

April 16, 2018

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
Mark Heggen, Comptroller
Daniel Clemens, Supervisor of Buildings and Grounds
Myla Kramer, Director of Parks, Recreation and Community Affairs
Steven Myers, Director of Building and Zoning
John Scavo, Director of Planning

MOTION BY Councilman Romano, seconded by Councilwoman Walowit, to approve the minutes of the April 2, 2018 meeting as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Standaert reported approximately 400 volunteers have signed up for the Clean Up Day on April 21st. She said there are still locations available.

Supervisor Barrett recognized Girl Scouts from Troop 2499 who are attending the meeting for their Government Badge. He noted they have signed up for Clean Up Day.

Supervisor Barrett reminded residents of Shredding Day on April 29th from 1-3 p.m. Residents are requested to bring a canned good for the Jonesville Food Pantry for each bag of shredding.

PRESENTATIONS

Superintendent of Schools, Dr. Oliver Robinson, spoke on the 2018-2019 Shenendehowa School budget scheduled for May 15th at Gowana Middle School. Supervisor Barrett spoke in favor of a police presence on the campus.

Cindy Pang, Shenendehowa High School Senior, presented a slide show on Mental Health Awareness. She noted the importance of speaking about mental health awareness. Ms. Pang noted May is Mental Health Awareness month and she reviewed planned events. Supervisor Barrett noted Cindy is a member of the town's Youth Court Program. The Supervisor presented the following resolution to Cindy Pang.

Resolution No. 96 of 2018, a resolution proclaiming May 2018 as Mental Health Awareness Month in Clifton Park.

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

WHEREAS, mental health is essential to the well-being and the vitality of our families, businesses, and communities, and

WHEREAS, mental health conditions are real and prevalent in our nation with 1 out of 4 Americans and 1 out of 5 children affected by mental illness, and

WHEREAS, more people die from suicide in the United States than from traffic accidents and an estimated 22 veterans die from suicide each day, and

WHEREAS, stigma and fear of discrimination keep many who would benefit from mental health services from seeking help, and

WHEREAS, with effective treatment those individuals with mental health conditions can recover and lead full, productive lives, and

WHEREAS, education, compassion, and awareness about mental illness can change negative attitudes and behaviors toward people with mental illness, and

WHEREAS, each business, school, government agency, law enforcement agency, healthcare provider, organization, and citizen shares the responsibility to promote mental wellness and support prevention efforts; now, therefore, be it

RESOLVED, that the entire Town Board on behalf of Clifton Park does hereby proclaim the month of May 2018, as MENTAL HEALTH AWARENESS MONTH, and be it further

RESOLVED, that the Town Board also calls upon all Clifton Park residents, government agencies, public and private institutions, businesses, and schools to recommit our community to increasing awareness and understanding of mental illnesses, reducing stigma, and discrimination, and promoting appropriate and accessible services for all individuals.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

KIDS' CORNER UPDATE

Supervisor Barrett gave an update through a slide show of the front left hand quadrant of the Kids' Corner Playground on the Clifton Common showing the proposed new equipment for children ages two to six.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 97 of 2018, a resolution authorizing the establishment of a Planning Committee and Stakeholders Group for the Clifton Park Town Center Park.

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

WHEREAS, on February 28, 2018, the Town closed on the acquisition of a 37+/- acre parcel of land for park purposes from the Shenendehowa Central School District, following a public referendum to authorize the sale, and

WHEREAS, the Town Board wishes to appoint a Planning Committee who will manage a comprehensive public planning process and oversee the collection of ideas from the public through public meetings and workshops, and

WHEREAS, the Town Board also wishes to appoint a Stakeholders Group who will work jointly with the Planning Committee throughout the planning process in the development of ideas and concepts for the future use of the property, and

WHEREAS, the Stakeholders Group will be comprised of representatives of organizations and entities that have been involved in the public process to date, organizations which own land in the immediate vicinity of the future park property and those who wish to partner with the Town in the development of park uses for the property; now, therefore, be it

RESOLVED, that the Clifton Park Town Board establishes The Clifton Park Town Center Park Planning Committee and Stakeholders Group, attached as Schedule A.

