

Clifton Park Town Board Meeting Minutes

December 3, 2001

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 Paolucci
Councilman Speckhard
Councilman Roth
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Also Present: Town Attorney Trainor
Louis Gerard, Superintendent of Highways
Jason Kemper, Director of Planning
Barbara McHugh, Director of Community Development
Michael Shahan, Town Administrator

MOTION by Councilman Paolucci, seconded by Councilman Roth, to approve the minutes of the November 8 and 13, 2001 meetings as presented.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett reminded groups to register for the community cancellations page on cliftonpark.org.

The Supervisor reminded residents to return the Open Space Survey.

Councilman Speckhard acknowledged a letter from Tom Ziobrowski, Superintendent of the Rexford Water District, reporting leaks repaired resulting in a reduction of water usage from 9,395,000 gallons in September to 5,420,800 gallons in November.

Councilwoman Walowit announced she will be having surgery and will be recovering during the month of December. She reported the draft agreement with Shenendehowa Schools is ready and gave it to Mr. Trainor for his review and approval.

Councilwoman Walowit asked the Town Board to consider requesting home rule legislation to give power to the town security force to detain and arrest. She feels this would have a direct impact on the vandalism issues and speeding within the developments. She said this would allow the security force to be able to stop and question youths, as well as contact parents, which they cannot do now. Councilwoman Walowit said the cost would be \$1200 per man for a course that would be required. She would like a public forum scheduled in this regard for January or February.

Councilman Roth said the Town of Stillwater has a small police force but in addition hire part time police from Colonie, Mechanicville and Sheriff's Department. He has asked Mr. Trainor to check with the Association of Towns as to necessary requirements as it is important for the town security force to have some authority.

Supervisor Barrett said the security force has been strengthened but it is necessary to either increase what we have or make some changes to the powers where we can. He noted the town is very restricted in what is allowed but once the town steps over the line of arrest, detain, and weapons there is not only liability to consider but taxpayer dollars. The Supervisor stated the town does need to do something to incrementally make the public safety program better than what it is, noting increasing the number of patrolling hours, time of day and working closely with the Sheriff and State Police has helped a great deal.

Councilman Roth said Ambassador Pierre Prosper is not able to attend the Board meeting tonight and will attend in the near future.

**PUBLIC HEARING, 7:10 PM
TO CONSIDER AN APPLICATION FOR AN HISTORIC CONSERVATION
EASEMENT
AT 583 CLIFTON PARK CENTER ROAD**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on November 21, 2001.

Supervisor Barrett noted this house was originally owned by Abijah Peck, one of the founders of Clifton Park.

The public hearing was opened for comments from the audience at 7:20 p.m.

Joanne Coons, Chairman of the Historic Preservation Commission, spoke in favor of this application, explaining the Commission nominated this property to be on the Historic Register due to the significance of the original owner. She said the house was built in the

late 1700s and the deed first recorded in 1807. Ms. Coons said though the house has been altered slightly architecturally, the most important aspect is that it was the residence of Abijah Peck who was the pastor and founder of the Clifton Park Center Baptist Church.

Everyone was given an opportunity to speak in favor of or against this application and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 7:27 p.m.

PUBLIC FORUM ON ADULT USE BUSINESS

Councilman Paolucci reviewed the process to date. He reported there will be a SEQRA determination with the town taking lead agency status if the zoning change is considered. There is a moratorium in effect until December 31, 2001. He commended Director of Planning Kemper and staff for their work and assistance during this process. Councilman Paolucci gave a slide presentation, attached, reviewing the town's commercially zoned areas, B-3, B-4, B-5, and Light Industrial. He said the Supreme Court does allow a town to restrict where businesses can go and this can be done by creating an overlay zone. Case law has upheld taking a percentage of commercially zoned land rather than the entire town to set aside for adult use businesses. Councilman Paolucci stated the current proposed legislation states there will be no adult business allowed within five hundred feet of any residence or sensitive use. He reported aerial photography, field visits and other arc view systems were used to map location of houses within a zone. It was emphasized that without the moratorium that is currently in effect, an adult use business could locate in any commercially zoned area in town and Councilman Paolucci and Supervisor Barrett noted the Exit 8 area is one of most concern. Councilman Paolucci noted wetlands are being taken into consideration. He said there are approximately 50 parcels available throughout town from the commercial areas reviewed but the town is trying to minimize the adverse impact and so developed an impact multiplier. Through the impact multiplier, the Route 9 Light Industrial area appears to be the one with the least impact. Councilman Paolucci said this area had been presented previously and the impact multiplier proves the Route 9 Light Industrial area to be the one with the least impact. Councilman Paolucci stated if the town is challenged with the proposed legislation, he feels the town will win and the law upheld.

