Moe and Clifton Park Center Roads, as well as placing blue bird boxes at Garnsey Park. Elizabeth del Grasso, representing the troop, reviewed the work of the girls noting it was part of a Bronze project. The Girl Scouts received the Bronze awards and pins.

Supervisor Barrett presented the following resolution to Chandler Moore in recognition of work in attaining the rank of Eagle Scout.

Resolution No. 157 of 2013, a resolution honoring J. Chandler Moore for attaining the rank of Eagle Scout.

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

WHEREAS, Chandler Moore created a project to construct 3 large recycle bins for placement at the Locust Lane Pool, Collins Park and Veterans Park, where they are used to collect recyclable bottles and cans, and

WHEREAS, Chandlers project contributes to the environment by helping to keep the parks and pool areas clean and promotes recycling in our community and our parks, and

WHEREAS, Chandler, who also competes on the Shenendehowa Varsity Crew Team, conceived and executed his project to serve the dual purpose of raising funds for the Friends of Shenendehowa Crew Team, which offers outstanding health benefits and promotes rowing as a viable and popular sport throughout the community; now, therefore, be it

RESOLVED, that the Clifton Park Town Board recognizes and honors J. Chandler Moore for his work in planning and building the recycling bins at the Locust Lane Pool, Collins Park and Veterans Park and for his leadership in attaining the rank of Eagle Scout.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Chandler Moore explained the work involved in his project, noting the project earned close to \$2000 which was donated to the Crew Team. It was noted this is an ongoing project.

Supervisor Barrett said Garrett Lea is expected to attend a future Town Board meeting.

Resolution No. 158 of 2013, a resolution honoring Garrett Lea for attaining the rank of Eagle Scout.

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

WHEREAS, Garrett Lea led a team of Scouts in a project to build and install a series of 8 bridges using pressure treated wood over bog areas in the Ushers Road State Forest, replacing existing bridges which had become dilapidated and ineffective, and

WHEREAS, Garrett's project bridged a bog area on the state forest land along a section of trail spur connecting the state forest trail with the widely used Zim Smith Trail system and ensures a connection between the state trail spur and the Saratoga County system that will last for many years to come, and

WHEREAS Garrett worked closely with the State Forestry Service in designing and installing the new bridges which will make the connection between the two trails passable for hikers and skiers year round, and

WHEREAS, the project included the construction and placement of direction and distance signs, which mark the distance between the Zim Smith trail and the end of the connecting spur trail in the state forest, and

WHEREAS, the State Forestry Service reports that they have received many compliments on the quality of the construction from users of the trail; now, therefore, be it

RESOLVED, that the Clifton Park Town Board recognizes and honors Garrett Lea for his work in planning and recruiting for the Ushers Road Forest Project, for his workmanship in constructing and installing quality bridges and sign markers connecting and enhancing the trail experience along a well used and well respected trail system, and for his leadership in attaining the rank of Eagle Scout.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 159 of 2013 a resolution determining that action to organize the Rexford Water District No. 2, Extension No. 2 and acquire, construct and install improvements to the water system will not have a significant effect on the environment.

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

WHEREAS, the Town Board of the Town of Clifton Park, Saratoga County, New York (the "Town") proposes to establish a water district in the Town to be known as Rexford Water District No. 2, Extension No. 2 (the "District") and also proposes to acquire, construct and install a water supply and distribution system in the District, including (a) construction and installation of water transmission mains and lines and related facilities, (b) acquisition of furnishings, equipment, machinery or apparatus required in connection therewith, and (c) all as more particularly described in the report of John M. McDonald Engineering, P.C. which is on file in the office of the Town Clerk (the "Project"); and

WHEREAS, pursuant to Article 8 of the Environmental Conservation law, Chapter 43-B of the Consolidated Laws of New York, as amended (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 Board desires to determine whether the Project may have a "significant effect on the environment" (as said quoted term is defined in the SEQR Act and the Regulations) and therefore require the preparation of an environmental impact statement; and

