

## **Clifton Park Town Board Meeting Minutes**

**December 10, 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  
Supervisor Barrett  
Town Clerk O'Donnell

Absent: Councilwoman Walowit

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

MOTION by Councilman Speckhard, seconded by Councilman Roth, to approve the minutes of the November 19, 2001 meeting as presented.

### **ROLL CALL VOTE**

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

Noes: None

Absent: Councilwoman Walowit

### **MOTION CARRIED**

### **REPORTS**

Reports for November from the Sheriff's Department, Planning and Highway Departments and from the Transfer Station for October were filed with the Town Clerk.

**PUBLIC HEARING, 7:10 PM  
REGARDING AGENCY PLAN FOR 2002 FOR THE  
SECTION 8 RENTAL ASSISTANCE PROGRAM**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on October 22, 2001. .

Joseph Mastrianni of Joseph E. Mastrianni, Inc., summarized the proposed plan explaining this program is completely federally funded and subsidizes rents for low income elderly, disabled and other low income families. He reported there is a waiting list of 39 people, 15 of which are residents of the project area and preference is given to those residents. He said last year the Town Board asked that more units be applied for due to the wait being over a year but was unable to do so because the utilization rate was down. Mr. Mastrianni said this year the utilization rate is at 100 percent and if funding is available, the Town Board can ask for additional units. He said he expects to add a "Home Ownership Program" sometime in the coming year. He further said he would like to set up a "Self-sufficiency Program" which is basically working with single parents to get them off of welfare and Section 8.

The public hearing was opened for comments from the audience.

Everyone was given an opportunity to speak in favor of or against the proposed Section 8 plan and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 7:15 p.m.

#### PUBLIC PRIVILEGE

Beverly Czub, Miller Road, asked who put the "Welcome to Clifton Park" sign up at the Stewart's location at Riverview Road and Route 146. Supervisor Barrett responded Stewarts. It was noted the sign was part of the site plan approval. Supervisor Barrett said he would like to have name recognition for Rexford in that area as well.

#### PUBLIC HEARING, 7:20 PM TO CONSIDER A LOCAL LAW CREATING AN ADULT USE BUSINESS REGULATION LAW AND OVERLAY ZONE AND AMENDING LOCAL LAW 10 OF 1996, ZONING CODE

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on December 6, 2001.

Councilman Paolucci reported the town has been studying adult zoning for approximately a year and a half and basically the proposed legislation takes some uses that current zoning allows and finds a more appropriate area and limits the adverse impacts of the uses. The town is trying to use some tests that the Supreme Court has outlined in case law to zone these businesses. He reviewed the four tests: 1) can use zoning to regulate these businesses if it supports a governmental interest such as protecting the health, safety and welfare of the residents; 2) can use zoning to regulate businesses if the town has a narrowly tailored law; 3) can use zoning to regulate businesses if the town is zoning to minimize the adverse impacts of these businesses; and 4) that there be reasonable alternative areas for businesses to locate. He reported two case sites were used, one from

a Federal District Court of Appeals, 8th Circuit Court, and one from the Minnesota Court of Appeals where towns similar to Clifton Park, being residential in nature, used a percentage of their commercial area instead of using a percentage of total acreage in the town. The adverse impacts have been studied and identified and the proposed legislation does minimize the adverse impact. He reviewed the process of the impact multiplier. Councilman Paolucci stated at this time and with our current zoning, these businesses could locate in approximately 858 acres within the town. He reported the area proposed, after buffering and wetlands, leaves approximately 85 available acres.

Supervisor Barrett said through this legislation the town is able to take the total amount of available land for these businesses and reduce it by about 90 percent. He said at the present time there are a lot of areas in town that are susceptible to these businesses and where the impact could be worse compared to the proposed location.

Supervisor Barrett recognized Supervisor DeCerce and Councilwoman Parker of the Town of Halfmoon in attendance this evening.

The public hearing was opened for comments from the audience at 7:30 p.m.

