

Clifton Park Town Board Meeting Minutes

October 4, 2004

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
Jason Kemper, Director of Planning
Michael O'Brien, Environmental Specialist
Michael Shahan, Town Administrator

MOTION by Councilman Roth, seconded by Councilwoman Walowit, to approve the minutes of the September 13 and 20, 2004 meetings as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

The Town Clerk presented the 2005 Tentative Budget to the Town Board.

Supervisor Barrett reported an increase of two percent in the 2005 Tentative Budget with no general town property tax. He said the highway tax will almost be eliminated in 2005. There will be a \$2.74 million tax cut in the 2005 budget. He reported a major challenge at this point is employee medical insurance which will rise another \$500,000. The portion to be paid into NYS Retirement will be \$379,000 which, a few years ago, was \$150,000. \$162,000 has been added for additional Sheriff Deputies to patrol the town. He announced the budget workshops are scheduled for October 6 and 7 and are open to the

public. The budget public hearing is scheduled for November 4, 2004. He noted a \$3 million surplus in 2003 and anticipates another fiscally successful year in 2004. He stressed the importance of shopping locally, thereby increasing sales tax revenue.

Councilman Roth reported on the 10th annual Hazardous Waste Day, noting 414 people took advantage of the day.

**PUBLIC HEARING, 7:10 PM
TO CONSIDER A LOCAL LAW ESTABLISHING THE
BLUE BARNS WATER DISTRICT**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on September 20, 2004.

Environmental Specialist O'Brien explained this involves an area of Blue Barns Road that enters the Town of Ballston consisting of 11 properties in the Town of Clifton Park and 7 in the Town of Ballston. Residents have requested water through the Town of Ballston from the Town of Glenville. The Town of Ballston has prepared a Map, Plan and Report and the Town of Clifton Park has to comply by providing a Map, Plan and Report and an agreement to the Town of Ballston for our residents to pay for it. Supervisor Barrett noted there is unanimous support from the effected Clifton Park residents. Councilman Speckhard asked how far the end of the extension is to the Rexford Water District line. Mr. O'Brien said the Blue Barns Water District line will end at the railroad tracks north of Rustic Bridge Road. Councilman Speckhard asked if there can be outside users to the Blue Barns Road Water District. Mr. O'Brien reported this would be under the control of the Town of Ballston but the line would be big enough to handle outside users or additional extensions. By the intermunicipal agreement, this Board has provided the ability of the Town of Ballston to maintain the line and provide the administration for it.

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

Everyone was given an opportunity to speak in favor of or against the proposed water district and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 7:21 p.m.

**PUBLIC HEARING, 7:20 PM
TO CONSIDER A LOCAL LAW REGARDING ADOPTING A LOCAL LAW
IMPOSING A SURCHARGE PURSUANT TO NEW YORK STATE
VEHICLE AND TRAFFIC SECTION 1809D**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on September 27, 2004.

Supervisor Barrett explained since New York State is now taking the revenue from traffic

finer, the town is looking at a loss of approximately \$178,000 per year. This policy began in September and the town had no time to plan for it. With the adoption of the proposed local law, a \$10 surcharge will be added to tickets. It was noted that this surcharge will bring in a minimal amount of money.

The public hearing was opened for comments from the audience at 7:23 p.m.

Vincent Obremski, Appleton Road, said cars speed on Grooms Road and asked that NYS troopers and Sheriff's Deputies patrol this area.

Supervisor Barrett noted if the legislature rescinds the law regarding this revenue then the surcharge will be taken away.

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 7:33 p.m.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 260 of 2004, a resolution accepting a quote for the printing of the Town of Clifton Park map.

