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October 3, 2005

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
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Absent: Councilman Roth

Also Present: Town Attorney Trainor
Jason Kemper, Director of Planning
Michael Shahan, Town Administrator
Walter Smead, Assessor
Deputy Town Attorney Renzi

MOTION by Councilwoman Walowit, seconded by Councilman Paolucci, to approve the minutes of the September 12 and 19, 2005 meetings as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett thanked Bruce Anderson, Proprietor of the Outback Steakhouse, and the wait staff for their hospitality in connection with the Hurricane Katrina Fundraiser. It was noted that the wait staff donated their tips to the fundraiser.

With regard to donations of food, water, cleaning products, etc, for victims of Katrina, the Supervisor reported the first truck is full and a second truck will also be sent. He expressed thanks to all who donated.

Supervisor Barrett read a memo from Councilman Roth regarding tire pickup in town. Residents can drop off tires at the Transfer Station on Tuesdays November 1 and 8 from 8:00 a.m. to 6:00 p.m. and Sundays November 6 and 13 from 10:00 a.m. to 4:00 p.m. Charge for disposal will depend upon size of tire and whether with a rim or rimless. It was noted there is no additional cost to the town.

Councilman Speckhard announced the town sponsored theater group, Not So Common Players, is presenting "Little Shop of Horrors" in Shen East Little Theater the last two weekends of October.

The Town Clerk presented the 2006 Tentative Budget to the Town Board.

Town Administrator Shahan announced Budget Workshops will be held October 5 and 6 with a public hearing planned for November 10, 2005.

PRESENTATION TO THE BOARD

Eric Hamilton, Chairman of the town Trails Committee and Chairman of the Mohawk Towpath Byway Coalition, announced the Mohawk Towpath Byway, connecting Waterford and Schenectady through the Town of Clifton Park and seven other municipalities, has been designated as a National Scenic Byway by the federal government. Mr. Hamilton noted that Clifton Park does have a Main Street, the Main Street being the Eric Canal. It is expected the route along the Byway will be signed by spring. He presented the town with a Certificate of Appreciation for the town's continuing contribution and support for the Mohawk Towpath Byway.

PUBLIC HEARING, 7:10 PM
TO CONSIDER A LOCAL LAW IMPOSING A 45- DAY MORATORIUM ON THE
ISSUANCE OF TRANSIENT RETAIL MERCHANT LICENSES

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on September 26, 2005.

Supervisor Barrett said the reason for proposing this local law is that there has been a flourishing of transient businesses in certain areas of town by out of town, out of county businesses and these merchants are taking business away from local businesses that pay taxes and do business here 365 days a year. He said it is unfair for businesses to come from other areas, take business from local merchants and move on. The Supervisor reviewed exceptions in the Transient Law. He said the businesses are not esthetically pleasing and do not do justice to local merchants.

Town Attorney Trainor explained the only change proposed in amending the Transient Permit Law is Town Board approval in order to obtain a permit.

Councilman Speckhard asked if the exemptions would apply to the moratorium period. Mr. Trainor responded no. Mr. Trainor explained the moratorium is a blanket moratorium for 45 days for applications. Anyone who has already received a permit can still operate with the permit during the moratorium.

Councilman Paolucci asked for clarification of the court ordered sale and would this be allowed during the moratorium. Mr. Trainor said

A discussion ensued as to whether the permit system was applicable to those listed under exemptions. Mr. Trainor explained if it doesn't fall within the law, the permit system is not applicable and, therefore, allowed. He recommended under 4. Scope of Controls adding (c) The exemptions contained in the current Transient Retail Merchants Law shall continue to be exempt from this Moratorium.

The public hearing was opened for comments from the audience at 7:40 p.m.

Arno Hiris, Northcrest Drive, spoke against the proposed moratorium and suggested the Town Board change the code to eliminate door-to-door salesmen. He doesn't understand why the blimp advertising the auto sales was found offensive as it was in a commercial area.

Supervisor Barrett said the issue is not the individual retailer that was on Route 146.

