

April 6, 2015

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
Myla Kramer, Director of Parks, Recreation and Community Affairs
John Scavo, Director of Planning

MOTION BY Councilman Romano, seconded by Councilwoman Walowit, to approve the minutes of the March 9 and 16, 2015 meetings as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett announced the Not So Common Players production of "Little Women" to be presented at the Clifton Park/Halfmoon Library in April.

**PUBLIC HEARING, 7:05 PM
TO CONSIDER A LOCAL LAW REPEALING
SECTION 97-3 OF THE TOWN CODE**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on March 23, 2015.

Supervisor Barrett explained there is a resolution on the agenda this evening setting a public hearing that will repeal Section 97-5 which allows permit fees to be changed by resolution. If this amendment is adopted after the public hearing, permit fees will still be subject to change by local law. The Supervisor stated there will be no increase in permit fees this year.

The public hearing was opened for comments from the audience at 7:08 p.m.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 7:10 p.m.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 75 of 2015, a resolution accepting a permanent easement at the corner of Clifton Park Center Road and Sitterly Road from Stewart's Shops Corp.

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

WHEREAS, as a condition of approval of the convenient store with gasoline service, the Town of Clifton Park Planning Board required that the applicant convey an access easement within a portion of Lot 1 of the Ellis Hospital Minor Subdivision to the Town of Clifton Park, and

WHEREAS, the 10 foot easement is intended to be used as a multi-use pathway and for future utility relocation; now, therefore, be it

RESOLVED, that the Town Board hereby accepts the conveyance of the following:

Name of Owner

Stewarts Shops Corp.

- Portion of SBL 272-1-49, 10 foot wide access easement at the corner of Clifton Park Center Road and Sitterly Road, and be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt of an approval by the Town Attorney of all necessary documents including review of the recorded deed in the Saratoga County Clerk’s office, provision of the title report, provisions for payment of all taxes, recording fees, and assessments which are acceptable to the Town Attorney, and be it further

RESOLVED, that there be appended to the within resolution a copy of the recorded conveyance after it has been filed with the Saratoga County Clerk.

Director of Planning Scavo said this was part of the Planning Board approval.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 76 of 2015, a resolution scheduling a public hearing to consider a proposed local law repealing Local Law No.10 of 1999, which established the International Center Planned Unit Development District.

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

WHEREAS, Local Law No. 10 of 1999 established a Planned Unit Development District for the “International Center” commonly known as “Southard House” located at 1585-1587 Route 146, Rexford, and

WHEREAS, the uses at the premises consist of office buildings and retail, and

WHEREAS, Willard and Bonnie Daggett have requested that the Planned Unit Development District be repealed and replaced with surrounding Hamlet Mixed Use Zoning, and

WHEREAS, the Hamlet Mixed Use Zoning designation is consistent with the existing and surrounding uses, and would provide more flexibility to the property owners while not adversely impacting surrounding uses; now, therefore, be it

RESOLVED, that the Town Board hereby schedules a public hearing for April 20, 2015, at 7:07 P.M. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, on a proposal to repeal Local Law No. 10 of 1999, to be replaced with the Hamlet Mixed Use Zoning designation; and be it further

RESOLVED, that the Town Clerk is directed to publish notice of public hearing.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 77 of 2015, a resolution scheduling a public hearing to consider a local law on proposed amendments to Chapter 179 of the Town Code regarding Subdivision Regulations for the Town Center Area.

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

WHEREAS, by Resolution 72 of 2015, the Town Board adopted Local Law No. 4 of 2015, amending the Town Zoning Code for the Town Center area, and

WHEREAS, Local Law No. 4 of 2015 established a Form Based Zoning Code for the Town Center area, and included limited residential housing within certain Town Center zones, and included new design standards for future construction of building forms and ancillary parking uses, reserving increases in certain densities beyond expressed limits to Town Board determinations, and

WHEREAS, the Town Board wishes to solicit public comment on a proposal to include certain design standards and guidelines for the future subdivision of land within the Town Center area, and to transfer the jurisdiction for reviewing applications for the Subdivision of Land within the Town Center zones to the Town Board; now, therefore, be it

RESOLVED, that a public hearing is scheduled for April 20, 2015 at 7:15 PM in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York, to consider a local law on a proposal to add criteria consistent with the Town Center Zoning Codes to the town's subdivision regulations, and to transfer responsibility for the review and approval of such subdivisions of land, within the Town Center Zones, to the Town Board, and be it further

RESOLVED, that the Town Clerk is directed to publish notice of the public hearing accordingly.

