

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

**December 17, 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  
Mark Heggen, Comptroller  
Jason Kemper, Director of Planning  
Michael Shahan, Town Administrator

### **ANNOUNCEMENTS AND COMMUNICATIONS**

Councilman Paolucci speaking with regard to research he has done on a Noise Ordinance noted the factory calibrated decibel-measuring device to cost approximately \$3000.

Councilman Paolucci filed information he has compiled regarding adult entertainment with the Town Clerk.

Councilman Roth expressed concern with the junkyard on Route 146A across from the Ballston Lake Emergency Squad and asked Town Attorney Trainor to review the licensing requirements for junkyards in town and work with Director of Building and Zoning Clemens to strengthen the current law.

He expressed appreciation to the Highway Superintendent Gerard and his staff for their quick response to a sanding request around the Ballston Lake Ambulance Squad building.

Councilman Roth said at no time did he or Councilwoman Walowit mention the town creating a "police force" but emphasized his and Councilwoman Walowit's aim is to upgrade the security staff status to peace officers. He stated there is a "police force" in town, that being the NY State Police and Saratoga County Sheriff Department with which the town contracts. Councilman Roth stated he is not promulgating a "police force" for the Town of Clifton Park and is sure Councilwoman Walowit is not either. He further stated the Public Safety Task Force has stated the town does not need a police force.

Councilman Roth emphasized he will always listen to the concerns of the community and of the town hall staff.

Supervisor Barrett said the Public Safety Task Force has looked at different ways to give the town security force more powers and have hit dead ends but the town is not going to give up on that quest. He said a lot of effort has been put into the security force in making them more effective by changing and adding hours, reviewing areas patrolled and getting feedback from residents. He said resources are being put in the areas and at times where most needed, 11:00 p.m. to 4:00 a.m. depending on the time of year. He stressed the expense that a police force would incur.

Supervisor Barrett thanked Councilman Paolucci for his research into a noise ordinance.

Supervisor Barrett said he would like to bring forward two resolutions that are not on the agenda, one being requesting NYS Department of Transportation to conduct a traffic study on Route 146A between Kinns Road and Route 146 and the other the passage of a local law regarding idling machinery on which a Public Hearing was held October 15, 2001. Supervisor Barrett said the train idling had subsided for a couple of months but has started again. He reported Town Attorney Trainor has spoken with the railroad company to find a solution but this hasn't worked out.

## REPORTS

Report for November from Parks, Recreation and Community Affairs was filed with the Town Clerk.

## PUBLIC PRIVILEGE

Steve Bowen, Gloucester St., presented a letter (attached), petitions and examples of noise ordinance legislation from Niskayuna and Schenectady to the Town Board in support of noise ordinance legislation. He referred to noise from the "Northern Lights" nightclub, noting he has been told there is nothing law enforcement can do since the town does not have a noise ordinance.

Supervisor Barrett said part of the problem stems from the back door of the nightclub being left open.

Dennis Schilling, Gloucester St., agreed with Mr. Bowen, stating they have used a meter to record the sound level. He said they have met with the owner of the establishment, promises were made of changes to be made and nothing has happened. Mr. Schilling said the noise from the nightclub is impacting the quality of life of families in the area. He spoke in favor of a noise ordinance.

Bob Gauvreau, Oakwood Blvd., commended Councilman Paolucci for establishing the adult use business overlay zone.

Norman Goldman, London Square Drive, speaking with regard to his comments at the public hearing on adult use business apologized for making the public hearing so long. He stated "I do want to make clear that I am not trying to frustrate you in adopting a Law, my interest is in being certain that is done properly".

Youssef Ballout, Torrero Drive, said the town needs to taking a second look at the security officers and try to empower them to be able to issue tickets, arrest and carry guns. He said the Animal Control Officer can issue tickets. He said vandals know that the town security officers are not empowered to do anything and when these officers go into the parks in the late hours, they are endangering themselves on behalf of the residents. Mr. Ballout recommended home rule legislation and challenging the state. He stated he is not recommending a police force but is asking for the town security officers to be upgraded to make them empowered to arrest, issue tickets and carry guns to protect themselves and to protect residents.

Councilman Roth said that is the route he is looking at and has information from the Association of Towns attorney indicating the law is subject to interpretation and the way to look at it is through home rule action which he will pursue. He said this would be for peace officers not "police force".

Supervisor Barrett noted the town security force can write tickets and the Town Board will continue to look at ways to upgrade their powers.

