

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

**December 6, 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 Speckhard  
Councilman Roth  
Councilwoman Walowit  
Supervisor Barrett  
Town Clerk O'Donnell

Absent: Councilman Paolucci

Also Present: Town Attorney Trainor  
Mark Heggen, Comptroller  
Jason Kemper, Director of Planning  
Barbara McHugh, Director of Community Development  
Michael O'Brien, Environmental Specialist

MOTION by Councilman Roth, seconded by Councilwoman Walowit, to approve the minutes of the November 8, 15 and 22, 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**

Councilman Speckhard expressed sympathy to Jim Cavanaugh upon the untimely death of his wife, Patricia. (Clerk's note: Patricia Cavanaugh served as the Clifton Park Republican Committee Chair as well as on the Shenendehowa Library Board of Trustees for a number of years.)

Councilman Roth reported a substantial profit being shown by the ice arena and expressed appreciation to Scott Bobrow for his outstanding work. He distributed copies of the 2005 Ice Arena budget, a letter from Mr. Bobrow reviewing the 2003-2004 year

and expectations of 2004-2005 year, as well as the management letter.

Supervisor Barrett, noting the public/private partnership with the Arena Management Group, said this is another area where municipalities can save money for residents and offer improved services. He said all the arena upgrades have all been done through the profits generated from the arena, in addition, a "rainy day" fund of \$30,000 exists to pay for any large expenses that may occur. Supervisor Barrett also commended Mr. Bobrow.

Supervisor Barrett reviewed the abandonment on December 1, 2004 of CK Sanitary Systems, Inc., to the Town of Clifton Park. CK Sanitary Systems serviced several thousand homes. He expressed appreciation to the County for their assistance in taking the calls.

Town Environmental Specialist O'Brien gave an update of his work regarding the sewer system since the abandonment.

Speaking with regard to the sewer system, Supervisor Barrett said it is important to look at some long-range planning and recommended having an ad-hoc committee to assist in these efforts. He asked that Mr. O'Brien and Town Comptroller Heggen be part of the committee, as well as all of the attorneys, and town resident, Darrell Harp. He noted there is a lot to be studied before creating a sewer district. The committee will be formed at the January Organization Meeting.

## PRESENTATIONS

The Environmental Stewardship Award Presentation was postponed to December 13th.

Mr. O'Brien presented certificates to Hazardous Waste Day volunteers and reviewed the Household Hazardous Waste Day Report, attached. Remainder of certificates will be presented December 13th.

## PUBLIC HEARING, 7:10 PM

Annual Plan for 2005

Five-Year Plan for 2005-2009

Section 8 Housing Choice Voucher Program

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on October 21, 2004.

Joseph Mastrianni, Joseph E. Mastrianni, Inc, Plan Administrator, reviewed the Program explaining this is a federal program of \$275,000 per year, subsidizing rents in private residences and apartments for the elderly, disabled and other low income families. He noted there are no town funds involved. At this time there is a waiting list of 212 people, with 183 from the project area. Nine people are in the family self-sufficiency program.

The public hearing was opened for comments from the audience at 8:10 p.m.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 8:12 p.m.

**PUBLIC HEARING, 7:20 PM  
TO CONSIDER A CONSERVATION EASEMENT APPLICATION  
FOR PROPERTY AT 55 DROMS ROAD**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on November 24, 2004.

Supervisor Barrett reviewed the application submitted by Daniel and Susan Drescher for a Conservation Easement for property located at 55 Droms Road (276.-1-46.122). The application is for 18 acres for a duration of 15 years.

The public hearing was opened for comments from the audience at 8:14 p.m.

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

**PUBLIC HEARING, 7:30 PM  
TO CONSIDER A LOCAL LAW REGARDING A MORATORIUM ON APPROVALS  
IN THE LIGHT INDUSTRIAL ZONE AND FOR AUTOMOTIVE SERVICE  
STATIONS, AUTOMOTIVE REPAIR SHOPS AND GARAGES, AND  
CONVENIENCE FOOD STORES IN THE TOWN OF CLIFTON PARK**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on November 29, 2004.

Councilman Speckhard read Councilman Paolucci's comments, attached.

The public hearing was opened for comments from the audience at 8:25 p.m.