John Fogg, Fogg Automotives, Glenville, noting he was the transient merchant on Route 146, said his company's reputation is unblemished. He said promotions held by his company are a great way to test perspective markets as they have been considering expanding to Clifton Park. Mr. Fogg continued, though local car dealers may not have been happy with his company's promotion, we live in an open, free market economy. He said his company has employees that live in Clifton Park, as are many of their suppliers, and they are a AAA roadside service for the entire Clifton Park area. Mr. Fogg said revenue was brought to Clifton Park through their promotion, e.g. permit fees and equipment rentals, thousands of dollars spent at hotels to board 7 to 10 people for 5 or 6 days and numerous meals at various restaurants for staff as well as customers, as well as thousands of dollars

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spent on gasoline. He said let free enterprise prevail; if the public does want the company here, they will not buy cars.

Norman Goldman, London Square Drive, spoke against the proposed moratorium, stating it is being over done.

Supervisor Barrett said the town needs to get a handle on these businesses before Exit 9 and other areas of town start looking like a flea market. It emphasized it is very important to protect local merchants.

Councilwoman Walowit said the balloon and cars and were not pleasing to the eye and she received calls to that effect.

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 7:57 p.m.

PUBLIC HEARING, 7:20 PM
TO CONSIDER A LOCAL LAW AMENDING LOCAL LAW NO. 18 OF 1988
TRANSIENT RETAIL MERCHANTS

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on September 26, 2005.

Councilman Paolucci asked if a farmer in a remote part of town wanted to sell his fruits and vegetables in the center of town would the Town Board have to decide whether to allow that activity. Mr. Trainor responded under the proposed legislation, yes.

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

Norman Goldman, London Square Drive, asked about farmers' market. He spoke against the proposed legislation, stating having a transient merchant application come before the Town Board is bad administratively, is unnecessary and inappropriate. Mr. Goldman doesn't want these companies or individuals to come before the Board where the Board can be selective and every judgment could be subjective, where there could be a favoring of one and not of another. He would like to see the criteria defined and put into the law and not put the process into a subjective and, possibly, selective decision making situation.

Councilman Paolucci asked if vacant property is assessed differently than improved property. Town Assessor Smead responded property is assessed by its use, however, if there is no use, than it is assessed at highest and best use. He gave the example if a piece of land is zoned commercial than it will be valued as a commercial piece of property, if there is a house on property in a commercial area it is valued as residential property.

Supervisor Barrett said there is still a place for transient merchants but the problem is allowing this activity without any restrictions and without the ability for each individual case to be judged as something that is in the best interest of the town. He said this is clearly in the purview of the Town Board.

Councilwoman Walowit said people found the balloon esthetically displeasing in its setting.

Supervisor Barrett said he can see some additional changes if there are some gray areas.

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 8:10 p.m.

Resolution No. 246 of 2005, a resolution authorizing the hiring of a part-time Animal Control Officer.

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

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WHEREAS, a need exists for a part - time Animal Control Officer, and

WHEREAS, Donald Baker, Animal Control Supervisor, has recommended that Jason Hogan, 4 Valencia Lane, Clifton Park, be hired to fill this position; now, therefore, be it

RESOLVED, that the Town Board hereby hires Jason Hogan, 4 Valencia Lane, Clifton Park, as a part-time Animal Control Officer, Grade 3, Step 1, (\$12.68/hr.), effective immediately.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 247 of 2005, a resolution adopting Local Law No. 8 of 2005, amending Local Law No. 6 of 1994 regarding alternate members for the Planning Board and Zoning Board of Appeals.

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

WHEREAS, NYS Town Law sections 267(11) and 271(15) authorize the appointment of alternate members to the Zoning Board of Appeals and Planning Board, respectively, and

WHEREAS, the Town Board wishes to amend Chapter 65 of the Town Code to provide for the appointment of alternate members to both the Planning Board and Zoning Board of Appeals, and

WHEREAS, on September 19, 2005 a public hearing was conducted to solicit the comments of the Town residents regarding the proposed local law; now, therefore, be it

RESOLVED, that Local Law No. 8 of 2005, a Local Law amending Local Law No. 6 of 1994 to provide for the appointment of alternate members to the Zoning Board of Appeals and Planning Board is hereby adopted; and be it further

RESOLVED, that the Town Clerk shall file said Local Law with the New York State Department of State so that it shall become effective immediately upon such filing.

Councilman Paolucci said there is not an attendance problem on these boards, however, the benefit is preparing people to serve on these boards.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

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Resolution No. 248 of 2005, a resolution honoring David Wollyung for attaining the rank of Eagle Scout.