Director of Planning Scavo explained this will allow for a greater capacity for subdivision review and approval at the Town Board level and work in conjunction with Planning Board for site plan approvals to make sure that the development meets the spirit and intention of the newly adopted form based code.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 78 of 2015, a resolution hiring returning Lifeguards and Water Safety Instructors for the 2015 Season.

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

WHEREAS, it is necessary that returning staff be rehired for the Country Knolls, Barney Road and Locust Lane pools, and

WHEREAS, the Supervisor has recommended that the individuals listed in Schedule A, attached hereto, be rehired; now, therefore, be it

RESOLVED, that the individuals listed in Schedule "A", attached hereto, shall be rehired as Lifeguards, and Water Safety Instructors for the Country Knolls, Barney Road and Locust Lane pools, effective April 6, 2015 through September 27, 2015, to be paid per attached Schedule A.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 79 of 2015, a resolution hiring summer help for the Dwaaskill Park District.

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

WHEREAS, a need has been identified for summer help to do light landscaping for the Dwaaskill Park District, and

WHEREAS, William Williams, 714 Bruno Road, 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 Dwaaskill Park District, hereby authorizes the hiring of William Williams to do light landscaping for the Dwaaskill Park District at \$13 per hour, effective immediately, to be paid from SP47135-24 (Dwaaskill Park District-Maintenance).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 80 of 2015, a resolution authorizing the hiring of summer help for the Buildings and Grounds Department.

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

WHEREAS, a need exists for summer help to work in the Buildings and Grounds Department, and

WHEREAS, Michael Handerhan, Buildings and Grounds Supervisor, has recommended that Brendan Wall, 23 Heather Drive, Clifton Park, be hired for this position; now, therefore, be it

RESOLVED, that Brendan Wall be hired as part of the summer Buildings and Grounds Department staff for the summer of 2015, at \$9.50 per hour, to be paid from A7110-E4000, (Buildings & Grounds-Employee) effective immediately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 81 of 2015, a resolution hiring summer help for the Clifton Gardens Park District.

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

WHEREAS, a need has been identified for summer help at the Clifton Gardens Park District to do light landscaping, and

WHEREAS, Erik Herrero, 1 Strawberry Court, 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 Clifton Gardens Park District, hereby authorizes the hiring of Erik Herrero to do light landscaping for the Clifton Gardens Park District at \$8.25 per hour, effective immediately, to be paid from SP27121-24 (Clifton Gardens Park District-Maintenance).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 82 of 2015, a resolution awarding the bid for pool chemicals for the Barney Road, Locust Lane and Burning Bush pools for the 2015 Season.

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

WHEREAS, on March 13, 2015, bids were received for the above referenced contract, and

WHEREAS, the Supervisor has recommended that the bid for pool chemicals for the three town pools be awarded to Slack Chemical Company, Carthage, New York, for the following amounts:

- Sodium Hypochlorite Small Bulk \$ 1.57 gallon
- Car Boy 5 Gallon Containers Bleach \$ 1.57 gallon
- Muriatic Acid 15 Gallon Drum \$ 2.18 per gallon
- Muriatic Acid Small 5 Gallon Container \$ 2.67 per gallon
- Muriatic Acid Small 1 Gallon Container \$ 3.89 per gallon

- Drum deposit: \$45.00 (15 gallon Deldrum)
\$ 8.00 (5 gallon Carboy)

now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced bid to Slack Chemical Company, Carthage, New York, for an estimated total cost of \$11,077.41, to be paid as follows, \$6,334.11 from A-7150-045 (Barney Road Pool-Supplies), \$4547.57 from A-7152-045 (Locust Lane Pool-Supplies) and \$5,359.64 from SP5-7151-045 (Country Knolls Pool-Supplies), in accordance with the amount used at each pool.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 83 of 2015, a resolution declaring a public emergency pursuant to General Municipal Law Section 103 (4), and authorizing the Comptroller to pay Quick Response for uncovered mitigation losses at the Shenendehowa Adult Community Center.