Supervisor Barrett explained charrettes, public meetings and workshops will be held and the process will follow previous long term studies.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 98 of 2018, a resolution classifying proposed legislative action re-zoning a portion of real property at 97 English Road.

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

WHEREAS, on April 2, 2018, the Town Board held a public hearing on a petition for re-zoning of a 1.05 acre portion of real property on 97 English Road, adjacent to The Mill Restaurant and Tavern at the town’s municipal boundary with the Village of Round Lake, and

WHEREAS, the proposed action is subject to review pursuant to the State Environmental Quality Review Act, and

WHEREAS, town staff has completed a Short Environmental Assessment Form, and recommends classifying the proposed action as an unlisted action pursuant to 6NYCRR617.2(ak); now, therefore, be it

RESOLVED that the Town Board adopts the attached Short Environmental Assessment Form and classifying the proposed action re-zoning a portion of 97 English Road from B-1 to B-4, as an unlisted action, and issues a negative declaration to the State Environmental Quality Review Act.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 99 of 2018, a resolution adopting Local Law No. 3 of 2018 to rezone a portion of 97 English Road from B-1 to B-4.

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

WHEREAS, on June 1, 2016, Connie Lake Properties filed a petition for change of zoning for a 1.05 acre portion of the 2.66 acre parcel of land known as 97 English Road, near the intersection of Route 9 and English Road in the southeast portion of the town, more particularly identified as SBL 250.-2-27 within the Town of Clifton Park, and

WHEREAS, by its petition, Connie Lake Properties seeks the re-zone of 1.05 acres of the subject parcel from its current B-1 zoning designation to the Highway B-4 zoning designation (§208-44 et seq.), and

WHEREAS, the property is situated on the municipal boundary line separating Clifton Park from the Village of Round Lake, and is immediately adjacent to property owned by the petitioner and operated as a restaurant known as The Mill, within the Village of Round Lake, and

WHEREAS, petitioners assert that relevant portions of the subject property have been improved with a gravel surface and has been used for patron parking, driveway, and related uses ancillary to the adjacent restaurant for many years, and of longstanding duration, and

WHEREAS, the adjacent Mill restaurant has undergone two expansion projects under current ownership pursuant to permits issued by the Village of Round Lake with plans associated with those permit applications showing the subject lot as patron parking for the restaurant, and

WHEREAS, the petitioners request that the 1.05 acre parcel be re-zoned to the Highway Business 4 zoning designation, which allows for restaurant uses, in order to bring the existing uses into compliance with the town's zoning ordinance, and to maintain safe and adequate parking for patrons, reducing potential conflicts caused by patrons parking or walking along State Route 9 to access the restaurant within the village, and

WHEREAS, the area for which the change in zoning designation sought is described by metes and bounds in a description dated September 16, 2016, prepared Todd Westerveld, and is represented by the supplemental zoning map prepared by Gilbert Van Guilder Land Surveyor, dated September 15, 2016, showing the 1.05 acre portion of SBL No. 250.-2-27 which is proposed to be re-designated as HB-4, as well as the 1.61 acre remaining portion of the lot which is proposed to remain designated as B-1, see collectively attached as exhibit "A", and

WHEREAS, a public hearing was held on the proposal on July 18, 2016, where public comment in favor of and opposition to the proposal was received, and

WHEREAS, such comment included concerns expressed by some owners of neighboring properties on English Road based on noise and aesthetic issues relative to operation of the restaurant on the adjacent property, and comment in favor of the proposal as beneficial to Health and safety based on traffic and pedestrian safety factors, as well as opposition to the proposal expressed by the Village of Round Lake, and