WHEREAS, to aid the Town Board in determining whether the Project may have a significant effect upon the environment, an environmental assessment form (the "EAF") has been presented to and reviewed by the Town Board, copies of which EAF are on file in the office of the Town Clerk; and

WHEREAS, pursuant to the Regulations, the Town Board has examined the EAF in order to make a determination as to the potential environmental significance of the Project; and

WHEREAS, the Project does not appear to constitute a "Type I Action" (as said quoted term is defined in the Regulations);

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN BOARD OF THE TOWN OF CLIFTON PARK AS FOLLOWS:

(1) Based upon an examination of the EAF, and based further upon the Town Board's knowledge of the area surrounding the proposed District and such further investigation of the Project and its environmental effects as the Town Board has deemed appropriate, the Town Board makes the following findings with respect to the Project:

- (A) The Project consists of an Extension of a Water District and the acquisition, construction and installation of a new water system in the District, including (i) construction and installation of water transmission mains and lines and related facilities, (ii) acquisition of furnishings, equipment, machinery or apparatus required in connection therewith, all as more particularly described in the report of John M. McDonald Engineering P.C. which is on file in the office of the Town Clerk.
- (B) No potentially significant impacts on the environment are noted in the EAF, and none are known to the Town Board.

(2) Based upon the foregoing investigation of the potential environmental impacts of the Project and considering both the magnitude and importance of each environmental impact therein indicated, the Town Board makes the following findings and determinations with respect to the Project:

- (A) The Project constitutes an “Unlisted Action” (as said quoted term is defined in the Regulations);
- (B) The Project will result in no major impacts and, therefore, is one which will not cause significant damage to the environment. Therefore, the Town Board hereby determines that the Project will not have a significant effect on the environment, and the Town Board will not require the preparation of an environmental impact statement with respect to the Project; and
- (C) As a consequence of the foregoing, the Town Board has prepared a negative declaration with respect to the Project.

(3) The Town Supervisor is hereby directed to file with the Town Clerk a negative declaration with respect to the Project, which shall be available for public inspection during regular business hours.

(4) This resolution shall take effect immediately.

Supervisor Barrett reported approval has been received from the State Comptroller for this extension. He noted there are four homes involved.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 160 of 2013, a resolution authorizing preparation and advertisement of bids for the acquisition and construction of improvements for the distribution of water for the Rexford Water District No. 2 , Extension No. 2.

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

WHEREAS, by Resolution No. 77 of 2013, the Town Board authorized the formation of the Rexford Water District No. 2, Extension No. 2 to finance the construction of improvements and facilities necessary to bring public water to properties on Madison Avenue in the Rexford area, and

WHEREAS, by order dated June 17, 2013, the State Comptroller approved the formation of the extension, and

WHEREAS, the Town Board wishes to authorize the construction of the improvements and facilities necessary to construct the extension: now, therefore, be it

RESOLVED, that John M. McDonald Engineering is authorized to prepare bid documents and to advertise for bids for the construction of facilities, conduit, and related equipment necessary for the construction and installation of improvements for the Rexford Water District No. 2 Extension No. 2.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 161 of 2013, a resolution in connection with a block party to be held in the Country Knolls South subdivision.

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

WHEREAS, the residents of Country Knolls South subdivision wish to conduct a block party within the subdivision on Saturday, July 13, 2013 between the hours of 4:00 pm and 11:00 pm and have requested permission to use the end of the street at Whispering Hills Drive in front of No. 18, for their party activities; now, therefore, be it

RESOLVED, that the residents, with the approval and advice of the Town Highway Superintendent, have permission to use the end of the street at Whispering Hills Drive in front of No.18 from 4:00 - 11:00 pm for their party activities, but must not block off the street and make sure emergency vehicles can gain access to the street if needed, and be it further

RESOLVED, that the residents shall be responsible for all clean-up activities on town property or on the street right-of-way resulting from the social activity; and be it further

RESOLVED, that a copy of this resolution be sent to the applicable fire department, the ambulance corps., the sheriff's department and the state police.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 162 of 2013, a resolution increasing July 4th revenue and expenditures by \$2,000.