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

WHEREAS, on July 18, 2014, the Shenendehowa Adult Community Center suffered internal flooding and a sewer system backup caused by failures of certain valves and plumbing fixtures, and

WHEREAS, Quick Response of Clifton Park was contacted and responded to the emergency, and

WHEREAS, the center sustained water and backflow damage to the computer room, reception area, sitting rooms, hallways and closets throughout the first floor, ultimately exceeding the town's insurance coverage for the loss, and

WHEREAS, Section 103 (4) of the NYS General Municipal Law provides that in cases of an emergency situation arising from unforeseen circumstances affecting public buildings or the health or safety of its inhabitants, the Town Board may authorize the public work or the purchase of material and equipment without competitive bids; now, therefore, be it

RESOLVED, that the Town Board determines that the failure of the plumbing valves and fixtures and resulting water loss and sewer backup at the Shenendehowa Adult Community Center constitutes an emergency for procurement purposes under Section 103 (4) of General Municipal Law, and be it further

RESOLVED, that the Town Board accepts the invoice from Quick Response of Clifton Park in the amount of \$30,000, representing costs for the mitigation and restoration work, including new flooring, wainscoting, drywall and painting as well as associated electrical work, beyond potentially applicable insurance coverage; and be it further

RESOLVED, that the Comptroller is authorized to transfer \$30,000 from Undesignated Fund Balance to A-1624-200 for payment to Quick Response of Clifton Park, and to pay same.

Supervisor Barrett said prevailing wage rules amounted to thousands of dollars on this job. He reviewed the restoration work done at the center.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 84 of 2015, a resolution scheduling a public hearing to consider an application for the Historic Conservation Easement program.

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

WHEREAS, the Town’s Historic Conservation Easement program requires public comment on properties proposed to be included in the program, and

WHEREAS, Ronald and Gail Winters, 966 Main Street, (Jonesville), Clifton Park, (SBL 259.13-1-6) have requested inclusion in the program; now, therefore, be it

RESOLVED, that a public hearing is scheduled for April 20, 2015 at 7:10 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York, to consider the property owned by Ronald and Gail Winters, 966 Main Street, Clifton Park (SBL 259.13-1-6) for inclusion in the Historic Conservation Easement program, and be it further

RESOLVED, that the property owner give notice to all adjacent property owners and other entities as provided in the Town’s Conservation Easement legislation in advance of the public hearing and submit receipts of mailing to the Town Clerk’s office prior to the date of the public hearing; and be it further

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

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 85 of 2015, a resolution authorizing the Southern Saratoga YMCA to use town roadways for their 21st Annual Anyone Can Tri Triathlon and 2nd Spring Has Sprung 10-Mile Run.

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

WHEREAS, the Southern Saratoga YMCA has requested the use of the Town of Clifton Park roadways as specified in the attachment hereto, for the purpose of holding their 21st Annual Anyone Can Tri Triathlon on Sunday, May 3, 2015 from 7:00 AM until the last participant arrives back at the YMCA, and for the Spring Has Sprung 10-Mile Run on May 17, 2015 starting at 5:00 AM and until the last runner arrives back at the YMCA, and

WHEREAS, both events have the approval of the town’s Highway Superintendent; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby authorizes the YMCA to use town roadways as specified in the attachment hereto, May 3, 2015 at 7:00 AM, for

the purpose of holding the 21st Annual Anyone Can Tri Triathlon and on May 17, 2015 for the 2nd Annual Spring Has Sprung 10-Mile Run, starting at 5:00 AM, and be it further

RESOLVED, that this approval is expressly conditioned upon receipt prior to May 3, 2015, in the Office of the Town Clerk of an insurance certificate in the amount of \$1,000,000 naming the Town of Clifton Park as an additional insured; and be it further

RESOLVED, that this approval is expressly conditioned upon the roads not being closed but members of the YMCA are permitted to temporarily stop traffic at each end of the course in the event both a vehicle and race participant arrive at the same time.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 86 of 2015, a resolution hiring Kevin Scotti as Supervisor at the Clifton Park Action Park.