WHEREAS, based upon comments at the public hearing, the petitioner submitted a commercial area perimeter planting plan (CAPPP) prepared by CLA Landscape Architects which details substantial plantings, berms and techniques intended to provide sound and visual mitigation between the subject property and neighbors along English road to the east of the property, which is attached hereto as exhibit "B", and

WHEREAS, Petitioner has executed a Memorandum of Understanding with the Village of Round Lake dated November 15, 2017, (attached as Exhibit C) which enumerates certain commitments and understandings between the petitioner, and the village concerning live outdoor entertainment, at the adjacent restaurant, movement of the bandstand area away from the portion of the structure which encroaches onto the subject parcel in Clifton Park, implementation of the

commercial area perimeter planting plan on the property proposed to be rezoned, and other understandings between the restaurant owners and the Village of Round Lake, and

WHEREAS, the Village of Round Lake has withdrawn its earlier objection to the petition for rezoning the subject parcel on both legal and policy grounds, based on traffic and pedestrian safety associated with safe and adequate parking for the adjacent restaurant within the village, and

WHEREAS, on March 16, 2018, petitioner filed an application for subdivision approval with the town Planning Board, consistent with the instant petition, as well as the Commercial Area Perimeter Planting Plan, (exhibit B), and

WHEREAS, the Town Board has reviewed the proposal pursuant to the State Environmental Quality Review Act, and

WHEREAS, Planning Director John Scavo recommends approval of the petition for re-zone based on pedestrian and traffic safety issues, and as consistent with the town's comprehensive planning documents by allowing for the most appropriate use on the affected space immediately adjacent to the existing restaurant use, in creating a buffer area between existing restaurant uses and neighboring residential uses along English Road, and

WHEREAS, the Town Board has favorably reviewed the petition, subject to certain conditions, including provisions precluding an expansion of the restaurant building onto the subject lot, moving the bandstand area of the deck off the subject lot and wholly into Round Lake, and implementation of the commercial area perimeter planting plan attached hereto as Exhibit "B", now, therefore, be it

RESOLVED that the Town Board makes the following legislative findings:

1. The portion of SBL: 250.-2-27 for which petitioner requests a change of zoning is immediately adjacent to a longtime restaurant use associated with The Mill property and its predecessors.
2. The portion of the lot sought for change of zoning has long been in use as patron parking accessory to the adjacent restaurant use.
3. The petition for re-zoning is not inconsistent with the Town's Comprehensive Planning Documents, which identify the Route 9 corridor as largely business and commercial uses.
4. The petition is not inconsistent with surrounding uses, which includes the immediately adjacent restaurant use as well as several commercial uses within the Light Industrial zones within the neighborhood.
5. The petition is in the public interest, as a change in zoning to HB4 will provide for parking uses adjacent to the restaurant, thereby increasing pedestrian safety along Route 9 and improving traffic and parking conditions at the site. Now therefore, be it

RESOLVED, that Local Law No. 3 of 2018, entitled "A Local Law Amending Local Law No. 2 of 1967", relative to the re-zoning of a portion of land on English Road adjacent to the Border of Clifton Park and Round Lake, attached is hereby enacted, and the attached supplemental zoning map adopted, redesignating the subject parcel as H B-4 (§208-44 et seq.) effective immediately, and be it further

RESOLVED, That the remaining portion of SBL 250.-2-27 shall remain and is hereby re-designated as B-1 consistent with Exhibit "A", a designation which allows for residential use and construction of a single-family home, and be it further

RESOLVED, that the Clerk is directed to publish notice of same pursuant to NYSTL 264, and be it further

RESOLVED that the Clerk is directed to forward a copy of this resolution, local law, supplemental zoning map and exhibits to the Planning Board for incorporation of the conditions and provisions related to Land Uses into any approval of the Petitioner's related application for subdivision approval.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

LOCAL LAW NO. 3 OF 2018, A LOCAL LAW AMENDING
SECTION 208 OF THE TOWN CODE

Highway B-4

(1) Notwithstanding any other Local Law or Regulation to the contrary, the following parcel of land is hereby zoned within the Highway B-4 Zone, codified at Section 208-44 et seq. of the Town code, as shown on the attached supplemental zoning map.