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

WHEREAS, an additional \$8,000 was received over budget for sponsorship of the July 4th Celebration, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has requested authorization to bring in additional sound equipment and entertainers at a cost of \$2,000, and

WHEREAS, Comptroller Mark Heggen recommends that the Town Board increase Revenue (A-2042) and Expenditures (A-7550-052) by \$2,000 to account for the cost of the sound equipment and additional entertainment; now, therefore, be it

RESOLVED, that the Parks and Recreation Department is authorized to bring in additional sound equipment and entertainers for the July 4th Celebration at a cost of \$2,000; and be it

RESOLVED, that Revenues (A-2042) be increased by \$2,000 and Expenditures (A-7550-052) Festival-Performing Arts be increased by \$2,000 as a result of the increase in sponsorship of the July 4th Celebration.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 163 of 2013, a resolution increasing revenue and expenditures by \$22,000 as a result of increased registration for the Full Day Camp.

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

WHEREAS, registration at the Full Day Camp is much higher than expected requiring additional food, equipment and day camp expenses; now, therefore, be it

RESOLVED, that A-2050 (Revenues Full Day Camp) be increased by \$22,000 and A-7320-044 (Expenditures Equipment) be increased by \$1,000, A-7320-086 (Food) be increased by \$1,000, A-7320-006 (Supplies) by \$1,000 and A-7320-099 (Day Camp Expense) by \$10,000 and A-7310-E450 (Staff-Counselors) by \$9,000.

Supervisor Barrett thanked the Senior Center for space when the weather is inclement. Director of Parks and Recreation, Myla Kramer reported there was an increase of 20 new campers, as well as “add-on weeks” for current campers and all were accommodated.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 164 of 2013, a resolution authorizing the hiring of additional camp counselors for the 2013 Summer Full Day Camp.

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

WHEREAS, due to the increase in registration it is necessary that additional camp counselors be hired by the Parks and Recreation Department for the Town of Clifton Park 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 hired; now, therefore, be it

RESOLVED, that the individuals listed in the attached Schedule "A" be hired as camp counselors for the town's 2013 Summer Full Day Camp program, effective retroactive to June 24, 2013 through August 16, 2013; and be it further

RESOLVED, that the new 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. 165 of 2013, a resolution awarding the bid for the Miss Shen Girls Softball Drainage Improvement Project.

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

WHEREAS, on June 26, 2013, bids were received for the above referenced contract, and

WHEREAS, the low bidder for the Miss Shen Girls Softball Drainage Improvements Project is Wm. J. Keller & Sons Construction, Castleton, New York, in the amount of \$263,910.63 for the base bid and alternate bid, and

WHEREAS, per letter from McDonald Engineering, dated June 27, 2013, McDonald Engineering has reviewed the bids and has recommended to the Town Supervisor that Wm. J. Keller & Sons be accepted as the lowest most responsible bidder; now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced bid in the amount of \$263,910.63 to Wm. J. Keller & Sons Construction, to be budgeted with a transfer of \$263,910.63 from Unassigned Fund Balance to A-7112-200 (Clifton Common-Equipment).

Supervisor Barrett said baseball fields were the alternate bid on this project and it is best to do improvements all at once. Both the baseball and softball leagues have agreed to cover twenty percent of the costs of this project. The Supervisor said construction will start as soon as the fields are vacated.

Bryan Henniger, President of Miss Shen Softball, thanked the Town Board for taking on this project.

Chris Meyer, Clifton Park Baseball, thanked the Town Board for being proactive over the years.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 166 of 2013, a resolution authorizing the purchase of mosquito dunks for use by town residents.