Norman Goldman, London Square Drive, said he was impressed with the presentation given on December 3rd regarding adult use businesses and particularly admired the extended impact assessment out to half a mile. He said he has discussed his concerns with Councilman Paolucci but still has concerns about access to the property and the landlocked issue. He further stated he doesn't care for the non-consideration of residences in Halfmoon. He asked if the property owners in the proposed overlay zone and within 500 feet of its boundaries were sent return receipt notices of the proposed local law and of the hearing. Director of Planning Kemper responded certified mailings were sent but not return receipt. Mr. Goldman asked if this included the property owners in Halfmoon. Mr. Kemper said it did not include the property owners in Halfmoon. Mr. Goldman questioned Section 4 – Definitions. Councilman Paolucci and Town Attorney Trainor explained this is defining what an adult use business is. Mr. Goldman asked if the law should be more specific. Councilman Paolucci responded no and Mr. Trainor explained this refers to doing these things to conduct a business. Mr. Goldman said to prevent nudity within the establishment there should be a general law for the town.

John Taormina, Eagle Trace, speaking against the proposed legislation, said the vast majority of the town's population is within two miles of the Northway, around the same location as the proposed zone. He compared the proposed zone of approximately 85 acres to the size of the current major shopping areas, stating it is about the same. He said petitions have been signed to stop any development of sex-oriented business zone within sight of the Northway. Mr. Taormina said there is no Supreme Court required minimum zoning. He said no overlay zone on agricultural land was ever presented. He continued the buffer zones were made to fit the area. Town Attorney Trainor said the town is looking to put a law in place that is reasonable and allows reasonable access to these businesses in town while protecting 90 percent of the area of the town. Mr. Trainor stated if there was no moratorium in place and an application was received presumably they

could open a place just about anywhere in town. Supervisor Barrett said the town can only go by prior case law and make the best decision possible, based on what the courts have decided. Councilman Paolucci noted agricultural districts are zoned residential and these businesses are incompatible with residential uses. Mr. Taormina asked why not put away a small acreage and wait to get challenged on the small acreage. Councilman Paolucci said other municipalities have put away small acreage and have had their zoning laws overturned. He explained other towns have gone with five percent of the entire acreage of the town while the Town of Clifton Park is going with ten percent of the available commercial acreage which is actually less than one percent of the town's acreage. Mr. Taormina asked what court cases are on file in the town's studies where towns have completely eliminated sex-oriented businesses based on impact to the community. Councilman Paolucci and Mr. Trainor responded they are not aware of any but would be interested in any information. Supervisor Barrett said the town is continually looking at new case law and if it was felt that the town could comfortably reduce the acreage or outright ban the businesses it is something the town would look to do.

Linda Malloy, Rolling Brook Drive, speaking against the proposed legislation, asked if the buffer zones were around the structures or the property. Councilman Paolucci responded structures. She stated her objections to the zone remain the same as those contained in the report submitted to the Town Board with the primary objection being the closeness to the Northway, neighborhoods and Corpus Christi Church. She said she is concerned about the ongoing disregard by the Board of the petition opposing a zone near the Northway and the refusal to bring the Corporate Commerce zone to public hearing though it was admitted there was sufficient acreage for the overlay zone. She is concerned about apparent addition to the proposed zone of additional land closer to Corpus Christi Church and reduction of proposed buffer zone around homes and Corpus Christi Church. Supervisor Barrett said with the proposed overlay zone, the area around the church will no longer be available to these businesses. Councilman Paolucci explained the reason buffers were put on the map was so the town could begin to understand what properties were left over after buffering in order to assess the amount of acreage available. He continued, when Bill Sharp of NYS Department of State gave his presentation on July 19th, he confirmed that the area of highest impact would be that within 500 feet and that is why 500 feet was used. Councilman Paolucci said the church is well over 2200 feet from the proposed zone and could never be any closer. Ms. Malloy asked why the Corporate Commerce zone hasn't been brought to public hearing. Councilman Paolucci said every commercial parcel, over 2000, were looked at. He explained this time the town went out a half a mile and took into consideration all those residential and sensitive use properties in that half mile radius and was able to determine which area would have the biggest impact, noting every area has different opportunities or challenges. Ms. Malloy said any zone along the Northway is a mistake.