(2) All that certain tract, piece or parcel of land situate in the Town of Clifton Park, County of Saratoga, State of New York, lying along the northeasterly line of English Road and along southeasterly line of U.S. Route 9, being further bounded and described as follows:

Beginning at a point in the town line between the Town of Clifton Park, to the South and the Town of Malta (Village of Round Lake), to the North with the southeasterly line of U.S. Route 9, thence from said point of beginning along said town line, South 84° 13' 50" East, 433.83 feet to the point of intersection of said town line with the common division line between tax parcel #250.-2-5, to the East and tax parcel #250.-2-27, to the West, thence through said tax parcel #250.-2-27 the following two (2) courses: 1.) South 60° 06' 30" West, 281.53 feet to a point, thence 2.) South 87° 36' 50" West, 97.99 feet to a point in the northeasterly line of English Road, thence along said northeasterly line the following four (4) courses: 1.) North 26° 07' 10" West, 76.19 feet to a point, thence 2.) North 29° 18' 50" West, 53.13 feet to a point, thence 3.) North 31° 18' 00" West, 27.08 feet to a point, thence 4.) North 43° 23' 10" West, 38.89 feet to a point in the southeasterly line of U.S. Route 9, thence along said southeasterly line, North 26° 03' 14" East, 24± feet to the point of beginning and containing 1.05± acres of land.

(3) Notwithstanding any local law or regulation to the contrary, area setbacks, bulk and space requirements, including setbacks contained in Section 208-46 and 208-37- B of the Town Code are waived for the parcel described above.

Resolution No. 100 of 2018, a resolution authorizing the execution of a Letter of Intent with Siemens Industry for the street light acquisition and LED upgrade project.

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

WHEREAS, by Resolution No. 72 of 2018, the Town Board accepted a proposal by Siemens Industry for a contract to acquire all streetlights within the town from their respective utility-owners, as well as the design, specification, procurement and financing of upgrades to LED technology, and

WHEREAS, the project is intended to provide significant savings through lower energy costs as well as lower maintenance and operational expenses of the streetlight system under Town ownership, and

WHEREAS, the attached Letter of Intent authorizes Siemens to proceed with an investment grade audit and field summary to identify the type, wattage, location and pole number for each streetlight facility within the town for comparison and crosscheck with existing utility inventories; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign the attached Letter of Intent with Siemens Industry, and to authorize Siemens to proceed with the field survey and audit to initiate the streetlight acquisition and upgrade project.

Supervisor Barrett reported this action will reduce the energy usage by 65 percent and almost completely eliminate facility charges paid to National Grid and NYSEG. It is estimated to save over \$5 million in 20 years. The Supervisor said Siemens Industry was selected as they have completed other similar projects in the northeast.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 101 of 2018, a resolution authorizing 2017 Final Budget Adjustments as specified in Exhibit A.

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

WHEREAS, the 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

RESOLVED, that the budget adjustments specified in Exhibit A be adopted per the Comptroller's recommendations.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 102 of 2018, a resolution authorizing the hiring of summer help for the Buildings and Grounds Department.

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

WHEREAS, Daniel Clemens, Supervisor of Buildings and Grounds, has identified a need for summer help to work in the Buildings and Grounds Department, and

WHEREAS the individuals listed in Schedule A have been recommended to fill the positions; now, therefore, be it

RESOLVED, that the individuals listed in Schedule A be hired for seasonal help in the Buildings and Grounds Department, to be paid from A7110-E4000, effective immediately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 103 of 2018, a resolution accepting the quote for cleaning for Full Day Camp during the summer 2018 and to authorize the town to enter into an agreement with DA Kenyon Enterprises for said services.