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

WHEREAS, the Town of Clifton Park has an ongoing West Nile Virus preventative program and dunks are needed to continue the program, and

WHEREAS, Michael Montague, Environmental Specialist, has requested authorization to purchase seventy cases of mosquito dunks, 100 dunks in each case for distribution to town residents, and

WHEREAS, quotes were solicited for the purchase of dunks and the lowest quote was received from Summit in Baltimore, Maryland, for 0.6785 per dunk, and

WHEREAS, Michael Montague has recommended that the quote of Summit be accepted in an amount of \$4,749.50 for 70 cases of dunks; now, therefore, be it

RESOLVED, that the quote from Summit in an amount not to exceed \$4,749.50 is hereby accepted for the purchase of 70 cases of mosquito dunks, to be paid from A-4010-024 (Community Services-Public Safety).

Environmental Specialist Montague said this purchase should last this season and the next two summers.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 167 of 2013, a resolution authorizing the implementation and funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs of a transportation federal-aid project and appropriating funds therefore.

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

WHEREAS, Project Crescent Road Bike and Pedestrian Improvements and two Spot Improvements P.I.N. 1757.36 (the Project) is eligible for funding under Title 23 U S Code, as amended that calls for the apportionment of the costs such program to be borne at the ratio of 80 % federal funds and 20% non-federal funds, and

WHEREAS, the Town of Clifton Park desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Design and ROW Incidentals; now, therefore, the Town Board duly convened does hereby

RESOLVE, that the Town Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Town Board hereby authorizes the Town of Clifton Park to pay in the first instance 100% of the federal and non-federal share of the cost of Design and ROW Incidental work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$154,000 has already been appropriated from the General Fund by Resolution No. 88 of 2010 made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that the additional sum of \$43,400 hereby appropriated from H35-7629-200 and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Town Board of the Town of Clifton Park shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Town Supervisor of the Town of Clifton Park be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for federal aid and/or Marchiselli Aid on behalf of the Town of Clifton Park with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution is filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project and it is further

RESOLVED, this resolution shall take effect immediately.

Supervisor Barrett said this trail stretches from Okte School to the Town of Halfmoon. DOT needed adjustments to the original approved design in the area over the Northway which will take additional funds.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 168 of 2013, a resolution appointing Jeffrey Villeneuve as a part time security officer.

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

WHEREAS, an opening exists for a part time security officer as a result of the promotion of Sharon Simmons to full time status, and

WHEREAS, Jeffrey Villeneuve, 14 East Haystack Road, Clifton Park, is licensed as a New York State Security Officer and has been recommended to be appointed as a part time security officer; now, therefore, be it

RESOLVED, that Jeffrey Villeneuve, 14 East Haystack Road, Clifton Park, is hereby appointed as a part time security officer for the Town of Clifton Park, at Grade 5, Step 3(\$20.86 per hour) as budgeted from A-3110-E-4000 (General Fund-Part-time Employee).

Supervisor Barrett said this appointee does not require any training at this point.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 169 of 2013, a resolution allowing for the consumption of alcoholic beverages at a birthday party on July 13, 2013.

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

WHEREAS, Rachel and Daniel Woo, 195 Tallow Wood Drive, Clifton Park, have requested a waiver of the town's "no alcohol" policy for the consumption of alcoholic beverages during Mr. Woo's birthday party to be held on July 13, 2013 at Collins Park from 2:00 - 6:00 P.M., and

WHEREAS, it is the town's policy to require the using group to monitor the consumption of alcohol, be responsible for the group's activities, and to provide the town with appropriate evidence of insurance to indemnify the town; now, therefore, be it

RESOLVED, that attendees at the Woo's birthday party are authorized to consume alcoholic beverages on July 13, 2013 at Collins Park from 2:00 - 6:00 P.M. providing that they provide the town with a certificate of insurance in the amount of \$1,000,000, naming the Town of Clifton Park as an insured, so as to indemnify the town for any incidents which may result with the waiver of the "no alcohol" policy for the event.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

No one wished to be heard.

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

Motion carried at 8:05 p.m.

Patricia O'Donnell
Town Clerk