

August 5, 2019

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.

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

Also Present: Town Attorney McCarthy
Dahn Bull, Superintendent of Highways
Mark Heggen, Comptroller
Daniel Clemens, Supervisor of Buildings and Grounds
John Scavo, Director of Planning

MOTION BY Councilman Romano, seconded by Councilwoman Walowit, to approve the minutes of the July 15, 2019 meeting 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 thanked town personnel for their work over the last few weeks picking up storm debris.

The Supervisor congratulated Not So Common Players and Not So Common Kids' Camp on their excellent summer performances.

Supervisor Barrett reviewed events planned for National Night Out. (Clerk's note: event cancelled due to inclement weather).

In recognition of Clown Week, Supervisor Barrett noted the activities and events by members of Electric City Clowns and thanked them for all they do.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 185 of 2019, a resolution reappointing Walter D. Smead as Sole Assessor for the Town of Clifton Park.

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

WHEREAS, the Town Supervisor has recommended Walter Smead be reappointed as Sole Assessor, and

WHEREAS, the Town Board appreciates his experience and expertise and his consistent accuracy in assessment formulation, and

WHEREAS, Mr. Smead provides courteous and timely service to property owners within the Town; now, therefore, be it

RESOLVED, that the Town Board concurs in the Supervisor's recommendation to reappoint Mr. Smead as Sole Assessor; and be it further

RESOLVED, that Walter D. Smead is hereby reappointed as Sole Assessor, Town of Clifton Park, for a term of six years effective October 1, 2019 to September 30, 2025.

Mr. Smead reviewed his qualifications, noting the six year term allows for consistency and uniformity.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 186 of 2019, a resolution scheduling a public hearing regarding a proposal to revise and replace Chapter 156 of the Town Code, regarding door-to-door solicitations and peddlers.

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

WHEREAS, Chapter 156 of the Town Code, regulating the licensure of Peddlers and Solicitors wishing to engage in door-to-door sales within the town was written in 1970 and last amended in 2005, and

WHEREAS, the Town Board wishes to solicit public comment on a proposal to update and revise Chapter 156 of the Town Code, and

WHEREAS, the proposal replaces existing Chapter 156 by increasing fees, providing for a more detailed licensing requirement, by providing for denial and revocation of licenses for violations of the chapter, and by providing more specific operational requirements for licensees, and

WHEREAS, copies of the proposal are available in the Town Clerk's office as well as edited versions of former Chapter 156 for comparison; now, therefore, be it

RESOLVED, that the Town Board will hold a public hearing to hear all persons interested in the proposed amendment at Town of Clifton Park Town Hall, One Town Hall Plaza, Clifton Park, New York on August 19, 2019 at 7:05 p.m.; and be it further

RESOLVED, and ordered that the Town Clerk give Notice of Public Hearing in the official Town newspaper in substantially the form attached hereto and by posting the Notice of Public Hearing on the Town's official sign-board.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 187 of 2019, a resolution scheduling a Public Hearing on a local law to establish a procedure for Town Board action on applications for additional residential density above allowable base levels within Town Center.

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

WHEREAS, by Resolution No. 72 of 2015, the Town Board adopted Local Law No. 4 of 2015, establishing Form Based Zoning Code within Town Center, and

WHEREAS, pursuant to Section 208-22(6)(A) of the Town Code, the allowable base density for residential development within the Town Center Zones was established at 10 dwelling units per acre, up to a maximum of 50 such dwelling units per project, and

WHEREAS, pursuant to Section 208-22(6)(B), and 208-72(3)(E), the Town Board retained the authority to consider and grant additional density above allowable base levels within the Town Center Zones, and

WHEREAS, Section 208-72(3)(E) provides that the procedure for density bonus applications would follow those for Planned Development Districts within the town, and

WHEREAS, Director of Planning, John Scavo, recommends replacing the Planned Development District procedure with a streamlined procedure to avoid conflicts with the purpose and effects of Form Based Zoning throughout the Town Center area, and to maintain consistency within the Town Center Zones, and

WHEREAS, the Town Board wishes to schedule a Public Hearing on a proposal to establish a more efficient process by which the Town Board may consider applications for Residential Density Bonuses for projects within Town Center, and

WHEREAS, the proposal retains the requirement that such applications are granted only by Local Law following Public Hearing; now, therefore, be it

RESOLVED, that the Town Board hereby schedules a Public Hearing for August 19, 2019, at 7:07pm in the Wood Memorial room, on a proposal to amend Section 208-22(6)(B) and by adding Section 208-22(6)(E,F,G), attached, and to repeal Section 208-72 (3)(E) as attached.

Director of Planning Scavo reviewed the proposal explaining this will streamline the process and authority is staying the same as Form Based Code. Town Attorney McCarthy said the proposal would retain the mechanics for the Town Board to grant by local law. The same jurisdiction requirements still apply.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 188 of 2019, a resolution scheduling a Public Hearing on an application from Windsor Development for residential density bonus at the former Kmart property site.