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

WHEREAS, quotes were received by the Office of Parks and Recreation for the printing of the Town of Clifton Park map, and

WHEREAS, the lowest conforming quote for the work to be done was presented by the Pressroom for \$2,333; now, therefore, be it

RESOLVED, that the quote of the Pressroom, 35 Bath Street, Ballston Spa, for \$2,333 for the printing of the Town of Clifton Park maps is hereby accepted, to be paid from Contingency with a transfer to A-7629-15 (Trails-Other Contractual).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 261 of 2004, a resolution authorizing the upgrading of an employee in the Buildings and Grounds Department.

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

WHEREAS, Michael Handerhan, Buildings and Grounds Supervisor, recommends that Justin Staucet be upgraded to MEO Light in the Buildings and Grounds Department, and

WHEREAS, the above referenced employee has met the requirements for this position; now, therefore, be it

RESOLVED, that effective October 5, 2004 Justin Staucet is hereby appointed to the position of MEO Light, Grade 4, Step 1, salary increase of \$670 to be paid with a transfer from A-7110-E4000 (Buildings and Grounds-Part Time Laborer) to A-7110-E141 (Buildings and Grounds-Justin Staucet).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 262 of 2004, a resolution hiring two people to provide maintenance for the Country Knolls Pool.

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

WHEREAS, a need has been identified for temporary help at the Country Knolls Pool for maintenance of the pool in order to protect the new liner from staining, and

WHEREAS; Glen Valle has recommended that Paul Valle, 3 Hillside Drive, Ballston Lake and Ryan Fleming, 10 Eagle Trace, Ballston Lake, who were lifeguards this past summer, be hired for these positions; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the temporary hiring of Paul Valle, 3 Hillside Drive, Ballston Lake and Ryan Fleming, 10 Eagle Trace, Ballston Lake, for the maintenance of the Country Knolls Pool at \$7.00 per hour for approximately three to eight hours per week, through November 30, 2004, to be paid from SP5-7151-E4690 (Country Knolls Pool/Pool Lifeguards/Close).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 263 of 2004, a resolution setting a public hearing regarding the Annual Plan for 2005 and Five-Year Plan for 2005-2009 for the Town of Clifton Park Section 8 Housing Choice Voucher Program.

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

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 and Five-Year Plan that establishes local policies for administration of the Section 8 Housing Choice Voucher Program in accordance with regulations of the U. S. Department of Housing and Urban Development, and

WHEREAS, a public hearing is required in order to consider adoption of the Annual Plan Establishing local policies for the administration of the Section 8 Housing Assistance Payments Program; now, therefore, be it

RESOLVED, that a public hearing to consider adoption of the Annual Plan for 2005 and a Five-Year Plan for 2005-2009 establishing local policies for administering the Town of Clifton Park Section 8 Housing Assistance Payments Program is hereby set forth and scheduled for December 6, 2004 at 7:10 p.m. 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. 264 of 2004, a resolution extending the moratorium in the Western part of the Town.

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

WHEREAS, the Town of Clifton Park has entered upon a review of the portion of the Town located generally west of Vischer Ferry Road, Rt. 146A, Main Street and Hatlee Road and such other and further property which is identified through the Generic Environmental Impact Study (GEIS), and

WHEREAS, the Town of Clifton Park Planning Board passed a resolution on August 12, 2003 requesting the Town Board to do a Generic Environmental Impact Study for the Western portion of Clifton Park, and

WHEREAS, on September 2, 2003 a resolution was passed hiring Clough, Harbour, & Associates LLP to conduct a GEIS in the western part of Town, and

WHEREAS, on September 15, 2003 a Public Hearing was conducted to solicit public comment on the proposed moratorium and local law, and

WHEREAS, on October 6, 2003 Local Law No. 7 of 2003 was adopted imposing a twelve month moratorium on development in the Western part of Town, and

WHEREAS, Local Law No. 7 of 2003 also authorized the Town Board to extend the moratorium for an additional six (6) months if necessary without an additional Public Hearing, and

WHEREAS, it is necessary to extend the moratorium for an additional six (6) months to allow for the completion of the GEIS; now, therefore, be it

RESOLVED, that the moratorium on development in the Western part of Town is hereby extended for an additional six months to April 6, 2005.