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

WHEREAS, David Wollyung, 6 Reed Lane, Clifton Park, of Boy Scout Troop 45, has attained the rank of Eagle Scout, and

WHEREAS, the Town of Clifton Park Town Board wishes to acknowledge and honor David's achievements, including his Eagle Scout Service Project of building new games and refurbishing existing games for use by the Shenendehowa Methodist Church at their Country Fair; now, therefore, be it

RESOLVED, that David Wollyung, 6 Reed Lane, Clifton Park, of Boy Scout Troop 45, is hereby recognized and honored for having attained the rank of Eagle Scout.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 249 of 2005, a resolution setting a Public Hearing to consider adoption of Local Law No. ____ of 2005, a local law amending Local Law No. 9 of 2003 and Local Law No. 1 of 1999, a local law modifying property tax exemptions for persons 65 years of age and older.

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

WHEREAS, Local Law No. 9 of 2003 provided partial property tax exemptions for property owned by persons 65 years of age and older with annual incomes of \$29,900 or less, and

WHEREAS, the Town Board wishes to increase the income eligibility figure to \$32,400 to provide uniformity with other taxing districts and a public hearing is required to consider the change; now, therefore, be it

RESOLVED, that a Public Hearing is scheduled for October 11, 2005 at 7:10 PM in the Wood Memorial Room of Town Hall, One Town Hall Plaza, Clifton Park, to consider the adoption of Local Law No. ____ of 2005, a local law modifying Local Law No. 9 of 2003 and increasing the maximum income eligibility figure from \$29,900 to \$32,400 per the attached schedule, and the Town Clerk is directed to publish appropriate notice of the same.

Town Assessor Smead explained this keeps pace with State Legislature and Shenendehowa Central School District has already changed the limit.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

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Resolution No. 250 of 2005, a resolution scheduling a public hearing to consider adopting Local Law No. ____ of 2005 a local law amending Local Law No. 8 of 2003 and Local Law No. 1 of 1999 relating to a tax exemption for individuals with disabilities and limited incomes.

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

WHEREAS, Local Law No. 8 of 2003 provided partial property tax exemptions to Persons with Disabilities who had income limitations of \$29,900 or less, and

WHEREAS, it has been recommended by the Assessor's office that the Town Board consider amending Local Law No. 8 of 2003, a local law giving a tax exemption to individuals with certain disabilities in accordance with New York State guidelines, and

WHEREAS, the Town Board wishes to have the comments of the public regarding the proposed exemption; now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled for October 11, 2005 at 7:20 PM to consider adopting Local Law No. _____ of 2005, a local law amending Local Law No. 8 of 2003 a local law giving a tax exemption to individuals with certain disabilities, increasing the maximum income level from \$29,900 to a maximum of \$32,400, in accordance with the New York State guidelines attached hereto and the Town Clerk is directed to publish appropriate notice of the same.

Town Assessor Smead reported Shenendehowa Central School District has increased the limit as well.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 251 of 2005, a resolution authorizing the Assessor to utilize a home value cap of \$240,000 to determine eligibility for the alternative veteran tax exemption contained in Chapter 182-5 of the Town Code.

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

WHEREAS, Chapter 256 of the New York State Laws of 1996 recently allowed municipalities to increase the home value cap to determine eligibility for the alternative veteran tax exemption to \$240,000, and

WHEREAS, the Town Board wishes to continue its policy of honoring veterans for their service to our country; now, therefore, be it

RESOLVED, that the Assessor is authorized to utilize a home value cap of \$240,000 to determine eligibility for the alternative veteran tax exemption as provided in Chapter 182-5 of the Town Code, and be it further

RESOLVED, that the new caps authorized by Chapter 256 of the New York State Laws of 1996 take effect on January 2, 2006 and apply to assessment rolls based upon taxable status dates occurring on or after such date, and be it further

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RESOLVED, that the tax bill change applies to tax bills pertaining to fiscal years beginning on or after January 1, 2007.

The State Legislature increased this to \$240,000 in the summer of 2005. Mr. Smead said the legislature realizes that the tax burden is getting to be cumbersome on senior citizens and people in general.

Councilman Speckhard as if there are any exemptions for people on active duty. Mr. Smead responded no.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 252 of 2005, a resolution awarding a contract to clear the pathway at Clifton Knolls Pond.