Ray Seymour, Nadler Road and member of Friends of Clifton Park Open Space, read the Friends of Clifton Park Open Space letter to the Town Board dated December 6, 2004, attached.

Pam Marshall, Fairlawn Court, read her letter to the Town Board dated December 6, 2004, attached. Supervisor Barrett recommended Ms. Marshall contact Mr. Kemper for answers to her questions.

Frank Berlin, Main St. Jonesville, spoke in favor of the moratorium in order to anticipate what could be coming into town.

Jim Baisley, Barkwood Lane, agrees that some zoning needs to be retooled but feels it should be done on an ongoing basis. He said sales tax comes from businesses in this town and all types of business growth are necessary in order to maintain this revenue. He thinks the moratorium is sending the wrong message to present and future businesses who want to expand or locate in the town, noting some businesses close and that revenue needs to be protected.

James Ruhl, Wood Dale Drive, Ballston Lake, spoke in support of the moratorium and asked for a public hearing in the near future that deals with substance at the beginning of the process and not at the end of the process.

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 8:55 p.m.

#### PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 295 of 2004, a resolution authorizing the Town Supervisor to enter into an agreement granting a permanent right-of-way and easement in Addison Estates to Saratoga County Sewer District No. 1.

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

WHEREAS, SCSD has requested a permanent right-of-way and easement over land owned by the Town of Clifton Park, off of the westerly line of Michelle Drive, and with a parcel known as Open Space Parcel "D" as shown on a map entitled "Subdivision Plan, Meadow Estates, Lands of Navion Development Corporation" dated January 15, 1993 and filed in the Saratoga County Clerk's Office on November 17, 1994 in Drawer M as Map 431 C & D, in Addison Estates for the purpose of constructing, operating and maintaining a sewer trunk line, and

WHEREAS, the granting of the easement will facilitate the provision of utilities to Town residents; now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to sign an agreement granting a utility easement to Saratoga County Sewer District No. 1 over land owned by the Town of Clifton Park, off of Michelle Drive in Addison Estates.

#### ROLL CALL VOTE

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

Noes: None  
Absent: Councilman Paolucci  
DECLARED ADOPTED

Resolution No. 296 of 2004, a resolution accepting a conveyance of the following streets and easements.

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

WHEREAS, as a condition of approval of the Falcon Ridge Subdivision the Town of Clifton Park Planning Board required that the developer convey roads and easements to the Town of Clifton Park, and

WHEREAS, a Bond has been provided to the Town Planning Department as security for the contractor to complete all remaining punch list items; now, therefore, be it

RESOLVED, that the Town Board accepts the conveyance of the following streets and easements briefly described as follows:

Street Name of Owner  
Carpenter Way Traditional Builders, Ltd.  
Future Roadway  
30' Wide Utility Easement through Open Space Parcel  
30' Wide Ingress and Egress Easement Through Lots 19 and 20

and be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt of an approval by the Town Attorney, Highway Superintendent and Town Engineer of all necessary documents, provision of a title report which is acceptable to the Town Attorney, and upon payment of all taxes and assessments, and be it further

RESOLVED, that there be appended to the within resolution a copy of the recorded conveyance after it has been returned from the Saratoga County Clerk, and be it further

RESOLVED, that in accordance with the provisions of Section 171 of the Highway Law of the State of New York, consent be and the same hereby is given to the Superintendent of Highways of the Town of Clifton Park make an Order laying out the aforescribed Town Highways, said Town Highways to consist of the lands described in the aforesaid deeds(s), and be it further

RESOLVED, that the Town Superintendent of Highways be and he is hereby authorized to post a thirty (30) miles per hour speed limit for the herein described highway(s), together with all necessary regulatory signs; and be it further

RESOLVED, that the Town Board hereby authorizes the installation of a stop sign on Carpenter Way at its westerly intersection of Tanner Road, as required by the Planning Board and the Town Highway Superintendent for proper traffic control.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 297 of 2004, a resolution accepting a conveyance of the following streets.