Robert Penna, PhD, consultant on Adult Use Businesses, said the town is going about this the right way. He said his goal was to try to keep adult use businesses away from commercial properties and the proposed plan will do that. Dr. Penna said whatever signage restrictions are in effect will apply to this zone. He recommended having signage laws restricting vision from the road.

Supervisor Barrett said the town has built a tremendous record in preparation of the proposed legislation and the property provides a natural buffer. He noted changes can be made to the law based on new case law.

Dr. Penna stated he doesn't believe there could be a successful challenge to the town's proposed law.

Councilman Paolucci said the Northway is a buffer, as well as the light industrial area on the other side of the Northway. There are no residential homes close to the other side of the Northway and there is no direct access to Route 9. He stated 75 percent of the commercial property is directly abutted to the Northway.

Supervisor Barrett said the town is taking the available acreage where these businesses could go today and reducing it by 90 percent.

Councilman Roth asked Dr. Penna how low in acreage the town can go and questioned the possibility of eliminating one of the parcels.

Dr. Penna responded he is very comfortable with the acreage the town has decided upon and recommended not decreasing it. He reiterated the proposed zoning is eminently defensible.

Councilman Paolucci explained adult use would be an additional use to what is already allowed in the light industrial zone.

Question from the floor asked if residences on non-residential property are being considered as residences. Councilman Paolucci responded yes.

Question from floor asked if buffer is from residence or property line. Mr. Trainor responded it is from the residence.

Question from floor asked if houses in Halfmoon are being considered. Councilman Paolucci responded no. He said the people in Clifton Park have to be considered and anything other than minimizing the impact for the Town of Clifton Park could leave the town open to a challenge.

Dr. Penna said the town has no control over houses or zoning across the border.

Question from floor asked if an alcohol retail place on Route 9 in Halfmoon had been accounted for. Dr. Penna responded yes because alcohol can be purchased and carried into an establishment but a house can't be moved. Councilman Paolucci said in doing the impact that establishment may have been mapped but nothing outside of Clifton Park was considered when doing the impact multiplier.

Councilman Paolucci noted the proposed legislation and a copy of his presentation will be on file in the Town Clerk's office. It is anticipated the presentation will also be on cliftonpark.org.

Question from floor asked if it can be written into the zoning that a business locating near the Northway be visually blocked. Councilman Paolucci said he believes this has been taken into account as this was one of the main concerns. Mr. Trainor said there are restrictions on certain types of signs in the proposed legislation. Question from the floor

asked that there be restrictions regarding the clearing of land so there will always be a buffer. Mr. Kemper said buffers can be established during site plan approval.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 339 of 2001, a resolution authorizing an additional payment to Venbro Industries.

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

WHEREAS, the services of Venbro Industries for work on the Dakota Trail was previously approved at \$47,321, and

WHEREAS, additional fill costing \$1,786 was needed to complete the project; now, therefore, be it

RESOLVED, that an additional payment of \$1,786 to Venbro Industries is hereby approved to be paid out of the 1999 Saratoga County Surplus Funds Trails Account.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 340 of 2001, a resolution authorizing Del Palmer Appraisal Company to conduct an appraisal of the Round Lake Reservoir Property.