#### OPEN SPACE UPDATE

Open Space Committee Co-Chairs, Dave Miller and Jim Romano, reviewed activities of the past year, noting 12,000 surveys were sent to residents and over 2800 have been returned and a data base is being compiled. Mr. Romano said of the 2800 surveys returned, over 50 percent had written comments and 400 people have indicated interest in participating in the open space process. Messrs. Miller and Romano expressed appreciation to Director of Planning Kemper, the Planning Department staff and Open Space Committee members for the success and great progress made to date. Mr. Miller reported various focus groups will be formed in early 2002. He reported a town wide charrette will be held on January 19th from 8:30 a.m. to noon at the Gowana Middle School which will give people an opportunity to get involved with consultant, Behan Associates, to help do a planning and envisioning process for the community over the next 10, 20, 30 years. Mr. Miller reviewed upcoming plans, noting another, more detailed survey will be sent in March. He said it is anticipated to bring the proposed plan to the Town Board in the fall. Mr. Miller said this is truly a model process and one of the most comprehensive public involvement open space planning process in the capital region, if not the state.

#### PUBLIC HEARING, 7:10 PM

#### REGARDING THE CREATION OF CORPORATE COMMERCE WATER DISTRICT

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on

December 6, 2002.

The public hearing was opened for comments from the audience at 7:50 p.m.

Michael Doran, representing Niagara Mohawk Power Corporation, 300 Erie Blvd. West, Syracuse, New York, said this water district is asking to incorporate four parcels of Niagara Mohawk transmission lines that runs north and south through the town and initially Niagara Mohawk requested to be withdrawn from this district, citing the precedent of a resident being withdrawn at his request. He said Niagara Mohawk was informed that one parcel would be withdrawn but three would remain in the district. Mr. Doran stated these parcels on these transmission lines do not benefit from this water district, they are not enhanced in any way, do not need it and do not require it. He said Niagara Mohawk is asking the Town Board to remove the parcels from the district and will be saying the same thing in the sewer public hearing. He stated Niagara Mohawk will challenge any parcels that are in a special district and not of any benefit. He said Niagara Mohawk is being asked to pay for this new adjusted water district 16.72 percent of the recapture of the debt and since is not benefited by it, do not wish to pay it. He noted Niagara Mohawk would be required to pay almost 9.5 percent for the sewer debt, stating they do not benefit from it. Mr. Doran stated this property is only valuable to the adjacent owners and to no one else. He stated Niagara Mohawk pays about \$1.3 million in school, county and special district taxes and the parcels in question pay, other than school taxes, \$4400 in taxes each year and now are being asked for the water district to pay an additional \$3912 and for the sewer district \$2220. Mr. Doran reported there are cases which state that taxes levied ad valorem cannot be assessed to parcels that do not benefit from it.

Town Attorney Trainor said this water line and sewer line are going to pass right in front of Niagara Mohawk properties which makes tapping into those lines very convenient for someone on either the north or south side of Route 146. Mr. Doran responded it could. Mr. Trainor continued presumably there would be quite an increase in the value of the parcels that Niagara Mohawk owns by virtue of these lines coming through. Mr. Doran said the fact that a parcel's value, and in this case that being a transmission line, that if the transmission lines were removed that this would be enhanced by the presence of water pipes in the highway does not mean that that property benefited for the purposes of tax assessment increases which this levy is in a sense ad valorem so it is an assessment increase. Mr. Trainor said the value of the property will increase when these pipes go out just as they would for everybody else in the district. Mr. Doran responded not for Niagara Mohawk. He said this land is only good for transmission line or to the adjacent owners. Mr. Trainor stated it can be sold. Mr. Doran said there is no intention to sell. Mr. Trainor said it can be added to other parcels to increase the value of those other parcels. He continued there is a benefit to Niagara Mohawk by having these lines come across. Mr. Doran said there is a benefit, but the water and sewer lines are not needed as it does not benefit Niagara Mohawk. Mr. Trainor said other parcels may not instantly need the water or sewer but they still get a benefit from those lines coming directly in front of their property and giving them access to that infrastructure. He stated there is a direct benefit to those properties in that district. Mr. Doran said Niagara Mohawk contends there is not

a direct benefit to them. He said the Corporation has a system wide policy on new special district assessments and have addressed refuse tax, fees for transmission line and have successfully had those released and are addressing any new special district that comes up and haven't just isolated out this town. Supervisor Barrett said as far as the district goes there has to be a certain amount of assessed value within the district to say yes and also a certain threshold and numbers of landowners that would have to be met in order to have a district. Mr. Doran asked that Niagara Mohawk not be included in the districts.