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

WHEREAS, as a condition of approval of the Settlers Hill Subdivision the Town of Clifton Park Planning Board required that the developer convey roads to the Town of Clifton Park, and

WHEREAS, a Bond has been provided to the Town Planning Department as security for the contractor to complete all remaining punch list items; now, therefore, be it

RESOLVED, that the Town Board accepts the conveyance of the following streets briefly described as follows:

Street Name of Owner

Aster Circle Navion Development Corp.  
Thyme Circle

and be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt of an approval by the Town Attorney, Highway Superintendent and Town Engineer of all necessary documents, provision of a title report which is acceptable to the Town Attorney, and upon payment of all taxes and assessments, and be it further

RESOLVED, that there be appended to the within resolution a copy of the recorded conveyance after it has been returned from the Saratoga County Clerk, and be it further

RESOLVED, that in accordance with the provisions of Section 171 of the Highway Law

of the State of New York, consent be and the same hereby is given to the Superintendent of Highways of the Town of Clifton Park make an Order laying out the aforescribed Town Highways, said Town Highways to consist of the lands described in the aforesaid deeds(s), and be it further

RESOLVED, that the Town Superintendent of Highways be and he is hereby authorized to post a thirty (30) miles per hour speed limit for the herein described highway(s), together with all necessary regulatory signs; and be it further

RESOLVED, that the Town Board hereby authorizes the installation of a stop sign on Aster Drive at its southeasterly intersection of Miller Road, as required by the Planning Board and the Town Highway Superintendent for proper traffic control.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

#### DECLARED ADOPTED

Resolution No. 298 of 2004, a resolution accepting a conveyance of the following street and easements.

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

WHEREAS, as a condition of approval of the Hidden Crest Subdivision the Town of Clifton Park Planning Board required that the developer convey a road and certain easements to the Town of Clifton Park, and

WHEREAS, a Bond has been provided to the Town Planning Department as security for the contractor to complete all remaining punch list items; now, therefore, be it

RESOLVED, that the Town Board accepts the conveyance of the following street and easements briefly described as follows:

Street Name of Owner

Hidden Crest Court Robert Marini Builders, Inc.  
Utility Easements 2,3,4 & 5  
40' Wide Utility Easement through Lot 10  
40' Wide Utility Easement through Lot 8

and be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt of an approval by the Town Attorney, Highway Superintendent and Town Engineer of all necessary documents, provision of a title report which is acceptable to the Town Attorney, and upon payment of all taxes and assessments, and be it further

RESOLVED, that there be appended to the within resolution a copy of the recorded conveyance after it has been returned from the Saratoga County Clerk, and be it further

RESOLVED, that in accordance with the provisions of Section 171 of the Highway Law of the State of New York, consent be and the same hereby is given to the Superintendent of Highways of the Town of Clifton Park make an Order laying out the aforescribed Town Highways, said Town Highways to consist of the lands described in the aforesaid deeds(s), and be it further

RESOLVED, that the Town Superintendent of Highways be and he is hereby authorized to post a thirty (30) miles per hour speed limit for the herein described highway(s), together with all necessary regulatory signs; and be it further

RESOLVED, that the Town Board hereby authorizes the installation of a stop sign on Hidden Crest Court at its southerly intersection of Englemore Road, as required by the Planning Board and Town Highway Superintendent for proper traffic control.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

#### DECLARED ADOPTED

Resolution No. 299 of 2004, a resolution accepting a conveyance of the following street and easement.

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

WHEREAS, as a condition of approval of the Summerhill Subdivision the Town of Clifton Park Planning Board required that the developer convey a road and a certain easement to the Town of Clifton Park, and

WHEREAS, a Bond has been provided to the Town Planning Department as security for the contractor to complete all remaining punch list items; now, therefore, be it

RESOLVED, that the Town Board accepts the conveyance of the following street and easement briefly described as follows:

Street Name of Owner

Portion of Fairhill Road The Michaels Group  
Drainage Easement H, I and N

and be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt of an approval by the Town Attorney, Highway Superintendent and Town Engineer of all necessary documents, provision of a title report which is acceptable to the Town Attorney, and upon payment of all taxes and assessments, and be it further

RESOLVED, that there be appended to the within resolution a copy of the recorded conveyance after it has been returned from the Saratoga County Clerk, and be it further