Marilyn Trunco, Twilight Drive, speaking against the proposed legislation, said she is disappointed with the way things have turned out and the opposing views and recommendation to keep the adult entertainment away from the Northway have fallen on deaf ears even though the town was presented with a petition in opposition and requests

for a public hearing regarding the Corporate Commerce site never came to be. She reported Dr. Penna and the state experts highlighted the point that clustering these businesses would make them prosper and increase adverse secondary effects to the surrounding area, noting Roberts Lane is located right across the street from the Odyssey Gentlemen's Club. She referred to the open space survey and the goal of protecting existing open spaces, stating she is disappointed that the town has strayed from some of the ideals set back at the beginning. Supervisor Barrett responded the town is doing the same thing as is done in preserving open space and that is putting aside 99 percent of the town from adult businesses being able to operate which is a good outcome. He emphasized the proposed area will have the least secondary impact, the Northway is a buffer and there are many areas that would be much closer to neighborhoods. Councilman Paolucci said approximately 75 percent of the commercial parcels are within 1000 feet of the Northway. The other 25 percent are B-3 (neighborhood) zones which are tucked into residential areas. He said these areas were investigated and found to be inappropriate.

Supervisor Barrett said the threat is there and the Town Board is trying to minimize the threat into a smaller area.

Edward Peck, Temple Hills, said no one wants these businesses in town, noting it is a no-win situation, but doesn't believe the Board could choose any other location. He said the land at the proposed location is probably higher priced whereas at the western part of town perhaps much less expensive.

Barbara Fogman, Crown Point, asked why a large farm parcel couldn't be rezoned commercial limited use. Councilman Paolucci said there were certain sites suggested and studied in the western part of town but there are a number of houses adjacent to those properties, which took them out of consideration. He said he is not aware of 85 acres in the western part of town where there is less than a couple of houses. Councilman Paolucci reiterated there are 858 acres where these businesses could locate today. He stated the town must allow for reasonable alternatives, noting there is case law. Town Attorney Trainor said the amount of acreage the town is proposing is prudent.

Ken DeCerce, Supervisor Town of Halfmoon, said he knows what the Town Board is wrestling with. He reviewed the experience the Town of Halfmoon had with an adult use business opening in their town. He commended the Town of Clifton Park for work done in trying to make sure there is a place that can be zoned for these businesses, noting however, that other types of businesses can also locate at that site. Mr. DeCerce asked that the town ensure that the same considerations be given to the three Halfmoon residences located near the zone as is being done for the rest. Councilman Paolucci said the impacts to residents of Clifton Park have to be minimized and when the impact multiplier was created he did not take the houses in Halfmoon into consideration, however, the proposed law does protect sensitive uses and houses and does provide for a buffer on the houses in Halfmoon.

Supervisor Barrett reiterated that land in question is available for the same uses that it

always has been and will continue to be available for those zoning purposes, not just adult entertainment. He said the town has set aside a zone and made good on constitutional obligations.

Peggy Digena, Hazaltine Lane, reviewed her former town's problems due to having no adult use zoning in place and stressed the importance of having a zone. She asked if there is case law, can the area be reduced. Councilman Paolucci responded yes. Ms. Digena stated no one wants these businesses but agreed the proposed legislation would have the least amount of impact.

Lorna Kircher, Lilac Court, said with the time that has elapsed since the beginning of this issue and listening to the public forum last week, all her issues of concern have been adequately addressed and was happy to see the process. The use of an impact multiplier convinced her that the Town Board had looked at the issue very carefully.

Supervisor Barrett expressed appreciation to Councilman Paolucci for his work on this issue.

Mr. Fogman, Ballston Lake, asked why the title "Adult Business" was used. Councilman Paolucci explained in some of the case law referred to in Dr. Penna's report Adult Uses and Adult Businesses are used synonymously.

Mike Dudick, Southbury Road and with a business on Route 9, said there is no good location but knows the town is trying to create a protection not necessarily by setting up areas where adult businesses can go but where they can't go. He spoke in favor of the proposed legislation.

Supervisor Barrett said the town has built a record from all the public input sessions, noting this is not a process the Board wanted to undertake but had to in order to minimize the total area in which these businesses can locate.