Councilman Speckhard said one parcel was dropped out of water district and two out of the sewer district. He said a policy had been developed whereby anyone who was on the margin of a district and wanted out of a district could opt out. He said these parcels are internal so that if they were exempted would split the district apart. Mr. Doran said there are concerns for the parcels that are still included in the district. Councilman Speckhard the support of the Board and the committees that have worked on this reflects what Mr. Trainor has said in that there does appear to be a potential long term value in that property to Niagara Mohawk. Mr. Doran noted Niagara Mohawk contends case law "Long Island Light vs Supervisor" says they are not benefiting from this.

John Tabner, Tabner, Ryan and Keniry, representing 21st Century Park and Wayne Wagner, said Mr. Wagner's property represents 11.5 + percent of the tax in both water and sewer districts. He stated Mr. Wagner has been an early and long supporter of both districts, has a large commercial structure in the area and believes that the water and sewer are essential for the commercial development of not only his parcel but of all the parcels around there. Mr. Tabner said Mr. Wagner asks the Town Board to act favorably upon this.

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 8:00 p.m.

**PUBLIC HEARING, 7:20 PM  
REGARDING CREATION OF A COPRPORATE COMMERCE SEWER DISTRICT**

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

The public hearing was opened for comments from the audience at 8:00 p.m.

Mr. Doran said what he said in the public hearing regarding the water district applies to this hearing also.

Mr. Tabner said his remarks about the water district would be the same for the sewer district.

(Clerk's Note: Since Messrs. Doran and Tabner noted comments regarding the water district also apply to the sewer district, all comments, including those of the Town Board

and Town Attorney, are being incorporated into the minutes of this public hearing.)

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successfully had those released and are addressing any new special district that comes up and haven't just isolated out this town. Supervisor Barrett said as far as the district goes there has to be a certain amount of assessed value within the district to say yes and also a certain threshold and numbers of landowners that would have to be met in order to have a district. Mr. Doran asked that Niagara Mohawk not be included in the districts.

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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 8:02 p.m but reopened at 8:02 p.m. to hear comments of Town Engineer John M. McDonald.

Jack McDonald, Town Engineer, said tonight's discussion is on the debt portion of the districts, not on usage fees so any property in the water or sewer districts is going to benefit from the installations of the main but owners will not be paying for the usage of the water or sewer unless they decide to hook up. He reiterated there is certainly a benefit to any property that is in the district.

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 8:04 p.m.

#### PRESENTATION TO TOWN BOARD

Director of Planning Kemper reported through a \$12,000 grant and an additional \$2000 of town money, Applied GIS Inc. was chosen to evaluate the town's GIS capability and how it could be integrated through various town departments and possibly the Water Authority. Mr. Kemper noted the Water Authority paid \$1000 toward this study. Applied

GIS Inc. developed a GIS needs assessment and implementation plan and, should the Town Board choose, submission for future funding will be done to get this implemented. Mark Wheeler and Sherry Norton presented a visual summary of the Applied GIS Inc. report, noting success is a long-term process and GIS will continue to grow and integrate itself into everything the departments are doing once it is established on a townwide basis. It was noted that the data and applications belong to the Town of Clifton Park even if the relationship with Applied GIS should terminate.

Town Administrator Shahen gave his monthly update, reporting work is being done to make the Grooms Tavern more secure for winter. He stated the roof of the building would not pass NYS code and Waite Associates is drawing up plans to make the roof secure. With regard to security, hours are being adjusted and specific areas are being patrolled. Supervisor Barrett said often the vandalism is being done by youth living in the vandalized area.

Town Comptroller Heggen reviewed the financial report for November, reporting \$638,000 in semi annual mortgage tax was received bringing to a total of \$994,000 for the year. He noted \$685,000 was budgeted for 2001. Mr. Heggen reported a half million dollars has been moved into a money market account earning 2.75 percent which is higher than a 30-day CD. He reported Marvin & Company will conduct the 2001 town audit.

#### PUBLIC PRIVILEGE ON RESOLUTIONS

Norman Goldman, London Square Drive, read a prepared statement, attached.

Councilman Paolucci responded legal tests state a reasonable amount of land is necessary and the town does not have to show what is available. He said certain things have been done to illustrate to town citizens, Town Board and legal staff the process gone through to prove there is a reasonable amount of acreage or reasonable alternative locations for these business to locate.

Resolution No. 357 of 2001, a resolution authorizing the budget transfers specified in Exhibit A.

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

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 transfers specified in Exhibit A be adopted per the Comptroller's recommendations.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 358 of 2001, a resolution accepting the proposal for the audit of the 2001 fiscal year from Marvin & Co.