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

WHEREAS, pursuant to Section 208-22 (6) of the Town Code, base residential density for projects within Town Center is a maximum of 50 units per project, and

WHEREAS, the Town Board has authority to increase the allowable density for residential housing within the Town Center Zones under Section 208-22 (6)(B) of the Town Code, and

WHEREAS, on October 18, 2018, Windsor Development applied for a bonus allowance for an additional 50 residential units in allowed residential density for a planned redevelopment project on the 13 + acre site of the former K-Market property at 15 Park Avenue, within the TC-5 zone, and

WHEREAS, the proposal would allow for a redevelopment project to include up to 100 residential units on the 13-acre site, and

WHEREAS, the Town Board wishes to schedule a Public Hearing to hear comment on the proposal; now, therefore, be it

RESOLVED, that a Public Hearing is hereby scheduled for August 19, 2019, at 7:10 PM, on a proposal for a 50 unit residential density bonus for the former Kmart Location, and be it further

RESOLVED, that the Town Clerk is to publish and post notice thereof, as attached.

Joe Dannible, Environmental Design Partnership, representing Windsor Development, gave an overview of the project consisting of two buildings of 50 apartments each at the 86,000 square foot K-mart site with 22 covered parking spaces as well as outside spaces. He said less traffic is anticipated than if retail. Mr. Scavo commented this will be a welcome improvement to the area.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 189 of 2019, a resolution authorizing the Town Supervisor to sign a Memorandum of Agreement with Miss Shen Softball League for use of the softball fields and related buildings at the Clifton Common.

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

WHEREAS, the town wishes to extend its existing agreement with Miss Shen Softball for the organization of youth softball within the Town of Clifton Park and for the use of the softball fields and related facilities at the Clifton Common, and

WHEREAS, the town wishes to recognize the volunteer commitment of the players, parents and coaches who comprise the Miss Shen Softball Organization League's assistance in the maintenance and upkeep of the softball facilities at the Clifton Common; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign a new 5-year Memorandum of Agreement with Miss Shen Softball League for the organization of the Youth Softball Program for the town and related use and maintenance of the softball fields and related facilities at Clifton Common, for the 2019-2023 seasons

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 190 of 2019, a resolution authorizing contingency agreement with Tri Utility Cost Reductions for utility audits

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

WHEREAS, the Tri Utility Cost Reductions, New York City, specializes in the forensic auditing of utility and telecom accounts and bills for errors and inconsistencies, and

WHEREAS, the Town Board wishes to engage Tri Utilities Cost Reductions to review the town's utility, telecom, and internet bills and accounts for and errors or inconsistencies which may result in overbilling, and

WHEREAS, Tri Utility's proposal is a contingency fee-based audit and review, without cost to the town unless savings and refunds are identified; now, therefore, be it

RESOLVED, that the Town Board authorizes Tri Utility Cost Reductions, Inc. to review the town's utility, telephone and telecom accounts on a 50% contingency basis and authorizes the Supervisor to sign the attached agreement.

Councilwoman Standaert explained the company will delve into the last eight years of costs.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 191 of 2019, a resolution authorizing the Supervisor to sign an Outside User Agreement for the Corporate Commerce Sewer District No. 1 for property located at 554-564 Waite Road, currently known as the Lands of Khan Residential Subdivision, a 6-lot subdivision.

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

WHEREAS, the Town Board as Commissioners of the Corporate Commerce Sewer District No. 1 has received a request to extend service to land owned by Muhammed and Wasim Khan at 554-564 Waite Road, to be subdivided from that parcel more particularly identified as SBL: 270.-1-44, and

WHEREAS, the real property is located outside the current service area of the Corporate Commerce Sewer District No. 1 and

WHEREAS, it has been determined that sufficient capacity exists within the Corporate Commerce Sewer District No. 1 to provide service to the property, and

WHEREAS, the Town Board recognizes the environmental, planning and policy objectives met by approving water service over alternative plans; now, therefore, be it

RESOLVED, that the Town Board as Commissioners of Corporate Commerce Sewer District No. 1 hereby approves an outside user connection to the district's facilities for property located at 554-564 Waite Road, Clifton Park, NY; and be it further

RESOLVED, that the Outside User Agreement shall be assigned to all the residences to be built at 554-564 Waite Road, SBL: 270.-1-44, and connected to the Corporate Commerce Sewer District No. 1 facilities, and be it further

RESOLVED, that the Planning Department shall note the Outside User Agreements for each property on the Final Subdivision.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 192 of 2019, a resolution approving an agreement with the Clifton Park Water Authority and V & R LLC, as developers of the Riggi/Miller Road Subdivision.