Supervisor Barrett said it was concern of general quality of life issues that brought about the moratorium. Mr. Kemper said water will be part of the larger picture, noting the Scope just briefly touches upon what will be covered in the GEIS. Supervisor Barrett stressed the importance of receiving residents' input. Mr. Kemper said the Draft GEIS will be available for public review.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 265 of 2004 authorizing the installation of a street light at the entrance to the Abele Subdivision.

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

WHEREAS, the Abele/Christinamarie Drive subdivision was previously approved by the Town of Clifton Park Planning Board and the installation of a street light is depicted on the approved subdivision plan, and the streetlight is warranted at this time; now, therefore, be it

RESOLVED, that authorization is hereby granted for the installation of a street light at the entrance to the Abele/Christinamarie Drive subdivision at the Christinamarie Drive and Southbury Rd. intersection, said subdivision being located on the east side of Southbury Rd. in the Town of Clifton Park, and be it further

RESOLVED, that said street light shall be charged to the Town of Clifton Park Lighting District No. 1 and a copy of this authorization shall be forwarded to the Niagara Mohawk Power Corporation.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 266 of 2004 authorizing the installation of a street light at the entrance to the Falcon Ridge Subdivision.

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

WHEREAS, the Falcon Ridge subdivision was previously approved by the Town of Clifton Park Planning Board and the installation of a street light is depicted on the approved subdivision plan, and the streetlight is warranted at this time; now, therefore, be it

RESOLVED, that authorization is hereby granted for the installation of a street light at the entrance to the Falcon Ridge subdivision at the Carpenter Way and Tanner Road intersection, said subdivision being located on the east side of Tanner Rd. in the Town of Clifton Park, and be it further

RESOLVED, that said street light shall be charged to the Town of Clifton Park Lighting

District No. 1 and a copy of this authorization shall be forwarded to the Niagara Mohawk Power Corporation.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 267 of 2004, a resolution accepting the Final Scope for the Western Clifton Park Generic Environmental Impact Statement

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

WHEREAS, a Draft Scope has been presented to the Town Board, and

WHEREAS, a Public Informational Meeting was conducted on January 12, 2004, and

WHEREAS, the Draft Scope has been revised to incorporate the Town Board and Public Comments received on the Draft Scope; now, therefore, be it

RESOLVED, that the Town Board hereby accepts the Final Scope for the Western Clifton Park Generic Environmental Impact Statement.

Mr. Kemper said this is the framework by which the GEIS is drafted. Councilman Speckhard asked if the Rexford Water District question will be addressed in terms of water. Mr. Kemper responded yes.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 268 of 2004, a resolution adopting Local Law No. 2 of 2004, a local law imposing a surcharge pursuant to New York State Vehicle and Traffic Law Section 1809-D.

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

Councilwoman Walowit.

WHEREAS, New York State Vehicle and Traffic Law, Section 1803 governs the disposition of fines and penalties collected in connection with convictions pursuant to the Vehicle and Traffic Law, and

WHEREAS, Chapter 56 of the New York State Laws of 2004, effective August 20, 2004, changed the distribution of the fines taking them away from municipalities and placing them in the State Treasury, and

WHEREAS, the Town Board wishes to adopt Local Law No. 2 of 2004, a local law to impose a local surcharge on convictions rendered in the Town Justice Court pursuant to the enabling authority of New York State Law Section 1809-D of the Vehicle and Traffic Law, as added by Chapter 56 of the Laws of 2004, and

WHEREAS, a public hearing was held on October 4, 2004 to obtain comment from the public; now, therefore, be it

RESOLVED, that Local Law No.2 of 2004, a local law imposing a surcharge pursuant to New York State Vehicle and Traffic Law Section 1809-D, as per the attached Exhibit A is hereby adopted, and be it further

