

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

**October 12, 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 Roth  
Councilwoman Walowit  
Supervisor Barrett  
Town Clerk O'Donnell

Absent: Councilman Speckhard

Also Present: Town Attorney Trainor  
Michael O'Brien, Environmental Specialist  
Michael Shahan, Town Administrator  
Walter Smead, Assessor

### **ANNOUNCEMENTS AND COMMUNICATIONS**

Councilman Paolucci reported DOT never sent a notice of the informational meeting regarding the Kinns Road bridge reconstruction to residents so another meeting has been scheduled for October 28th from 5:00 to 8:00 p.m. in the Clifton Park Halfmoon Fire Station. In the event residents cannot attend this meeting, he asked that comments to be sent to him and the Town Board.

Chairman of Clifton Park Water Authority, Richard Kukuk, reported on the water main break on October 9th, explaining a transmission main failed in the area of Van Patten Drive and Carlton Road effecting approximately 4000 homes. He said the boil water advisory was done for precautionary reasons but no contaminants were found. Mr. Kukuk said, during this situation, it was realized that the telephone system was not working due to the deluge of calls and this shortcoming will be corrected. He noted the Department of Health was satisfied with the Water Authority's response. Mr. Kukuk said the Water Authority will now have to assess and evaluate what other methods are available in order to have a better response to people who need information.

Supervisor Barrett said security was in the town hall answering phones and had he been aware of the Water Authority phone situation there would have been round the clock coverage in the town hall. He reported Saratoga County Emergency Coordinator, SEMO and the Red Cross were involved. The Supervisor stressed the importance of the Water Authority upgrading their phone system.

Mr. Kukuk said this will definitely be done and the Water Authority's emergency plan will be updated and integrated with the overall town emergency plan.

Donald Austin, Administrator of the Clifton Park Water Authority, reported the biggest complaint was that people couldn't access information and updates.

In response to Councilman Paolucci's question regarding fire protection during the water outage, Town Safety Officer Pasquarell said surrounding fire departments were notified as well as the County Fire Control Center. Mr. Kukuk, responding to the Councilman Paolucci's question, said town officials in Malta were not contacted directly but through the media as Water Authority customers. Councilman Paolucci asked that town officials be notified in the future. Mr. Pasquarell said Malta town officials were notified through the Round Lake Fire Department. Councilman Paolucci asked the Water Authority to report back to the Town Board when this problem is solved.

Councilwoman Walowit said a "rapid change message" would have eased some of the concern.

Supervisor Barrett gave a list of customer recommendations to Mr. Kukuk. The Supervisor noted communication was the greatest problem. He asked Mr. Shahen to review the town hall phone system and upgrade if necessary. He recommended people listen to the media and use the website.

Town Clerk O'Donnell announced October 14th is Voter Education Day and the new electronic voting machines will be available for hands on demonstration.

#### PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Supervisor Barrett presented the following Resolution to Mr. Warn, as well as a Proclamation and letter from Senator Bruno and Congressman Sweeney

Resolution No. 269 of 2004, a resolution recognizing Clifton Park resident Joseph C. Warn for his many years of service to the Saratoga County Sheriff's Department.

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

WHEREAS, the Town of Clifton Park Town Board wishes to pause in its deliberations to recognize Joseph C. Warn for his thirty years of service to the Saratoga County Sheriff's Department, and

WHEREAS, Joseph C. Warn has lived in Saratoga County for thirty-six (36) years and is devoted to the protection of its residents, and

WHEREAS, Joseph C. Warn began his career with the Saratoga County Sheriff's Department in 1974 and in 1991 was promoted to Criminal Investigator, a position he held until his retirement in August 2004; now, therefore, be it

RESOLVED, that Joseph C. Warn is hereby recognized and honored for his thirty years of service to the Saratoga County Sheriff's Department and for his many years of dedicated service to the community and its residents.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

#### DECLARED ADOPTED

Resolution No. 270 of 2004, a resolution authorizing the Town Supervisor to enter into an agreement with BAS (Business Automation Services) for professional services.

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

WHEREAS, Walter Smead, Sole Assessor, has requested authorization to hire BAS to provide professional services to implement the use of imaging (photos) within the RPSV4 System provided by New York State, and

WHEREAS, the estimated cost for the services is between \$1,500 and \$1,750, payment terms include a 50% down payment (\$750) with the balance due after implementation and training have been completed; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign an agreement with BAS to provide professional services to implement the use of imaging (photos) within the RPSV4 System provided by New York State at a cost not to exceed \$1,500 and \$1,750, to be paid from A1355-04 (Assessor-Computer).

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 271 of 2004, a resolution authorizing the Town Administrator to attend the EPA Region III Emergency Preparedness and Prevention Conference.

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

WHEREAS, an EPA Region III Emergency Preparedness and Prevention Conference is being given from December 5-8, 2004 in Philadelphia, Pennsylvania, and

WHEREAS, Michael Shahen, Town Administrator has requested authorization to attend this conference, a

WHEREAS, attendance at this conference will confer a benefit upon and be in the best interest of the Town of Clifton Park; now, therefore, be it

RESOLVED, that Michael Shahen is hereby authorized to attend the EPA Region III Emergency Preparedness and Prevention Conference December 5-8, 2004 in Philadelphia, Pennsylvania at a cost not to exceed \$1,100, to be paid from A-4010-024 (Community Services/Public Safety).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 272 of 2004, a resolution appointing Adam Kramer to the Planning Board.