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

WHEREAS, it is necessary that an audit of the Town's financial activities for the fiscal year 2001 be conducted, and

WHEREAS, an acceptable proposal for the audit of the 2001 fiscal year activities of the Town of Clifton Park has been submitted by Marvin & Co.; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby authorizes the Supervisor to accept the proposal for an audit of the 2001 fiscal year activities of the Town of Clifton Park from Marvin & Co. in an amount not to exceed \$9,150 to be paid from the General Fund Budget.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 359 of 2001, a resolution adopting an Annual Plan for 2002 for the Town of Clifton Park Section 8 Program.

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

WHEREAS, the Town of Clifton Park operates a Section 8 Housing Assistance Payments

Program funded by the U.S. Department of Housing and Urban Development, and

WHEREAS, the Town of Clifton Park is required by the U. S. Department of Housing and Urban Development to prepare and adopt a written Annual Plan that establishes local policies for administration of the Section 8 Housing Assistance Payments Program in accordance with regulations of the U. S. Department of Housing and Urban Development, and

WHEREAS, the Town Board of the Town of Clifton Park has caused a written Annual Plan for 2002 to be prepared establishing local policies for administration of the Section 8 Housing Assistance Payments Program in accordance with regulations of the U. S. Department of Housing and Urban Development, and

WHEREAS, the Town Board received input from the public at a public hearing on December 10, 2001 regarding the Annual Plan for 2002; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby adopts the Annual Plan for 2002 for operation of the Town of Clifton Park Section 8 Housing Assistance Payments Program.

**ROLL CALL VOTE**

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

Noes: None

Absent: Councilwoman Walowit

**DECLARED ADOPTED**

Resolution No. 360 of 2001, a resolution authorizing the promotion of four employees in the Highway Department.

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

WHEREAS, four openings exist for the position of MEO in the Highway Department, and

WHEREAS, the Highway Superintendent recommends that Matthew Farnsworth, James Luse, Leonard Craig and Mark Pelc be promoted to fill these positions, and

WHEREAS, the recommended laborers have met all the qualifications; now, therefore, be it

RESOLVED, that Matthew Farnsworth, James Luse, Leonard Craig and Marc Pelc are hereby appointed to the position of MEO, Grade 5, Step 1, effective January 1, 2002, to be Budgeted from DA-05110-E1500 (Highway Construction MEO) and DA-05142-E1500 (Highway Snow Removal-MEO).

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 361 of 2001, a resolution authorizing the hiring of Joan Ireland as a part-time seasonal clerk in the Assessor's Office.

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

WHEREAS, Walter Smead, the sole Assessor for the Town of Clifton Park, has requested that a part-time, seasonal temporary clerk be hired to assist the Assessor's Office, and

WHEREAS, Mr. Smead has recommended that Joan Ireland, 15 Broadleaf Drive, Clifton Park, be hired for this position; now, therefore, be it

RESOLVED, that Joan Ireland, 15 Broadleaf Drive, Clifton Park, be hired as a part-time seasonal clerk in the Assessor's Office at Grade 1, Step 3, \$9.54 /hr. not to exceed \$3,100.00. This has been appropriated in the budget from STAR reimbursement money, Account A1355-E074 (Assessor-STAR Overtime), effective January 2, 2002 through April 30, 2002.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 362 of 2001, a resolution authorizing the purchase of a 2002 Chevrolet S-10, four-by-four, pick-up truck for use by the Building Department.

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

Roth.

WHEREAS, the Director of Building and Zoning has requested that a 2002 Chevrolet S-10, four-by-four, pick-up-truck be purchased for use by the Building Department, and

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

RESOLVED, that Donald Clemens, Director of Building and Zoning is hereby authorized to purchase a 2002 Chevrolet S-10, four-by-four truck, as described in Schedule A, as per State Contract PC58724 at a cost not to exceed \$16,741, with funds coming from amounts designated in Resolution 287 of 2001 with a transfer to A-3620-200 (Building-Equipment).

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

#### DECLARED ADOPTED

Resolution No. 363 of 2001, a resolution authorizing the purchase of a 2002 Chevrolet Silverado pick-up truck for use by the Buildings and Grounds Department.

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

WHEREAS, the Supervisor of Buildings and Grounds has requested that a 2002 Chevrolet Silverado pick-up truck be purchased for use by the Buildings and Grounds Department, and

WHEREAS, a need for this vehicle has been identified by the Buildings and Grounds Department; now, therefore, be it

RESOLVED, that Michael Handerhan, Supervisor of Buildings and Grounds is hereby authorized to purchase a 2002 Chevrolet Silverado pick-up-truck, as described per attached, as per State Contract PC58724 at a cost not to exceed \$27,161.20 with funds coming from amounts previously designated in Resolution 287 of 2001 with a transfer to A-7110-200 (Buildings & Grounds-Equipment & Building).