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

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs recommends that DA Kenyon Enterprises be hired as cleaners for Full Day Camp at Prestige Arena, and

WHEREAS, quotes were solicited and opened on March 30, 2018, and

WHEREAS, DA Kenyon Enterprises, Burnt Hills, New York was the lowest responsible Contractor submitting a quote for the cleaning contract for the summer full day camp, for \$1,300 for 41 cleanings; now, therefore, be it

RESOLVED, that DA Kenyon Enterprises is hired to provide janitorial services for the Full Day Camp at Prestige Arena, at a cost not to exceed \$1,300.00, for cleaning prior to camp opening on June 25, 2018 followed by eight weeks of cleaning Monday-Friday, five times a week, excluding July 4, 2018, to be paid from A-7320-015 (Summer Rec Full Day-Other Contractual).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 104 of 2018, a resolution authorizing the Supervisor to sign a Letter of Agreement between the Town of Clifton Park and the Center for Initiatives in Pre-College Education of Rensselaer Polytechnic Institute for joint sponsorship of a program to provide an educational opportunity in the field of Junior LEGO Robotics Engineering and Animation and Gaming to be held during the 2018 summer season.

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

WHEREAS, the town recognizes that the field of robotics provides an excellent educational environment which helps to introduce young minds to fields encompassing science and engineering, and

WHEREAS, the center is a pre-eminent educational institute with particular expertise and experience in these fields, with nationally recognized robotics teams and competitors, and

WHEREAS, the town and the center wish to cooperate in a program which provides an opportunity for students ages 8-10 to learn in a unique environment which enables them to interact with and learn from college level mentors and facilitators in the field of advanced LEGO Robotics and Gaming/Animation; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign the attached Letter of Agreement between the Town of Clifton Park and the Center for Initiatives in Pre-College Education of Rensselaer Polytechnic Institute for joint sponsorship of a program to provide an educational opportunity in the field of Junior LEGO Robotics Engineering and Gaming/Animation.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 105 2018, a resolution hiring new Camp Counselors and alternates for the 2018 full day and half day Summer Day Camp Program.

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

WHEREAS, the Town Board wishes to rehire additional staff for the Town of Clifton Park Summer Day Camp Program within the Office of Parks, Recreation and Community Affairs, 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 additional staff for the town's 2018 Day Camp Program, effective May 7, 2018 through August 17, 2018, and be it further

RESOLVED, that the 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. 106 of 2018, a resolution hiring returning Camp Counselor, Ryan Whimple, for the 2018 full day Summer Day Camp Program.

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

WHEREAS, the Town Board wishes to hire returning staff members for operation of the town's Summer Day Camp Program, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs has recommended that Ryan Whimple, 11 Barkwood Lane, Clifton Park be rehired; now, therefore, be it

RESOLVED, that Ryan Whimple be rehired as staff for the town's 2018 Day Camp Program, effective May 7, 2018 through August 17, 2018, and be it further

RESOLVED, that Ryan Whimple be paid at step 6, \$10.00/hour from A-7320-E4800 (Summer Rec/Staff/Counselors).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 107 of 2018, a resolution authorizing the Supervisor to sign a contract with 2018 subcontract hire, Clubhouse Productions LLC for “The Greatest Camp” circus, song and dance summer camp.

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

WHEREAS, Myla Kramer, Director of Parks and Recreation has requested that the Town Board authorize a contract for “The Greatest Camp”, a summer camp inspired by the movie, The Greatest Showman, as part of the recreation programs, and

WHEREAS, the Town Board supports the offering and expansion of educational recreation programs with the subcontractor, Clubhouse Productions LLC, 9 Castlegate, Ballston Lake; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign a contract for 2018 with Clubhouse Productions LLC for summer camp.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Beverly Borgeest, Sheridan Court, asked that chickens be allowed on properties under five acres as it has been noted chickens may reduce the tick population

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

Motion carried at 8:25 p.m.

Patricia O’Donnell
Town Clerk