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

WHEREAS, an appraisal of the Round Lake Reservoir Property is required by the NYS Office of Parks, Recreation and Historic Preservation in order to complete the Town's grant approval, and

WHEREAS, Del Palmer Appraisals has performed such appraisals for the Town of Clifton Park in the past and has been recommended by the Town's Environmental Specialist for the task; now, therefore, be it

RESOLVED, that the Town's Environmental Specialist is authorized to hire Del Palmer

Appraisal Company to conduct an appraisal of the Round Lake Reservoir Property with the estimated cost of \$1,500 to come from the 2001 Saratoga County Revenue Sharing Funds.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 341 of 2001, a resolution appointing June Champney to the Arts and Culture Citizens Advisory Committee.

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

WHEREAS, the Arts and Culture Citizens Advisory Committee currently has vacancies on it's committee for new members, and

WHEREAS, the Town Board has reviewed the qualifications of June Champney, Barkwood Lane, Clifton Park and recommends that she be appointed as a member of the Arts and Culture Citizen's Advisory Committee; now, therefore, be it

RESOLVED, that June Champney, Barkwood Lane, Clifton Park is hereby appointed as a member of the Arts and Culture Citizens Advisory Committee to serve at the pleasure of the Board.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 342 of 2001, a resolution adopting Local Law No. 17 of 2001 a Local Law amending Local Law No. 7 of 1989, Chapter 5-6, Emergency Services Advisory Board.

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

WHEREAS, the Town Board received input from the public at a public hearing on September 4, 2001 regarding the amending of Local Law No. 7 of 1989, Emergency Services Advisory Board, and

WHEREAS, the Town Board has considered the comments from the public in this regard; now, therefore, be it

RESOLVED, that the Town Board hereby adopts Local Law No. 17 of 2001, a Local Law amending Local Law No. 7 of 1989 of the Town Code regarding the Emergency Services Advisory Board as outlined in schedule A attached hereto, and be it further

RESOLVED, that the Town Clerk file appropriate notice of same.

LOCAL LAW NO. 17 OF 2001

The Emergency Services Advisory Board (ESAB) of the Town of Clifton Park is hereby established. The Board shall consist of one member plus one alternate from each of the six fire districts and one member plus one alternate from each of the ambulance corps in the Town of Clifton Park and a Chairman appointed at large. The members and their alternates shall be appointed by the Town Board as follows upon December 31: two members shall be appointed for one year, two members shall be appointed for two years, and two members shall be appointed for three years. Alternates shall be appointed from each district for a term concurrent with the regular member's term. All reappointments or subsequent appointments shall be for three-year terms. All members of the Board shall be residents of the Town of Clifton Park and, additionally, be residents of the district he/she represents. Alternates need only be residents of the district he/she represents.. The Town Board shall seek recommendations for appointments to the Emergency Services Advisory Board from the respective fire district officials and ambulance services. The Emergency Services Advisory Board shall consider matters concerning fire prevention and protection on a town-wide basis. It shall make recommendations concerning these matters to the Director of Building and Zoning and the Town Board. The Advisory Board shall meet at least every three months at the direction of the Chairman or more often, at the call of the Chair, if necessary. The Town Board may seek the advice of the Emergency Services Advisory Board when considering candidates for the position of Chief of the Bureau of Fire Prevention. The alternates shall have the powers of the members in the absence of their respective member.

Supervisor Barrett said with various members of the Advisory Board out of town during the year, it is necessary to have alternates in order to disseminate information more easily. Councilman Paolucci questioned why alternates would have the same power as the member since they may not be from Clifton Park. He said information could be disseminated without having voting power. Councilwoman Walowit said since most of the members of the Clifton Park Halfmoon and West Crescent Fire Districts live in the Town of Halfmoon it is difficult to find an alternate from Clifton Park. Mr. Trainor said procedurally it is important that if an alternate is in attendance, that they have the powers of the primary so that there is a quorum and business can be conducted.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 343 of 2001, a resolution setting a public hearing to consider adopting a local law creating an Adult Use Business Regulation Law and Overlay Zone and amending Local Law No. 10 of 1996, the Zoning Code of the Town of Clifton Park, as amended.

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilman Roth.