Norman Goldman asked if the buffer was added to the Halfmoon residences would it intrude onto Clifton Park's property and if not counted and put on the map should "in the Town of Clifton Park" should be added to Section 6 (B). Councilman Paolucci said in determining impacts, residences in Halfmoon cannot be considered. He continued, legally the impacts in the Town of Clifton Park have to be minimized, however, the legislation states the businesses cannot locate within 500 of a residential dwelling and this protects those houses in Halfmoon. Councilman Paolucci explained the reason the buffers were put on the map was so we could visually see if there was enough available acreage. He said in the area bounded by the four parcels there is approximately a total 95 acres and wetlands and buffers have been identified. He stated including the buffers and wetlands, he is sure there is more than enough acreage to satisfy the reasonable acreage requirement that the Supreme Court has mentioned in the Renton decision. Councilman Paolucci said the Planning Board would make sure everything in the legislation would be carried out when it comes to site plan review. Mr. Goldman said if buffers were drawn around houses located in Halfmoon and intruded in Clifton Park property, it may impact

available area and affect houses in Halfmoon. Mr. Kemper said location of wetlands would be determined at the site plan approval process as with any application regardless of whether it was adult business or any other commercial activity. He stated there are no DEC proposed or regulated wetlands on the site, however, there may be ACOE wetlands that would be addressed during site plan approval process. Mr. Goldman referred to Section 6(F) and commented on various off premises signs in Clifton Park and asked if adult use business sign requests will be treated differently than other signs requests. Councilman Paolucci responded yes as this is a different zoning classification. Supervisor Barrett said there are sign and buffering restrictions in the proposed legislation. Mr. Goldman questioned the access to the proposed area. Supervisor Barrett said an adult use business would have to overcome the same obstacles that any other business would.

MOTION by Supervisor Barrett, seconded by Councilman Paolucci, to recess for five minutes. Motion unanimously carried at 9:05 p.m.

Public Hearing resumed at 9:13 p.m.

Mr. Goldman reviewed what he considered obstacles to a business locating in the proposed zone, though he commented he doesn't believe any adult use business would locate in the town.

Debby Oliveira, Temple Hills, said she originally opposed the zone because it is along the Northway. She asked how proposed video gambling in the county might affect this zone and what the added impact might be. Supervisor Barrett stated gambling would not be allowed in this zone. Mr. Oliveira asked why New York State isn't doing the zoning with regard to adult uses. Mr. Trainor responded it is a reasonable use of the town's "police powers" to keep businesses such as this out of certain areas and it is a traditional function of a municipality at the local level. Councilman Paolucci said the zoning power currently is at the local level. He stated there is no shared zoning between Halfmoon and Clifton Park. Ms. Oliveira stated there is no appropriate area for these businesses in any town that is 95 percent residential. She further stated if New York State were to regulate the zoning, New York State would be going to the Supreme Court rather than towns. Councilman Paolucci said the proposed legislation sets a place for these businesses but, just as important, sets places where they are not allowed. Ms. Oliviera said she understands the zoning is to protect residents but the location along the Northway is not protecting the town from these businesses. She asked if businesses might want to access the zone by Kinns Road. Councilman Paolucci said much of that area is wetlands and doesn't believe access would be feasible. Mr. Kemper responded economically it wouldn't be feasible to run a road to the site and confirmed there are state-regulated wetlands in the Kinns Road area.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 9:30 p.m.

**PUBLIC PRIVILEGE ON RESOLUTIONS**

No one wished to be heard.

Resolution No. 348 of 2001, Bond resolution dated December 10, 2001 of the Town of Clifton Park, New York, authorizing the acquisition, construction and installation of improvements to the Dutch Meadows Sewer District No. 1 sewer system and related equipment, machinery and apparatus at a maximum estimated cost of \$385,000 and authorizing the issuance of \$385,000 serial bonds to pay the cost thereof.

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

Section 1. The Town of Clifton Park, New York (the "Town") is hereby authorized to acquire, construct and install improvements to the Dutch Meadows Sewer District No. 1 sewer system, including buildings, land or rights in land, and equipment, machinery and apparatus required in connection therewith, at an estimated maximum cost of \$385,000 and to issue an aggregate \$385,000 in serial bonds pursuant to the provisions of the Local Finance Law to finance the costs of the aforesaid object or purpose.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$385,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$385,000 in serial bonds (the "Bonds") of the Town authorized to be issued pursuant to this resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty (30) years pursuant to paragraph 4 of Section 11.00(a) of the Local Finance Law. The proposed maturity of the obligations authorized by this resolution will be in excess of five (5) years.