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

WHEREAS, V & R LLC has received final approval from the Planning Board for a 79 lot subdivision on Miller Road, with water and sewer infrastructure and mains to be constructed by the developer, and

WHEREAS, approved plans provide for the construction of water main in the proximity to four existing homes without public water service on Miller Road, and

WHEREAS, the Planning Board has worked with V & R's consultants to develop cost estimates for the extension of water service off site from the Riggi Miller Road subdivision to provide the opportunity to bring water service to the homeowners who are outside of, but in close proximity to, the subdivision, and

WHEREAS, the CPWA has committed to waive certain connection charges to the subdivision, in exchange for partial reimbursement from the homeowners and the town, and

WHEREAS, affected homeowners have executed separate agreements to repay a portion of the connection fees waived, and

WHEREAS, the town has funds remaining from the Water Development Capital Reserve Fund pursuant to established by Resolution No. 169 of 2002, and dedicated to the provision of water services to Western Clifton Park, and

WHEREAS, the Town Board wishes to contribute to the project to extend public water service to the area of Miller Road which is in proximity to, but off site from, the Riggi/Miller Road subdivision by reimbursing the Clifton Park Water Authority an additional portion of the connection fees waived to support the project, and

WHEREAS, V & R LLC has agreed to extend the project to include the provision of water service to homes offsite to the Riggi/Miller Road subdivision during the construction phase of the project in consideration of the waiver of certain connection fees as outlined in the attached agreement; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign the attached agreement with V & R LLC and with the Clifton Park Water Authority in order to bring public water to an area of Miller Road in order to extend the benefits of a project which will provide additional public water service in Western Clifton park, and be it further

RESOLVED, that the Comptroller is authorized to transfer up to \$11,000 to the Clifton Park Water Authority from the Water Development Capital Reserve fund established by Resolution No. 169 of 2002.

It was noted this new subdivision will allow six existing homes on Miller Road to have access to public water which otherwise would have been cost prohibitive.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No.193 of 2019, a resolution authorizing the Superintendent of Highways to promote Richard Countermine and Sean Dickinson to the positions of Working Supervisor in the Highway Department.

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

WHEREAS, after the retirements of Edward Krawiecki and Nelson Bruno, and the promotion of Stanley Rusinovich to the position of Assistant Highway Maintenance Supervisor, there are three vacancies for the position of Working Supervisor within the Highway Department; and,

WHEREAS, Superintendent of Highways, Dahn Bull, has recommended the promotion of the following individuals:

<u>Name</u>	<u>License</u>	<u>Address</u>
Richard Countermine	Class B	8 Rustic Bridge Road, Rexford, 12148
Sean Dickinson	Class A	200 Middletown Road, Waterford, 12188
and,		

WHEREAS, Mr. Countermine has proven he has the responsibility and experience to manage his fellow employees while bringing over 23 years of experience with the department in highway maintenance and snow removal, and

WHEREAS, Mr. Countermine will fill the vacancy created by the retirement of Edward Krawiecki, and serve as the Highway Maintenance Working Supervisor, being responsible for day-to-day work leadership on road crews as well as assist in the completion of daily tasks, and

WHEREAS, Mr. Dickinson has previous experience in the State Department of Transportation, as well as 14 years of experience with the department in highway maintenance and snow removal, and

WHEREAS, Mr. Dickinson will fill the vacancy created by the retirement of Nelson Bruno and serve as the Highway Maintenance Working Supervisor, and

WHEREAS, Mr. Countermine and Mr. Dickinson both bring a vast amount of emergency response experience from their time as volunteer firefighters; now, therefore, be it

RESOLVED, that the Town Board authorizes the probationary promotion of Richard Countermine and Sean Dickinson to the positions of Working Supervisor, and be it further

RESOLVED, that in accordance with the current collective bargaining agreement with CSEA, Article XXI, Mr. Countermine will be promoted to a Grade 7, Step 5, at an hourly rate of \$30.45/hour, and Mr. Dickinson will be promoted to a Grade 7, Step 1, at an hourly rate of \$27.58; and be it further

RESOLVED, that the funds necessary for these promotions be allocated from Employee Line DA-05110-E0018 (General Repairs-Highway).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 194 of 2019, a resolution authorizing the hiring of additional seasonal employees for the 2019 Summer Recreation Full Day Summer Camps and making adjustments to the pay rate of individuals as listed.

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

WHEREAS, the Town Board wishes to hire additional staff for the Department of Parks and Recreation to operate the town’s 2019 Summer Recreation Full Day Camps, and

WHEREAS, the Town Board wishes to make adjustments to the pay rate for current camp counselors as listed in Schedule A, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that the individuals listed in Schedule A, attached hereto, be hired and paid for positions as listed; now, therefore, be it

RESOLVED, that the individuals listed in Schedule A, attached hereto, shall be hired as staff for the town’s Summer Recreation Full and Half-Day Camps, effective through August 17, 2019, per Schedule A.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 195 of 2019, a resolution hiring additional staff for the end of the 2019 Summer Season.

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

WHEREAS, there are vacancies in the staffing for the pools at the end of the season, and

WHEREAS, the Town Board wishes to hire additional staff to assist in management, lifeguarding, and swim programs at the town pools, and

WHEREAS, the Supervisor has recommended that individuals indicated in the attached Schedule A be hired; now, therefore, be it

RESOLVED, that the individuals listed in Schedule A shall be hired as indicated through the end of the pool season, to be paid at rates as stated.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Ann Connolly, Administrator of “Clifton Park Watch” and Clifton Park Neighbors” web sites asked that information pertaining to park districts be placed on the websites.

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

Motion carried at 8:35 p.m.

Patricia O’Donnell
Town Clerk