RESOLVED, that in accordance with the provisions of Section 171 of the Highway Law of the State of New York, consent be and the same hereby is given to the Superintendent of Highways of the Town of Clifton Park make an Order laying out the aforescribed Town Highways, said Town Highways to consist of the lands described in the aforesaid deeds(s), and be it further

RESOLVED, that the Town Superintendent of Highways be and he is hereby authorized to post a thirty (30) miles per hour speed limit for the herein described highway(s), together with all necessary regulatory signs; and be it further

RESOLVED, that the Town Board hereby authorizes the installation of a stop sign on Fairhill Road at its easterly intersection of Waverly Place, as required by the Planning Board and Town Highway Superintendent for proper traffic control.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 300 of 2004, a resolution accepting a conveyance of the following street and easements.

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

WHEREAS, as a condition of approval of the Cortland Manor Estates the Town of Clifton Park Planning Board required that the developer convey a road and certain easements to the Town of Clifton Park, and

WHEREAS, a Bond has been provided to the Town Planning Department as security for the contractor to complete all remaining punch list items; now, therefore, be it

RESOLVED, that the Town Board accepts the conveyance of the following street and easements briefly described as follows:

Street Name of Owner

Blossom Hill Court Hollander Homes, Inc.  
Open Space Area A  
Open Space Area B

and be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt of an approval by the Town Attorney, Highway Superintendent and Town Engineer of all necessary documents, provision of a title report which is acceptable to the Town Attorney, and upon payment of all taxes and assessments, and be it further

RESOLVED, that there be appended to the within resolution a copy of the recorded conveyance after it has been returned from the Saratoga County Clerk, and be it further

RESOLVED, that in accordance with the provisions of Section 171 of the Highway Law of the State of New York, consent be and the same hereby is given to the Superintendent of Highways of the Town of Clifton Park make an Order laying out the aforescribed Town Highways, said Town Highways to consist of the lands described in the aforesaid deeds(s), and be it further

RESOLVED, that the Town Superintendent of Highways be and he is hereby authorized to post a thirty (30) miles per hour speed limit for the herein described highway(s), together with all necessary regulatory signs; and be it further

RESOLVED, that the Town Board hereby authorizes the installation of a stop sign on Blossom Hill Court at its westerly intersection of Miller Road, as required by the Planning Board and Town Highway Superintendent for proper traffic control.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 301 of 2004, a resolution accepting a conveyance of the following streets and easement.

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

WHEREAS, as a condition of approval of the Sterling Heights Subdivision the Town of Clifton Park Planning Board required that the developer convey roads and a certain easement to the Town of Clifton Park, and

WHEREAS, a Bond has been provided to the Town Planning Department as security for the contractor to complete all remaining punch list items; now, therefore, be it

RESOLVED, that the Town Board accepts the conveyance of the following streets and easements briefly described as follows:

Street Name of Owner

Sterling Heights Drive Landmark Development Group LLC  
Future Road Access  
30' Wide Utility Easement #3

and be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt of an approval by the Town Attorney, Highway Superintendent and Town Engineer of all necessary documents, provision of a title report which is acceptable to the Town Attorney, and upon payment of all taxes and assessments, and be it further

RESOLVED, that there be appended to the within resolution a copy of the recorded conveyance after it has been returned from the Saratoga County Clerk, and be it further

RESOLVED, that in accordance with the provisions of Section 171 of the Highway Law of the State of New York, consent be and the same hereby is given to the Superintendent of Highways of the Town of Clifton Park make an Order laying out the aforescribed

Town Highways, said Town Highways to consist of the lands described in the aforesaid deeds(s), and be it further

RESOLVED, that the Town Superintendent of Highways be and he is hereby authorized to post a thirty (30) miles per hour speed limit for the herein described highway(s), together with all necessary regulatory signs; and be it further

RESOLVED, that the Town Board hereby authorizes the installation of a stop sign on Sterling Heights Drive at its southeasterly intersection of NYS Route 146 and on Sterling Heights Drive at its southwesterly intersection of NYS Route 146, as required by the Planning Board and Town Highway Superintendent for proper traffic control.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

#### DECLARED ADOPTED

Resolution No. 302 of 2004, a resolution setting a public hearing to consider adoption of Local Law No. \_\_\_\_\_ of 2004, a local law amending Article XIII, Section 208-78, Historic Preservation, of the Zoning Code as adopted by Local Law No. 10 of 1996.