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

WHEREAS, due to the resignation of Ray d'Amico an opening exists on the Planning Board, and

WHEREAS, Adam Kramer, 12 McGregor Court, Clifton Park, has been recommended to be appointed as a member of the Planning Board; now, therefore, be it

RESOLVED, that Adam Kramer, 12 McGregor Court, Clifton Park, is hereby appointed as a member of the Planning Board to fill the unexpired term of Ray d' Amico, term to expire December 31, 2006.

Supervisor Barrett expressed appreciation to Mr. d' Amico for his work and dedication to the Planning Board.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

#### DECLARED ADOPTED

Resolution No. 273 of 2004, a resolution permitting the consumption of alcoholic beverages at the Locust Lane Clubhouse for a private party.

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

WHEREAS, Town resident, Carol McCartney, has requested permission to serve alcoholic beverages on October 16, 2004 for a surprise party to be held at the Locust Lane Clubhouse, and

WHEREAS, it is the Town's policy to require the using group to monitor the consumption of alcohol and be responsible for the group's activities; now, therefore, be it

RESOLVED, that Carol McCartney of Clifton Park is authorized to serve alcoholic beverages on October 16, 2004 for a private party being held at the Locust Lane Clubhouse contingent upon the execution of an indemnification and hold harmless agreement in favor of the Town.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 274 of 2004, a resolution establishing Blue Barns Road 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 Blue Barns Road 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, pursuant to an Intermunicipal Cooperation Agreement between the Town and the Town of Ballston (the "Intermunicipal Agreement"), the Town and the Town of Ballston intend to join together to acquire, construct and install water system facilities to provide water to properties in the District and to certain properties located in the Town of Ballston (the "Joint Water Project"),

WHEREAS a map, plan and report relating the establishment of the proposed District, prepared by C.T. Male Associates, 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 September 13, 2004, 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 October 4, 2004 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 October 4, 2004 and the matter was fully discussed and all interested persons 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 Blue Barns Road 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 benefiting properties in the District, including construction costs, cost of acquisition of lands and easements, legal and engineering fees, and all other expenses, shall be financed by the issuance of serial bonds and bond anticipation notes by the Town of Ballston in accordance with the Intermunicipal Agreement.

IT IS FURTHER RESOLVED that the Town will pay to the Town of Ballston annual debt service on Ballston's indebtedness attributable to the improvements benefiting properties in the District, and the cost of such improvements, including debt service and other costs, shall be assessed by the Town Board in proportion to the assessed value of each property in the District.

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

It was noted no one spoke at the public hearing.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 275 of 2004, a resolution appointing a member to the Riverfront Oversight Committee.

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

WHEREAS, Resolution No. 158 of 2004 created the Riverfront Oversight Committee in the Town of Clifton Park for the enhancement and preservation of the Town of Clifton Park Riverfront, and

WHEREAS, an opening exists on said Committee, and

WHEREAS, Marty Torre, 508 Foxwood Dr., Clifton Park, has been recommended to fill the opening; now, therefore, be it

RESOLVED, that Marty Torre, 508 Foxwood Dr., Clifton Park, is hereby appointed as a member of the Riverfront Oversight Committee to serve at the pleasure of the Board.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

#### DECLARED ADOPTED

Resolution No. 276 of 2004, a resolution referring a Conservation Easement Application to the Planning Board for review.

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

WHEREAS, an application has been received by the Town Clerk for a Conservation Easement for property on Droms Road owned by Daniel & Susan Drescher, and

WHEREAS, the Planning Board shall investigate the area to determine if the proposal would be of benefit to the people of the Town of Clifton Park; now, therefore, be it

RESOLVED, that the Town Board hereby refers the Conservation Easement Application for property on Droms Road owned by Daniel & Susan Drescher to the Planning Board for review.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

#### DECLARED ADOPTED

Resolution No. 277 of 2004, a resolution waiving one game slot of ice time for a fund raiser to benefit the Colon Club.

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

WHEREAS, the Arctic Foxes Women's Ice Hockey Team will sponsor its Second Annual "Cross Checking Colon Cancer" Women's Ice Hockey Tournament, November 5-7, 2004, to help raise awareness about Colon Cancer, and

WHEREAS, the group has requested that the Town of Clifton Park donate the cost of one game slot, which is \$219; now, therefore, be it

RESOLVED, that the total ice time usage fee be reduced by \$219 for the Arctic Foxes Women's Ice Hockey Tournament on November 5-7, 2004 at the Clifton Park Ice Arena.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

#### DECLARED ADOPTED

Supervisor Barrett said if any of the other entities in town experience an emergency situation, the town hall will offer help and assistance as needed.

#### PUBLIC PRIVILEGE

Claudia Carroll, Pinehurst Drive, speaking with regard to the water outage, said it wasn't just the phone system problem but the fact that there was no staffing in the Water Authority office, no phone calls were returned and there were issues that needed to be addressed.

Norm Goldman, London Square Drive, expressed concern with the \$750,000 library bond payments and the placing of the library in a residential neighborhood. Regarding the Western GEIS, Mr. Goldman said he feels the property owners who will be impacted by the changes under consideration don't really understand what is going to happen to them and it should be made more clear. He expressed concern with what it will cost to implement the plan.

Zachary Paquin, Rustic Bridge Road, asked if water will be brought to Rustic Bridge Road. Mr. O'Brien responded the boundary of the Blue Barns Road Water District terminates at the northern set of railroad tracks on Blue Barns Road, therefore, Rustic Bridge Road is not in the Water District nor is anything south of the northernmost rail. Mr. O'Brien explained if support comes about in the future, it can be looked into.

MOTION by Councilwoman Walowit, 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 8:36 p.m.

Patricia O'Donnell  
Town Clerk