Section 4. Pursuant to Section 107.00(d)(9) of the Local Finance Law, no down payment is required prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any Bond Anticipation Notes issued in an anticipation of the Bonds shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any Bond Anticipation Notes issued in anticipation of the Bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds and any Bond Anticipation Notes issued in anticipation of the Bonds. An annual

appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be apportioned and assessed upon the several lots and parcels of land within Dutch Meadows Sewer District No. 1, which the Town Board shall determine to be especially benefited by the improvements, an amount sufficient to pay the principal of and interest on such obligations as the same come due and payable, but if not paid from such source, all the taxable real property in the Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal and interest on such obligations when due.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00, inclusive, of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notices, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to issue bonds providing for level or substantially level or declining annual debt service, is hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 8. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Town's General Fund. It is intended that the Town shall then reimburse such expenditures with the proceeds of the Bonds and bond anticipation notes authorized by this resolution and that the interest payable on the Bonds and any bond anticipation notes issued in anticipation of the Bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by this resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Regulation Section 1.150-2.

Section 9. The Serial Bonds and Bond Anticipation Notes authorized to be issued by this Resolution are hereby authorized to be consolidated, at the option of the Town Supervisor, the chief fiscal officer of the Town, with the serial bonds and bond anticipation notes authorized by other bond resolutions adopted by the Town Board for purposes of sale in one or more bond or note issues aggregating an amount not to exceed the amount authorized in such resolution. All matters relating to the sale of the Bonds, including the date of the Bonds, the consolidation of the Bonds and Bond Anticipation Notes with other issues of the Town, and the serial maturity of the Bonds, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 10. The validity of the Bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of this resolution or a summary hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 11. The Town Supervisor, as chief fiscal officer of the Town, is hereby authorized to enter into an undertaking for the benefit of holders of the Bonds from time to time, and any bond anticipation notes issues in anticipation of the sale of the Bonds, requiring the Town to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15(c) 2-12.

Section 12. This resolution, or a summary of this resolution, shall be published in the official newspapers of the Town for such purpose, together with a notice of the Clerk of the Town in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 13. The Town Board hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 14. This resolution shall take effect immediately upon its adoption.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

#### DECLARED ADOPTED

Resolution No. 349 of 2001, a resolution accepting an Historic Conservation Easement application for 583 Clifton Park Center Road, Clifton Park.

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

WHEREAS, a public hearing was held on December 3, 2001 in order to receive public comment on the application for an Historic Conservation Easement for a structure located at 583 Clifton Park Center Road in accordance with Local Law No. 12 of 1996, and

WHEREAS, the Town Board has considered the application and favorable comment was

received; now, therefore, be it

RESOLVED, that the Historic Conservation Easement application for 583 Clifton Park Center Road is hereby accepted and conservation easement granted in accordance with the provisions of Local Law No. 12 of 1996, and be it further

RESOLVED, that the applicant whose parcel has been granted a conservation easement shall execute an agreement provided by the Town of Clifton Park.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

#### DECLARED ADOPTED

Resolution No. 350 of 2001, a resolution awarding the bid for the Woodland Hills Sewer Improvements-Contract No. 1-General Construction.

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

WHEREAS, on September 13, 2001, bids were received for the above referenced contract, and

WHEREAS, the lowest conforming bidder for the Contract No. 1-General Construction, is Trinity Construction in the amount of \$89,000, and

WHEREAS, McDonald Engineering has reviewed the bids and has recommended to the Town Supervisor that the bid of Trinity Construction be accepted as the lowest conforming bid; now, therefore, be it

RESOLVED, that the Town Board acting as Commissioners of the Woodland Hills Sewer District No. 1 hereby accepts and awards the above referenced bid to Trinity Construction in the amount of \$89,000.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 351 of 2001, a resolution awarding the bid for Woodland Hills Sewer Improvements-Contract No. 2-Electrical Work.

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

WHEREAS, on September 13, 2001, bids were received for the above referenced contract, and

WHEREAS, McDonald Engineering has reviewed the bids and has recommended to the Town Supervisor that the bid of Stilsing Electric be accepted as the lowest conforming bid; now, therefore, be it

RESOLVED, that the Town Board acting as Commissioners of the Woodland Hills Sewer District No. 1 hereby accepts and awards the above referenced bid to Stilsing Electric in the amount of \$1,200.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 352 of 2001, a resolution awarding the bid for Dutch Meadows Sewer Improvements-Contract No. 1-General Construction.