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 364 of 2001, a resolution setting a public hearing to consider Local Law No. \_\_ of 2002, a local law amending Local Law No. 11 of 1996, Section 208-95 Telecommunication Towers.

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

WHEREAS, the Town Board has received input supportive of amending Local Law No. 11 of 1996, Section 208-95 of the Town Code, and

WHEREAS, the Town Board wishes to obtain comments from the public in this regard; now, therefore, be it

RESOLVED, that a public hearing to consider a Local Law of 2002, a local law amending Local Law No. 11 of 1996, Section 208-95 Telecommunication Towers, per Schedule A is hereby set for January 7, 2002 at 7:10 p.m. in the Wood Memorial Room at One Town Hall Plaza, Clifton Park; and be it further

RESOLVED, that the Town Clerk publish notice of same.

Supervisor Barrett explained this will allow for 500 foot buffer from a housing unit to telecommunication equipment and includes a provision of \$2500 paid up front by the applicant looking to place telecommunication equipment.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 365 of 2001, a resolution setting a public hearing to consider a local law

amending Local Law No. 12 of 2001, and 27 of 1989 as amended by Local Law No. 8 of 1992 and Local Law No. 10 of 1996, to consider adoption of a Local Law regarding the review, approval and issuance of permits for billboards/off premises signs/advertising signs in the Town of Clifton Park.

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

WHEREAS, the Sign Law for the Town of Clifton Park currently prohibits the placement of off-premises signs/billboards within the boundaries of the Town of Clifton Park, and

WHEREAS, the Town Board of the Town of Clifton Park was a party to litigation brought by Nichols Media Group, LLC challenging the Town of Clifton Park on the basis that it unconstitutionally prohibited off-premises signs/billboards, and

WHEREAS, the Town Attorney has made certain recommendations to the Town Board of the Town of Clifton Park including certain changes to the Town of Clifton Park Sign Law in order to address the regulation of off/premises signs/billboards; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park will hold a public hearing concerning proposed amendments to Section 171 of the Zoning Law of the Town of Clifton Park, said amendments to address the regulation of off/premises signs/billboards on January 2, 2002 at 7:30 p.m. in the Wood Memorial Room, One Town hall Plaza, Clifton Park at which time and place all persons desiring to be heard thereon will be heard, and be it further

RESOLVED, that the Town Clerk of the Town of Clifton Park be and she hereby is directed to publish notification of the said public hearing as required by law.

Supervisor Barrett reported as part of the agreement with Nichols Media, this will allow three billboards on a certain stretch of Route 9. He said within three years, all of the billboards in town, outside of the zone, will be illegal. Councilman Roth asked with regard to Section C2 should a time element be added if a company needs an extension at the end of three years. He recommended the Board receive something in writing 30 or 60 days in advance that the company will be requesting an extension. Mr. Trainor said there is enough discretion in the proposed legislation to turn down an extension. Councilman Roth asked if the town is required to notify companies of the proposed legislation. Mr. Trainor said he is sure companies are aware of the legislation and, if not, will be notified.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 366 of 2001, a resolution establishing the Town of Clifton Park as Lead Agency for the proposed LI-A Overlay Zone.

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

WHEREAS, according to Section 617.4(b)(2) of the State Environmental Quality Review Act the proposed action is described as a Type 1 action, and

WHEREAS, all Type 1 actions require Coordinated Review and the establishment of a Lead Agency under the State Environmental Quality Review Act, and

WHEREAS, the Saratoga County Planning Board as the only other involved agency has agreed by a letter dated December 10, 2001 that the Clifton Park Town Board should act as Lead Agency for the proposed LI-A Overlay Zone; now, therefore, be it

RESOLVED, that the Town Board hereby determines themselves as Lead Agency for the proposed LI-A Overlay Zone.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 367 of 2001, a resolution issuing a Negative Declaration under the State Environmental Quality Review Act for the proposed LI-A Overlay Zone.