WHEREAS, the Town Board of the Town of Clifton Park recognizes that a law addressing adult use businesses is necessary in order to properly regulate such businesses, and

WHEREAS, the Town Board has conducted public forums in this regard, received a comprehensive report from Robert Penna, PhD (RMPC) addressing adult use businesses and adverse secondary effects of such businesses, and

WHEREAS, Dr. Penna, in conjunction with the Supervisor's Task Force on Adult Entertainment Zoning, has provided the Town Board with a recommendation as to the location of an LI-A overlay zone for adult use businesses; now, therefore, be it

RESOLVED, that a public hearing to consider adoption of a local law creating an Adult Use Business Regulation Law and Overlay Zone and amending Local Law No. 10 of 1996, the Zoning Code of the Town of Clifton Park, as amended, is hereby set forth and scheduled for December 10, 2001 at 7:20 PM in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, and the Town Clerk is directed to publish notice of same.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 344 of 2001, a resolution approving the purchase of a 2002 Ford Crown

Victoria vehicle for use by the Town Highway Department.

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

WHEREAS, the Town of Clifton Park Highway Superintendent has requested that a 2002 Ford Crown Victoria vehicle be purchased for use by the Highway Department, and

WHEREAS, a need for this vehicle by the Town Highway Department has been identified; now, therefore, be it

RESOLVED, that authorization is hereby granted to purchase a 2002 Ford Crown Victoria vehicle from State Contract PC 58441 at a cost not to exceed \$23,825 with the funds to be paid from the 2002 budget and accounts DA 05130-00219 (Highway-Medium Truck), \$21,000 and from DA 05130-00229 (Highway-Small Equipment), \$2,825.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 345 of 2001, a resolution scheduling a public hearing regarding the establishment of Corporate Commerce Zone Water District No. 1.

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

WHEREAS, the Corporate Commerce Zone was created in the late 1980's and expanded in the mid-1990's by the Town Board of the Town of Clifton Park (the "Town") as a special zoning district, and consists of approximately 280 acres of land located on Route 146, approximately 5,000 feet west of Route 146A intersection, and

WHEREAS, the Town Board proposes to establish a water district in the Corporate Commerce Zone to be known as the Corporate Commerce Zone Water District No. 1 (the "District"), and

WHEREAS, a map, plan and report (the "Maps and Plans") have been prepared in a manner and detail as determined by the Town Board regarding the proposed establishment of the District, and

WHEREAS, the Maps and Plans have been filed in the Town Clerk's Office and are available for public inspection during regular business hours, and

WHEREAS, the boundaries of the proposed District are as described in Exhibit A to this Resolution, and

WHEREAS, the water system improvements proposed to be constructed in the District (the “Improvements”) consist of the construction and acquisition of water transmission and distribution mains including ductile iron water mains, service connections and hydrants, and all appurtenances and incidental equipment including the acquisition of rights-of-way, if necessary, in accordance with the Maps and Plans, and

WHEREAS, the Improvements will include water facilities in excess of those required for the proposed District, including the use of larger water mains and associated appurtenances, valves and spacing of hydrants to provide excess capacity (the “Excess Facilities”), which will be reserved for future water districts or extensions in the Town, and

WHEREAS, the estimated maximum amount to be expended for the Improvements, including design, construction and administrative costs, is \$580,000, of which (1) \$250,000 is attributable to the Excess Facilities and shall be a general Town charge to be initially advanced from the Town’s general fund and subsequently reimbursed from any future water district or extension that uses the excess facilities, and (2) \$330,000 shall be a charge against the District to be paid from assessments levied on real property in the District, and

WHEREAS, the proposed method of financing the costs of the Improvements (other than the Excess Facilities) consists of the issuance of serial bonds and bond anticipation notes of the Town, payable in the first instance from assessments levied on benefited real property in the District. The proposed method of financing the Excess Facilities consists of the advance of \$250,000 from the Town’s general fund, to be reimbursed by any future water district or extension that uses the Excess Facilities, from assessments levied against any such future district or extension, and

WHEREAS, the cost of acquiring, constructing and installing the District Improvements will be assessed by the Town Board in proportion as nearly as may be to the benefit which each lot or parcel in the District will derive therefrom, and