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

WHEREAS, the members of the Historic Preservation Commission have recommended that the Town Board consider amending Section 208-78, Historic Preservation, of the Zoning Code, and

WHEREAS, the Town Board wishes to solicit the comments of the Town's citizens regarding the proposed local law; now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled for December 20, 2004 at 7:10 PM in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, to consider the adoption of Local Law No. \_ of 2004, a local law amending Article XIII, Historic Preservation, of the Zoning Code as adopted by Local Law No. 10 of 1996 and the Town Clerk is directed to publish notice of the same.

#### ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilman Roth,

Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 303 of 2004, a resolution authorizing the Comptroller to pay off the balance owed on the Olde Nott Farm Sewage Treatment Plant.

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

WHEREAS, on September 22, 2000, on behalf of the users of the Olde Nott Farm Sewer District, the Town entered into an agreement to purchase from the Edison Club certain lands containing the Sewage System which services the Olde Nott Farm subdivision, the cost of which was to be remitted via annual credits in the amount of the Edison Club's sewer bill, and

WHEREAS, the purchase agreement permits the Town, on behalf of the Sewer District, to pay off the remaining balance of the purchase price in cash at any time, and money is available in the unappropriated fund balance to do; now, therefore, be it

RESOLVED, that the Town Board, acting as the Commissioners of the Olde Nott Farm Sewer District No. 1, hereby authorizes the Comptroller to pay the remaining balance of the purchase price owed to the Edison Club for lands containing the Olde Nott Farm sewage treatment plant in the amount of \$33,300.35 from the unappropriated fund balance; and be it further

RESOLVED, that the Comptroller levy upon and collect from the users within the sewer district sufficient amounts to repay into the Town's general fund the entire amount disbursed over fourteen (14) years at three percent (3%) interest.

Supervisor Barrett said this will give some relief to residents of this small sewer district (66 houses) as they are facing rates up to \$1400 per year. He said the system has experienced tremendous expense in order to keep it running within DEC parameters.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

## DECLARED ADOPTED

Resolution No. 304 of 2004, a resolution amending the Deferred Compensation Plan for Employees of the Town of Clifton Park.

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

WHEREAS, the New York State Deferred Compensation Board (the "Board"), pursuant to Section 5 of the New York State Finance Law ("Section 5") and the Regulations of the New York State Deferred Compensation Board (the "Regulations"), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of the Town of Clifton Park (the "Model Plan") and offers the Model Plan for adoption by local employers, and

WHEREAS, the Town of Clifton Park, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of the Town of Clifton Park, and

WHEREAS, effective May 21, 2004, the Board amended the Model Plan to adopt provisions relating to:

- Authorization to reject a participant investment request if the request is contrary to the rules, regulations or prospectus of the affected investment fund.
- Authorization to distribute assets that have been rolled into the plan from another qualified retirement plan in accordance with the distribution rules of the plan that previously held the assets.
- Limitations on a participant's eligibility to obtain a loan in the event that the participant has previously defaulted on a loan.
- Modifications related to comments provided by the Internal Revenue Service in response to the Board's request for a private letter ruling stating that the Model Plan document constitutes an "eligible deferred compensation plan."
- Technical amendments pertaining to plan loan rules and the status of plan loans and other withdrawals upon the death of a participant, and

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations, and

WHEREAS, upon due deliberation, the Town of Clifton Park has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of the Town of Clifton Park by adopting the amended and restated Model Plan; now, therefore, be it

RESOLVED, that the Town of Clifton Park hereby amends the Deferred Compensation Plan for Employees of the Town of Clifton Park effective December 6, 2004 by adopting the amended and restated Model Plan effective May 21, 2004, in the form attached hereto as Exhibit A.

## ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilman Roth,

Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 305 of 2004, a resolution authorizing the Town Supervisor to enter into a License and Service Agreement with County Waste and Recycling Service, Inc.