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

WHEREAS, an opening exists for a Supervisor for the Clifton Park Action Park, and

WHEREAS, Myla Kramer, Director of the Office of Parks, Recreation and Community Affairs, has recommended that Kevin Scotti, 28 Sitterly Road, Clifton Park, be hired to fill the position; now, therefore, be it

RESOLVED, that authorization is hereby given to hire Kevin Scotti as Supervisor of the Clifton Park Action Park, effective immediately through October 31, 2015, to be paid Step 5, \$12.10 per hour, from A-7200-E4000 (CP Action Park-Employee).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 87 of 2015, a resolution authorizing the hiring of Camp Counselors and Alternates for the Full Day Camp and four Half-Day Camps for the 2015 Summer Season.

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

WHEREAS, it is necessary that new Camp Counselors and Alternates be hired by the Department of Parks and Recreation 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 and Alternates for the town's 2015 Day Camp Program, effective May 29, 2015 through August 21, 2015; and be it further

RESOLVED, that the new Camp Counselors and Alternates 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. 88 of 2015, a resolution referring an application for a Planned Unit Development to the Planning Board for review.

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

WHEREAS, the Town Board has received an application from Abele Limited Partnership to develop property at the end of Christinamarie Drive as a multi-family residential development under the town's requirements for a Planned Unit Development, and

WHEREAS, the Town Board wishes to refer the application to the Planning Board for review and recommendations regarding the application's compliance with the existing long term planning goals and documents previously approved by the Town Board; now, therefore, be it

RESOLVED, that pursuant to Section 208-73 and 208-126 of the Town Code, the application for Abele Limited Partnership Planned Unit Development District is referred to the Planning Board for their review and recommendation, to be returned to the Town Board within sixty days.

Director of Planning Scavo said he anticipates this to be on the agenda for the April 28th Planning Board meeting under new business.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 89 of 2015, a resolution appointing Geraldine Robinson to the Community Arts and Culture Commission.

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

WHEREAS, an opening exists on the Community Arts and Culture Commission, and

WHEREAS, Geraldine Robinson has been recommended to fill the opening, and

WHEREAS, Ms. Robinson's presence on the Community Arts and Culture Commission will confer a benefit to the town; now, therefore, be it

RESOLVED, that Geraldine Robinson, 37 Glenridge Road, Rexford, is hereby appointed to the Community Arts and Culture Commission for a three year term, term to expire December 31, 2017.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 90 of 2015, a resolution scheduling a public hearing to consider a local law amending Section 97-3, relative to fees for use of the Transfer Station and to repeal Section 97-5 (B) providing that such fees be set by resolution.

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

WHEREAS, Section 97-3 of the Town Code lists such fees as a matter of the Town Code, and Section 97-5(B) of the code authorizes the Town Board to set user fees for the town Transfer Station by resolution, and

WHEREAS, the Town Board wishes to amend Section 97-3 of the Town Code changing the fee for additional bags of trash disposed of after exhausting the punch cards issued when purchasing a Transfer Station permit from \$.50 to \$1.00, and to repeal Section 97-5 (B), providing that such fees be set by resolution; now, therefore, be it

RESOLVED, that a public hearing will be held on April 20, 2015 at 7:05 PM in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York, to consider a local law relative to amending Section 97-3 Permit Fees and repealing Section 97-5 (B), Rules and Regulations of the Town Code; and be it further

RESOLVED, that the Town Clerk is directed to publish notice of the public hearing accordingly.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Dan Hartnett, Southbury Road, read a prepared statement regarding the Abele PUD application, attached.

MOTION by Councilwoman Walowit, seconded 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 7:52 p.m.

Patricia O'Donnell
Town Clerk