WHEREAS, the cost of the proposed District to the properties in the District is a combined total of debt service cost and operation and maintenance charges and is estimated to be as follows:

A. Debt Service Cost:

Annual Estimated Parcel ID No.	Debt Service Cost
270.-2-3.121	\$2,665.29
270.-2-1	\$3,148.33

270.-2-3.11	\$1,462.47
270.-1-23.1	\$1,646.94
270.-1-20.111	\$4,952.17
270.-2-2	\$5,611.93
270.-1-20.112	\$916.89
270.-2-3.122	\$1,122,84
270.-1-20.113	\$1,873.14

B. Operation and Maintenance Charges: The water system, once constructed, will be operated by the Clifton Park Water Authority. The following are the estimated operation and maintenance costs that will apply to existing properties in the District:

1. Residential Users:

Hook-up Fee \$600 per lot

Water Line to Curb Stop \$500 per lot

Water Line from Curb to House \$10 per linear foot

Meter \$150 per unit

Water Usage (2001 Rate) \$3.24 per 1,000 gallons of water used

(Typical Single Family Usage is 75,000 gallons per year or \$243.00)

2. Commercial Users:

Hook-up Fee \$600 per building unit

Water Line to Curb Stop Varies based on size of building

Water Usage (2001 Rate) \$3.24 per 1,000 gallons of water used

NOW, THEREFORE, BE IT RESOLVED that the Town Board will hold a public hearing to hear all persons interested in the establishment of the District and the proposed water system improvements, which public hearing shall be held in the Wood Memorial Room, Town Hall, One Town Hall Plaza, in the Town of Clifton Park on December 17, 2001 at 7:10 p.m.; and be it further

RESOLVED, and ordered that the Town Clerk give notice of such hearing by publishing in the official Town newspaper a copy of this resolution and by posting a copy of this resolution on the Town's official sign-board not less than ten nor more than twenty days before such hearing.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 346 of 2001, a resolution scheduling a public hearing regarding the establishment of Corporate Commerce Zone Sewer District No. 1.

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

WHEREAS, the Corporate Commerce Zone was created in the late 1980's and expanded in the mid-1990's by the Town Board of the Town of Clifton Park (the "Town") as a special zoning district, and consists of approximately 280 acres of land located on Route 146 approximately 5,000 feet west of Route 146A intersection, and

WHEREAS, the Town Board proposes to establish a sewer district in the Corporate Commerce Zone to be known as the Corporate Commerce Zone Sewer District No. 1 (the "District"), and

WHEREAS, a map, plan and report (the "Maps and Plans") have been prepared in a manner and detail as determined by the Town Board regarding the proposed establishment of the District, and

WHEREAS, the Maps and Plans have been filed in the Town Clerk's Office and are available for public inspection during regular business hours, and

WHEREAS, the boundaries of the proposed District are as described in Exhibit A to this Resolution, and

WHEREAS, the sewer system improvements proposed to be constructed in the District (the "Improvements") consist of the construction and acquisition of a sanitary sewage collection system, including acquisition of land or rights in land, and furnishings, machinery, equipment or apparatus required in connection therewith, and

WHEREAS, the estimated maximum amount to be expended for the Improvements, including design, construction and administrative costs, is \$530,000, and

WHEREAS, the proposed method of financing the cost of the Improvements consists of (1) the receipt of a \$250,000 New York State grant to fund a portion of the costs, and (2) the issuance of serial bonds and bond anticipation notes of the Town, payable in the first instance from assessments levied on benefited real property in the District, to fund the remaining \$280,000 costs of the Improvements, and

WHEREAS, the cost of acquiring, constructing and installing the District Improvements will be assessed by the Town Board in proportion as nearly as may be to the benefit which each lot or parcel in the District will derive therefrom, and

WHEREAS, the cost of the proposed District to the properties in the District is a combined total of debt service cost, operation and maintenance charges and hook-up fees, and is estimated to be as follows:

A. Debt Service Cost:

Annual Estimated Parcel ID No.	Debt Service Cost
270.-2-3.121	\$2,900.44
270.-2-3.11	\$1,591.49
270.-1-23.1	\$1,792.25
270.-1-20.111	\$5,389.09
270.-2-2	\$6,107.05
270.-1-20.112	\$997.79
270.-2-3.122	\$1,221.90

B. Operation and Maintenance Charges: The sewer system, once constructed, will be operated by the Saratoga County Sewer District No. 1 (“SCSD”). The costs of operation and maintenance will be based on the established SCSD Scale of Charges. Each parcel will be charged an allocated share of the annual cost of debt service, administration, operation and maintenance for the District’s treatment facilities, interceptor sewer, and each major trunk sewer. An Equivalent Connection Unit (e.c.u.) will be determined for all users based on the type of use (commercial, single parcel, apartments, and various miscellaneous uses such as schools, food service, office building, warehouse, etc.) and the gallons per day of sewer discharge. The SCSD Scale of Charges is included as an Exhibit to the Maps and Plans on file in the Office of the Town Clerk of Clifton Park.

C. Hook-Up Fees: The estimated hook-up fees for connection to the sewer system are \$1,000 per lateral hook-up.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board will hold a public hearing to hear all persons interested in the establishment of the District and the proposed sewer system improvements, which public hearing shall be held in the Wood Memorial Room, One Town Hall Plaza, in the Town of Clifton Park on December 17, 2001 at 7:20 p.m.; and be it further

RESOLVED, and ordered that the Town Clerk give notice of such hearing by publishing in the official Town newspaper a copy of this resolution and by posting a copy of this resolution on the Town’s official sign-board not less than ten nor more than twenty days before such hearing.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 347 of 2001, a resolution awarding a bid for a diesel-powered generator for the Highway Department.

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilman Roth.

WHEREAS, on November 26, 2001 bids were opened for the above referenced item, and

WHEREAS, Southworth-Milton Inc. was the sole bidder in the amount of \$20,250; now, therefore, be it

RESOLVED, that the Town Board accepts and awards the above referenced bid to Southworth-Milton Inc. in the amount of \$20,250 to be paid from A 5132-200 (Highway-Salt Storage Building).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Ed Tracey, Moe Road, speaking on behalf of the Shenendehowa Senior Citizens, stated the Seniors have an excellent relationship with CAPTAIN and are not interested in seeing them move from the building without their full consent. He said the Senior Center, Carelinks, Senior Shuttle and CAPTAIN provide most of the social services to the town residents, noting in the 2000 census more than 20 percent of town residents are over the age of 55. Mr. Tracey said the Town Board's guidance, leadership, options and input is necessary to solve the Senior Center space problem, reporting programs are constantly being cancelled due to lack of space. He asked about the possibility of an addition to the building.

Supervisor Barrett agreed that more space is necessary, that needs are going to increase and the Town Board and Seniors need to come up with the least expensive way to get some extra space. He said CAPTAIN didn't come to the town asking to move but is willing if suitable space is found. Supervisor Barrett said he would like to find space for CAPTAIN that is larger, that won't cost CAPTAIN more and will give them better amenities or at least to the par they are at now.

Councilwoman Walowit said she has looked at property and talked with developers. She said since September 11th, monies have dried up and CAPTAIN has some financial

concerns about moving. She stated the town would be willing to allow the Seniors to use the Burning Bush and Locust Lane Clubhouses during the day at no charge and is aware that at times space is shared between the two organizations. Councilwoman Walowit said in addition to the \$170,000 grant the Senior Center receives from the town, there are also in kind services which come close to a total of \$270,000 to \$300,000. She said she likes the idea of an addition to the building, stating CAPTAIN is very well placed on the Common. She stated looking for space for Seniors will not stop.

Mr. Tracey there are logistic problems with using other locations and permanency to at least part of the facility would be necessary.

Supervisor Barrett said CAPTAIN has some concerns about funding and expenses but the Town Board is ready and willing to pick up those expenses that they may incur by a move.

Norman Goldman, London Square Drive, speaking with regard to cancellations, said many people do not have a computer and recommended having information on an answering machine. He said apartment dwellers did not receive the open space survey.