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

WHEREAS, the Town Board adopted Resolution No. 269 of 2003 on October 20, 2003 authorizing the Supervisor to enter into an Agreement with County Waste for collection of yard waste and licensing the use of a portion of the Transfer Station, which Agreement has not been executed by the parties to date, and

WHEREAS, the Town and County Waste have modified the previous Agreement by providing for a license fee of \$30,000.00 per year to be paid in three (3) installments per the attached License and Service Agreement; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to enter into a five year agreement with County Waste and Recycling Service, Inc. to provide collection services for yard waste, at no cost to the Town or its residents, in exchange for a License to use a portion of the Transfer Station for mulching operations in accordance with the attached Agreement.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 306 of 2004, a resolution creating the position of Auto Body Repairer in the Highway Department, and appointing William Flavin to the position.

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

WHEREAS, the Saratoga County Civil Service Commission has approved the job title of Auto Body Repairer in the Highway Department, and

WHEREAS, Highway Superintendent Louis Gerard wishes to create the position of Auto Body Repairer and current employee William Flavin, 82C Fellows Road, Clifton Park, has been recommended to fill the position; now, therefore, be it

RESOLVED, that effective January 1, 2005, William Flavin, 82C Fellows Road, Clifton Park, is hereby appointed to the position at Pay Grade 6, Step 1, to be paid from DA05142-E4000 (Auto Body Repairer) and DA05110-E4000 (Auto Body Repairer).

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

#### DECLARED ADOPTED

Resolution No. 307 of 2004, a resolution supporting the construction of three radio towers in the Adirondack Park.

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

WHEREAS, the Towns of Hadley, Edinburg and Day have each petitioned the Adirondack Park Agency for approval of the construction of a radio tower within these respective towns, and

WHEREAS, the construction of the towers will improve the quality and distance of radio transmissions needed for public safety in Saratoga County, and

WHEREAS, the towers will not harm the ecology or environment of the park as their height will be barely above the tree line with whip antennas extending above the towers; now, therefore, be it

RESOLVED, that the Town of Clifton Park hereby supports the aforementioned radio tower construction applications of the Towns of Hadley, Edinburg and Day and urges the approval of their applications by the Adirondack Park Agency as soon as possible.

#### ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilman Roth,

Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 308 of 2004, a resolution adopting Local Law No. 3 of 2004 a Local Law Imposing a Moratorium on approvals in the Light Industrial Zone and for Automotive Service Stations, Automotive Repair Shops and Garages, and Convenience Food Stores in the Town of Clifton Park.

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

WHEREAS, the Town of Clifton Park has entered upon a review of development in the Light Industrial Zone and the proper placement of Automotive Service Stations, Automotive Repair Shops and Garages and Convenience Food Stores within various zoning districts of the Town, and

WHEREAS, the Town Board feels that a Moratorium of up to ninety (90) days may be needed to adequately study the issue and propose any necessary legislative changes, and

WHEREAS, on November 22, 2004 at a Special Town Board Meeting of the Town Board, a resolution was passed setting a Public Hearing for December 6, 2004 to consider the proposed Local Law imposing a ninety (90) day Moratorium on granting any preliminary or final approvals, permits, variances, and other government action regarding the Light Industrial Zone and regarding Automotive Service Stations, Automotive Repair Shops and Garages, and Convenience Food Stores in the Town of Clifton Park, and

WHEREAS, on December 6, 2004 a Public Hearing was conducted to solicit public comment on the proposed moratorium and local law; now, therefore, be it

RESOLVED, that Local law No. 3 of 2004, a Local Law imposing a ninety (90) day Moratorium on granting any preliminary or final approvals, permits, variances, and other government action regarding the Light Industrial Zone and regarding Automotive Service Stations, Automotive Repair Shops and Garages, and Convenience Food Stores in the Town of Clifton Park is hereby adopted, and be it further

RESOLVED, that said moratorium and Local Law shall be referred to the Saratoga County Planning Board for its review, 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 immediately upon its adoption.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

PUBLIC PRIVILEGE

Frank Berlin, Main St., Jonesville, asked if the town is hiring employees from CK Sanitary Sewer Systems. Supervisor Barrett responded at this time town employees are handling the situation, as well as a private contractor. Mr. Berlin had various concerns regarding traveling from store to store without going on the main road, the intersection at Clifton Country Road Extension and Old Route 146, and the lighting at the business located at Route 146A and Main Street.

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 9:40 p.m.

Patricia O'Donnell  
Town Clerk