RESOLVED, that the Town Clerk file said local law with the New York State Department of State as required by law, and be it further

RESOLVED, that this local law shall take effect upon its filing at the New York State Department of State but shall also be immediately effective upon a person or entity personally served with a copy before then.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Vincent Obremski, Appleton Road, asked for a water line on Appleton Road. He expressed concern that when he subdivided his land he had to pay \$1000 to the Recreation Department. Mr. Kemper explained this is a parkland fee and money goes toward the purchase of open space or parkland for the development. Mr. Obremski asked if this money can be channeled for a water line for people on the western end of town.

James Ruhl, Wooddale Drive, read a prepared statement regarding the Exxon-Mobil project, attached.

In response to Mr. Ruhl's comments, Mr. Kemper stated the Zoning Officer made a determination that this project is an allowed use via special use permit and that determination was never appealed. Mr. Kemper explained the process of filling out SEQRA forms. With regard to accidents, Mr. Kemper said this was covered in the Planning Board's response to Mr. Ruhl's initial comments on traffic safety on Ushers Road.

Supervisor Barrett stated the Planning Board is not, and cannot, be an advocacy board.

Daniel Mathias, Birch Hill Road, read a prepared statement regarding the Exxon-Mobil project, attached, and distributed "Ground-Water Resources of the Clifton Park Area, Saratoga County, New York by Paul Heisig. U.S. Geological Survey.

Steve Potter, Eagle Trace, speaking with regard the Exxon-Mobil project, stated Part 2 of the SEQRA should be filled out prior to the decision being rendered. He asked that the Planning Board require an Environmental Impact Statement for this project.

Mr. Kemper said when the Planning Board is prepared to make a decision, Part 2 and Part 3 of the SEQRA will be filled out, however, the Planning Board is not prepared to make a decision at this time. He explained if, after Parts 2 and 3 are filled out, the Planning Board determines there could be a significant environmental impact, an EIS would be prepared by the applicant with the Town of Clifton Park the lead agency. The applicant would be responsible for the cost.

Barbara Barry, Country Knolls, expressed concern with the traffic, stating in her report to the Planning Board she noted 33 accidents on Ushers Road in each 5 year period beginning 1991-2002. Ms. Barry said DOT has told her these statistics are from the Exit 10 ramp to Longkill Road but DOT did state that with the recent road improvements the number of accidents occurring within the area have been reduced.

Cathy Capsimalis, Wood Dale Drive, speaking with regard to the Exxon-Mobil project said the aesthetic value of the surrounding landowners of Ushers Road area should not be compromised. She asked what can be done to the zoning of the area to allow the residents to control the commercial growth. She asked the Town Board to revisit the zoning of this area governing Ushers Road and its surroundings in order to maintain the character of the neighborhood.

Supervisor Barrett noted this area has been zoned Light Industrial since 1996. He said the Town Board is sensitive to this area.

Ray Seymour, Nadler Road, expressed concern with gas stations closing, as well as with fuel seeping into the ground. He said there should be some way the town can protect itself in the future, perhaps through a permanent escrow, when a corporate decision is

made to close a business down.

Barbara Hartman, Hillcrest Drive, spoke in opposition of the Exxon-Mobil project, referring to the town's Comprehensive Plan. She asked that the project be turned down.

Frank Berlin, Main Street, spoke against the Exxon-Mobil project, citing the traffic concerns on Main Street and Ushers Road. He stated he does not want another light on Ushers Road. Mr. Berlin said the three-way stop signs on Clifton Country Road Extension are very confusing. He expressed concern with the bump near the bridge on Route 146A and lights on businesses on Main Street.

Nancy Bellamy, Eastside Drive, reported firemen will be in all the schools the week of October 4th. She spoke of the need for water on Eastside Drive.

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

Motion carried at 9:15 p.m.

Patricia O'Donnell
Town Clerk