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

WHEREAS, according to Section 617.4(b)(2) of the State Environmental Quality Review Act the proposed action is described as a Type 1 action, and

WHEREAS, according to Section 617.6(a)(2) of the State Environmental Quality Review Act all Type 1 actions require that a Full Environmental Assessment Form be prepared

for the proposed action and Coordinated Review is required, and

WHEREAS, the Full Environmental Assessment Form has been completed and the Saratoga County Planning Board acting as the only other involved agency has no comments on the proposed LI-A Overlay Zone, and

WHEREAS, it has been determined that the proposed LI-A Overlay Zone will not have a significant impact on the environment; now, therefore, be it

RESOLVED, that the Clifton Park Town Board acting as Lead Agency for the proposed LI-A Overlay Zone issues a Negative Declaration under the State Environmental Quality Review Act.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

#### DECLARED ADOPTED

Resolution No. 368 of 2001, a resolution adopting Local Law No. 18 of 2001, 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 business is necessary in order to properly regulate such business, 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, and

WHEREAS, a public hearing was held on December 10, 2001 to consider the adoption of said proposed local law, and

WHEREAS, comments received from the public have been considered by the Town

Board; now, therefore, be it

RESOLVED, that the Town Board hereby adopts Local Law No. 18 of 2001, 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; and be it further

RESOLVED, that this Local Law shall take effect upon filing with the New York State Department of State but shall take effect immediately upon a person personally served a copy after its adoption.

Councilman Paolucci expressed appreciation to Mr. Kemper, as well as committee members and attorneys, for their work in preparation of this legislation.

Supervisor Barrett stressed the land area for these businesses to operate has been reduced by 90 percent and the total acreage of the town that the area represents is less than one half percent and protects many vulnerable areas.

Councilman Roth expressed appreciation to Councilman Paolucci, Mr. Kemper and the committee for work on this legislation.

Town Clerk O'Donnell read a statement from Councilwoman Walowit, attached, in support of the legislation.

Councilman Speckhard asked that the minutes reflect that if the Supreme Court decisions change, that is allowing localities more latitude, that the Town of Clifton Park would be quick to respond.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

#### DECLARED ADOPTED

Resolution No. 369 of 2001, a resolution purchasing a Telephone System for the Public Safety Building.

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

WHEREAS, quotes were solicited for a Telephone System for the Public Safety

Building, and

WHEREAS, the lowest conforming quote was received from Allied Telcom in the amount of \$7,475.00; now, therefore, be it

RESOLVED, that the Telephone System is to be purchased from Allied Telcom in the amount of \$7,475.00 to be budgeted from funds coming from amounts previously designated in Resolution 287 of 2001 with a transfer to A1621-200 (Ephriam Stevens Public Safety Building-Equipment).

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 370 of 2001, a resolution authorizing a change order for Town Hall Sidewalk Replacement.

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

WHEREAS, McDonald Engineering, P.C. has recommended that the Handicap Ramp at Town Hall be replaced at a cost of \$4,413.00, and

WHEREAS, Bast Hatfield, Inc., the contractor for the Town Hall Sidewalk Replacement has submitted a quote for the work, and

WHEREAS, a change order is required to authorize these changes; now, therefore, be it

RESOLVED, that authorization is hereby granted to the Town Administrator to execute a change order for Replacement of the Handicap Ramp at Town Hall at an additional cost of \$4,413.00 to be paid from funds coming from amounts previously designated in Resolution No. 287 of 2001 with a transfer to A-1620-200 (Town Hall-Equipment).

Mr. Shahan said the change order is necessary as during construction it was noted that the sidewalk was deteriorating beyond what was originally thought and it could be difficult for a wheelchair to get up the ramp.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 371 of 2001, a resolution awarding the bid for the Town Hall HVAC Improvement Project.

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

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

WHEREAS, the lowest conforming bidder for the Town Hall HVAC Improvement Project is Family Danz Heating and Air Conditioning, Inc. in the amount of \$43,135.00, and

WHEREAS, as per letter from McDonald Engineering, dated December 14, 2001, McDonald Engineering has reviewed the bids and has recommended to the Town Supervisor that the bid of Family Danz Heating and Air Conditioning be accepted as the lowest most responsible bidder; now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced bid to Family Danz Heating and Air Conditioning in the amount of \$43,135.00 to be paid from the 2001 Saratoga Revenue Sharing program previously designated in Resolution 152 of 2001 with a transfer to A-1620-200 (Town Hall-Equipment).

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 372 of 2001, a resolution establishing Corporate Commerce Zone Sewer District No. 1 and authorizing the acquisition and construction of improvements to the sewer system.