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

WHEREAS, on September 13, 2001, bids were received for the above referenced contract, and

WHEREAS, the lowest conforming bidder for Contract No. 1-General Construction is Trinity Construction in the amount of \$270,500, and

WHEREAS, McDonald Engineering has reviewed the bids and has recommended to the Town Supervisor that the bid of Trinity Construction be accepted as the lowest most

responsible bidder; now, therefore, be it

RESOLVED, that the Town Board acting as Commissioners of the Dutch Meadows Sewer District No. 1 hereby accepts and awards the above referenced bid to Trinity Construction in the amount of \$270,500.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 353 of 2001, a resolution awarding the bid for Dutch Meadows Sewer Improvements-Contract No. 2-Electrical Work.

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

WHEREAS, on September 13, 2001, bids were received for the above referenced contract, and

WHEREAS, McDonald Engineering has reviewed the bids and has recommended to the Town Supervisor that the bid of Stilsing Electric be accepted as the lowest conforming bid; now, therefore, be it

RESOLVED, that the Town Board acting as Commissioners of the Dutch Meadows Sewer District No. 1 hereby accepts and awards the above referenced bid to Stilsing Electric in the amount of \$64,657.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 354 of 2001, a resolution authorizing the reduction of the speed limit on

Bruno Road from 40 to 35 miles per hour.

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

WHEREAS, upon the request of the Highway Superintendent, McDonald Engineering has reviewed the existing speed limit on Bruno Road, and

WHEREAS, McDonald Engineering has recommended that it is in the best interest of the traveling public to reduce the speed limit on Bruno Road; now, therefore, be it

RESOLVED, that the Highway Superintendent is authorized to reduce the speed limit on Bruno Road from 40 to 35 miles per hour and to post signs accordingly.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

#### DECLARED ADOPTED

Resolution No. 355 of 2001, a resolution re-appointing William Sekellick as Chairperson of the Board of Assessment Review.

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

WHEREAS, the Town Board wishes to re-appoint William Sekellick, Clifton Park, as chairperson of the Board of Assessment Review; now, therefore, be it

RESOLVED, that William Sekellick, Clifton Park, is hereby re-appointed Chairperson of the Board of Assessment Review with the term to expire on September 30, 2002.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

## DECLARED ADOPTED

Resolution No. 356 of 2001, a resolution re-appointing Raymond Wise to the Board of Assessment Review.

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

WHEREAS, Raymond Wise, 10 Hillcrest Drive, Ballston Lake, has previously been appointed to the Town of Clifton Park Board of Assessment Review, and

WHEREAS, Mr. Wise's term has expired and the Town Board wishes to re-appoint Mr. Wise to the Board of Assessment Review; now, therefore, be it

RESOLVED, that Raymond Wise, 10 Hillcrest Drive, Ballston Lake is hereby appointed to the Town of Clifton Park Board of Assessment Review for a term to expire on September 30, 2006.

## ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

## DECLARED ADOPTED

## PUBLIC PRIVILEGE

Barbara Brabetz, Wing Road, speaking about laws regarding animals in residential neighborhoods, referred to animal abuse and neglect in a residence on Wing Road that was harboring 18 dogs and 7 cats. She asked the Town Board to consider restricting the number of animals allowed in a home.

Mike Colapinto, Wing Road, also asked the Board to establish legislation restricting the number of animals allowed in a home and zoning of where those areas can be. He praised the work Animal Control Officer Baker. Mr. Colapinto reported several children have been bitten by dogs harbored at 17 Wing Road. He stated fines are too low.

Supervisor Barrett reported fines have been increased recently regarding dogs and he will speak with Mr. Baker regarding requested legislation.

Inge Peyron, Wing Road, reported her son was bitten by a pit bull harbored at 17 Wing Road and two tickets were issued against the owner. She stated she doesn't want to see this happen in another neighborhood as it is a dangerous situation.

Priscilla Keifner, Wing Road, said she has asked the neighbors to write letters of

complaint, which will be sent to the District Attorney. She asked the Town Board for any help they can give.

Norman Goldman, London Square Drive, asked the Board to be careful if changing rules for public hearings.

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

Motion carried at 10:15 p.m.

Patricia O'Donnell  
Town Clerk