Supervisor Barrett said a flyer will be distributed to apartment complexes tomorrow, December 4th, advising the availability of the survey on the web, in town hall or, if requested, by mail.

Mr. Goldman wanted it noted he made negative comments regarding the proposed legislation relating to alternate members to the Emergency Services Advisory Board. He said he is a member of the Shenendehowa Senior Citizens Inc. and gets no information except what is mentioned at the Town Board or in the newspapers. He said several years ago the Senior Board was asked for specific request for things needed immediately and for a 20 year "blue sky" request. He doesn't believe an answer to the first request was ever submitted but in response to the second request the seniors asked for an addition to the building. Mr. Goldman said he is disappointed that the Corporation doesn't give the Town of Clifton Park credit in their financial report for its support of the Shenendehowa Senior Citizens.

Gerry Pfeiffer, Huntwood Drive, representing the Jonesville Methodist Church, asked if Resolution No. 309 of 2001, previously tabled, will be brought forward this evening. Councilman Speckhard said he plans on removing it from the table.

Youssef Ballout, Torrero Drive, expressed appreciation to Councilwoman Walowit for her work and wished her a speedy recovery.

MOTION by Councilman Speckhard, seconded by Supervisor Barrett, to remove Resolution No. 309 of 2001 from the table.

Town Attorney Trainor reviewed documents surrounding this resolution, noting the Country Knolls project was approved in 1968 at which time it was anticipated that the

two parcels in question would be conveyed to the town, papers were drawn up to that effect and for one reason or another apparently not filed, however, a deed from the county to the town shows town ownership since 1993. He continued this area is needed by Country Club Acres to make two conforming lots with a single family home on each. Mr. Trainor said it is his understanding there is no church facility planned. Councilman Paolucci said he doesn't want to hold up the occupancy of the parsonage, which has already been built, and questioned why this request wasn't known a while ago. Ms. Pfeiffer said negotiations on the parcels in question have been ongoing with the town since July.

ROLL CALL VOTE ON MOTION

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

MOTION CARRIED

Resolution No. 309 of 2001, a resolution re-conveying the following portion of a street, easement, open space, or parkland as the case may be to Country Club Acres, Inc.

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilman Roth.

WHEREAS, by Resolution No. 21 of 1995 the Town Board accepted the conveyance of the following street, easement, open space, parkland, briefly described as follows:

Street Name of Owner Subdivision
Unnamed Stub Street Town of Clifton Park Country Knolls
Off Wooddale Drive Section 62 and 11
Lot 135A and Lot 137A
and,

WHEREAS, said parcels are described by Clough, Harbour and Associates as "Lands of the Town of Clifton Park to be combined with Lots 135-A and Lot 137-A, Country Knolls, Section 62" shall be respectively conveyed to Lots 135-A and 137-A, Country Knolls Section 62, lands now or formerly of Country Club Acres, Inc., as shown on a map entitled "Country Knolls 62" prepared by ABD Engineers and Surveyors, dated May 13, 1987 and filed in Saratoga County Clerk's Office on February 18, 1988, and

WHEREAS, a contingency of subdivision approval of Country Knolls in 1968 was that the above stub street be conveyed to the Town of Clifton Park, and

WHEREAS, Country Club Acres, Inc. now would like to build on the above two lots which are considered nonconforming due to the lack of frontage they contain, based upon

this, the stub street needs to be divided into two thirty foot wide parcels and re-conveyed to the developer, and

WHEREAS, the re-conveyance would allow Country Club Acres Inc. to make an application before the Zoning Board of Appeals of the Town of Clifton Park for lots with variances in order to receive the necessary building permits, and

WHEREAS, that this re-conveyance is expressly conditioned upon receipt of an approval by the Town Attorney of all necessary documents; now, therefore, be it

RESOLVED, that the above portion of a street, easement, open space, or parkland, as the case may be is hereby re-conveyed back to Country Club Acres, Inc.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

The Town Board extended best wishes for a full recovery to Councilwoman Walowit.

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

Motion carried at 9:30 p.m.

Patricia O'Donnell
Town Clerk