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

WHEREAS, the Town Board of the Town of Clifton Park proposes to establish the Corporate Commerce Zone Sewer District No. 1 (the "District") in the Town of Clifton Park, New York (the "Town"), pursuant to Article 12-A of the Town Law, and

WHEREAS, a map, plan and report relating to the establishment of the proposed District, prepared by John McDonald Engineering, P.C., a competent engineer licensed by the State of New York, in the manner and detail required by the Town Board, has been filed with the Town Clerk in accordance with the requirements of Article 12-A of the Town Law, and

WHEREAS, on December 3, 2001, a resolution was adopted by the Town Board reciting the filing of the map, plan and report, the boundaries of the proposed District, the improvements proposed, the estimated expense of these improvements, the proposed method of financing, the cost of the District to the properties in the District, the fact that the map, plan and report are on file in the Town Clerk's office for public inspection, and all other matters required by law to be stated, and

WHEREAS, the resolution called a public hearing to be held on December 17, 2001 at 7:20 p.m. to hear all persons interested in this matter and to take action as required by law, and

WHEREAS, the resolution was published and posted as required by law, and

WHEREAS, a public hearing on the matter was held by the Town Board on December 17, 2001, beginning at 7:20 p.m. and the matter was fully discussed and all interested person were heard;

NOW, THEREFORE, the Town Board of the Town of Clifton Park hereby determines that:

1. The notice of hearing was published and posted as required by law, and is otherwise sufficient.
2. All the property and property owners within the proposed District are benefited thereby.
3. All the property and property owners benefited are included within the limits of the proposed District.
4. The establishment of this District is in the public interest.

IT IS FURTHER DETERMINED AND RESOLVED that the District, as set forth in the map, plan and report be approved, that the requested improvements be constructed, and that the necessary easements and lands be acquired, upon the required funds being made available and provided for,

IT IS FURTHER RESOLVED that this District shall be known as the Corporate Commerce Zone Sewer District No. 1 in the Town of Clifton Park and shall be bounded and described as set forth on Exhibit A attached hereto,

IT IS FURTHER RESOLVED that the proposed improvements, including construction costs, cost of acquisition of lands and easements, legal and engineering fees, and all other expenses, be financed by the issuance of serial bonds and bond anticipation notes of the Town containing such terms as may be determined by the Town Board, the cost of such improvements to be assessed by the Town Board in as close a proportion to the benefit to which each lot or parcel will derive from the improvement as is possible;

IT IS FURTHER RESOLVED that this resolution is subject to permissive referendum as proved in Town Law Section 209-e, in the manner provided in Article 7 of the Town Law, and is subject to the approval of the State Department of Audit and Control in accordance with Town Law Section 209-f.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

#### DECLARED ADOPTED

Resolution No. 373 of 2001, a resolution establishing Corporate Commerce Zone Water District No. 1 and authorizing the acquisition and construction of improvements to the water system.

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

WHEREAS, the Town Board of the Town of Clifton Park proposes to establish the Corporate Commerce Zone Water District No. 1 (the "District") in the Town of Clifton Park, New York (the "Town"), pursuant to Article 12-A of the Town Law, and

WHEREAS, a map, plan and report relating to the establishment of the proposed District, prepared by John McDonald Engineering, P.C., a competent engineer licensed by the State of New York, in the manner and detail required by the Town Board, has been filed with the Town Clerk in accordance with the requirements of Article 12-A of the Town Law, and

WHEREAS, on December 3, 2001, a resolution was adopted by the Town Board reciting the filing of the map, plan and report, the boundaries of the proposed District, the

improvements proposed, the estimated expense of these improvements, the proposed method of financing, the cost of the District to the properties in the District, the fact that the map, plan and report are on file in the Town Clerk's office for public inspection and all other matters required by law to be stated, and

WHEREAS, the resolution called a public hearing to be held on December 17, 2001 at 7:10 p.m. to hear all persons interested in this matter and to take action as required by law, and

WHEREAS, the resolution was published and posted as required by law, and

WHEREAS, a public hearing on the matter was held by the Town Board on December 17, 2001, beginning at 7:10 p.m. and the matter was fully discussed and all interested person were heard;

NOW, THEREFORE, the Town Board of the Town of Clifton Park hereby determines that:

1. The notice of hearing was published and posted as required by law, and is otherwise sufficient.
2. All the property and property owners within the proposed District are benefited thereby.
3. All the property and property owners benefited are included within the limits of the proposed District.
4. The establishment of this District is in the public interest.

IT IS FURTHER DETERMINED AND RESOLVED that the District, as set forth in the map, plan and report be approved, that the requested improvements be constructed, and that the necessary easements and lands be acquired, upon the required funds being made available and provided for,

IT IS FURTHER RESOLVED that this District shall be known as the Corporate Commerce Zone Water District No. 1 in the Town of Clifton Park and shall be bounded and described as set forth on Exhibit A attached hereto.,

IT IS FURTHER RESOLVED that the proposed improvements, including construction costs, cost of acquisition of lands and easements, legal and engineering fees, and all other expenses, be financed by the issuance of serial bonds and bond anticipation notes of the Town containing such terms as may be determined by the Town Board, the cost of such improvements to be assessed by the Town Board in as close a proportion to the benefit to which each lot or parcel will derive from the improvement as is possible;

IT IS FURTHER RESOLVED that this resolution is subject to permissive referendum as

proved in Town Law Section 209-e, in the manner provided in Article 7 of the Town Law, and is subject to the approval of the State Department of Audit and Control in accordance with Town Law Section 209-f.

Councilman Speckhard said this is part of the beginning of an expansion of water services into the western part of town, noting this is the greater significance of this resolution.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

#### DECLARED ADOPTED

Resolution No. 374 of 2001, a resolution honoring Greg Koubek on the occasion of the retirement of his Shenendehowa basketball jersey number.

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

WHEREAS, Shenendehowa Central School is going to retire Greg Koubek's basketball jersey number on December 28, 2001 at the Shenendehowa basketball game, and

WHEREAS, for the past ten years Greg has provided quality basketball camps for the Town's summer recreation program, and

WHEREAS, Greg Koubek's successful career has included being a member of McDonald's All-American Team; the 1987 Mr. Basketball in NYS; the first player ever to play in four Final Fours; the Captain of the 1991 Duke University NCAA National Championship Team; and between 1991-1997 playing professional basketball in Japan, South Africa, Turkey and Hungary; now, therefore, be it

RESOLVED, that Greg Koubek is hereby recognized and honored for his valuable contribution to the youth of Clifton Park on the occasion of the retirement of his Shenendehowa basketball jersey number.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 375 of 2001, a resolution scheduling the 2002 Organizational and Town Board Meeting for the Town of Clifton Park.

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

Now, therefore, be it

RESOLVED, that the 2002 Organizational Meeting for the Town of Clifton Park shall be held on Wednesday, January 2, 2002 at 7:00 p.m. in the Wood Memorial Meeting Room, One Town Hall Plaza, Clifton Park.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 376 of 2001, a resolution awarding the bid for the Highway Garage Painting.

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

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

WHEREAS, the low bidder for the Highway Garage painting and alternate bid for the repair and painting of the stairs, is Mapco Enterprises in the amount of \$17, 800.00, and

WHEREAS, as per letter from McDonald Engineering, dated December 14, 2001, McDonald Engineering has reviewed the bids and has recommended to the Town Supervisor that the bid of Mapco Enterprises be accepted as the lowest most responsible bidder; now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced bid to Mapco Enterprises in the amount of \$17,800.00 to be paid from A-5132-24 (Highway-Garage Repair).

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 377 of 2001, a resolution requesting that the New York State Department of Transportation conduct a traffic study of a section of Route 146 A, between Route 146 and Kinns Road.

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

WHEREAS, it is necessary to conduct a study of the traffic pattern of a section of Route 146 A, between Route 146 and Kinns Road, and

WHEREAS, since Route 146 A is a State Road, a resolution of the Town Board, requesting that the New York State Department of Transportation, initiate a study of the traffic pattern on Route 146 A, between Kinns Road and Route 146; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby requests that the New York State Department of Transportation initiate a traffic study of Route 146 A, between Route 146 and Kinns Road.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 378 of 2001, a resolution adopting Local Law No. 19 of 2001, a local law Prohibiting Unattended or Idling Large Machinery and Equipment in the Town of Clifton

Park.

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

WHEREAS, the Town Board of the Town of Clifton Park recognizes that a need exists for a law addressing a public safety concern from the unattended idling of large vehicles, machines and equipment within the Town, and

WHEREAS, a public hearing was held on October 15, 2001 to consider adoption of said proposed local law, and

WHEREAS, comments received from the public have been considered by the Town Board; now, therefore, be it

RESOLVED, that the Town Board hereby adopts Local Law No. 19 of 2001, a Local Law Prohibiting Unattended or Idling Large Machinery and Equipment in the Town of Clifton Park, and be it further

RESOLVED, that this Local Law shall take place immediately upon filing with the New York State Department of State but shall take effect immediately upon a person personally served a copy after its adoption.

Supervisor Barrett said he and Mr. Trainor have tried to work with CP Rail but the problem has come back in recent days. He said the company will be informed of the legislation. He stated this is unattended idling of large machinery.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

PUBLIC PRIVILEGE

With regard to Resolution No. 369, Mr. Shahan noted the phone system is only for the State Police and Town Court.

Norman Goldman, London Square Drive, expressed appreciation to Councilman Paolucci and Mr. Kemper for the tremendous amount of time and effort that has been put into adopting the adult use law. With regard to e-government and the GIS presentation, he

asked the Board to remember the non high tech people and not to make access to information more difficult.

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 9:55 p.m.

Patricia O'Donnell  
Town Clerk