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

WHEREAS, quotes were received by the Town Board, as Commissioners of the Clifton Knolls Park District, for removing brush, dead trees, grinding up stumps, widening paths and trimming branches at the Clifton Knolls Pond, and

WHEREAS, the lowest conforming quote for the work to be done was presented by Buswell's Tree Care, LLC, 16 Joyce Road, Mechanicville, at a total cost not to exceed \$3,100 now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Clifton Knolls Park District, hereby awards the contract to Buswell's Tree Care, LLC, 16 Joyce Road, Mechanicville, as the lowest responsible bidder, for cleaning the pathway at the Clifton Knolls Pond, at a cost not to exceed \$3,100, to be budgeted from SP37131-24 (Clifton Knolls Park District).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 253 of 2005, a resolution accepting a conveyance of the following street.

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

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

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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 briefly described as follows:

<u>Street</u>	<u>Name of Owner</u>
Jarose Place	Paulsen Development

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 Highway, said Town Highway 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 a stop sign be installed at the Northerly portion of Jarose Place, at its intersection at Grooms Road (County Road 91).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 254 of 2005, a resolution hiring two people to provide maintenance for the Country Knolls Pool.

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

WHEREAS, a need has been identified for temporary help to perform clean-up duties at the Country Knolls Pool, and

WHEREAS; Glen Valle, Pool Administrator of Longkill I Park District, has recommended that Paul Valle, 3 Hillside Drive, Ballston Lake and Ryan Fleming, 10 Eagle Trace, Ballston Lake, 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 \$7.25 per hour, total amount to be paid for both hires

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not to exceed \$2,000, effective October 3, 2005, through December 15, 2005, to be paid from SP5-7151-E4690 (Country Knolls Pool/Pool Lifeguards/Close).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 255 of 2005, a resolution transferring funds from the Contingency Fund.

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

WHEREAS, the zoning map for the Town of Clifton Park needs to be updated, and

WHEREAS, the updating of this map will provide a benefit to the residents, the Planning Board and the Zoning Board, and

WHEREAS, a quote has been received from Applied GIS to do the updates needed for \$4,500; now, therefore, be it

RESOLVED, that \$4,500 will be transferred from the Contingency Fund to A-8010-4 (Zoning) to pay for the zoning map update.

Director of Planning Kemper explained the last zoning map is dated 1996 and once these updates are made the map can be done in house.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 256 of 2005, a resolution authorizing the Director of Planning to attend the New York Planning Federation Conference.

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

WHEREAS, Jason Kemper, Director of Planning, has requested permission to attend the New York Planning Federation Conference in Saratoga Springs from October 10-12, 2005 at a cost not to exceed \$180, and

WHEREAS, the amount has been budgeted for 2005 in budget line item A-8020-1 (Planning- Conference and Training), and his attendance at the Seminar would confer a benefit upon the Town residents and to the Planning Board; now, therefore, be it

RESOLVED, that Jason Kemper is hereby authorized to attend the New York Planning Federation Conference to be held in Saratoga Springs from October 10-12, 2005, to be paid from A-8020-1 (Planning- Conferences and Training).

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ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 257 of 2005, a resolution authorizing the Planning Board Chairman and Vice Chairman to attend the New York Planning Federation Conference.

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

WHEREAS, Steve Bulger (Chairman) and Tony Karam (Vice Chairman) have requested permission to attend the New York Planning Federation Conference in Saratoga Springs from October 10-12, 2005 at a cost not to exceed \$320, and

WHEREAS, the amount has been budgeted for 2005 in budget line item A-8020-015 (Planning Board), and their attendance at the Seminar would confer a benefit upon the Town residents and to the Planning Board; now, therefore, be it

RESOLVED, that Steve Bulger and Tony Karam, are hereby authorized to attend the New York Planning Federation Conference to be held in Saratoga Springs from October 10-12, 2005 to be paid from A-8020-015 (Planning Board).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 258 of 2005, a resolution authorizing Change Order No. 1 with Jablonski Excavating for Miller Road South Water District No. 1, Contract No. 1, Water System Construction.

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

WHEREAS, a contract for the Miller Road South Water District No. 1, Contract No. 1 Water System Construction, was authorized in an amount of \$174,851, and

WHEREAS, a Change Order was prepared by McDonald Engineering which provides the breakdown of individual item costs, and

WHEREAS, the Change Order results in a decrease of \$15,605.17 for the Miller Road South Water District No. 1, Contract No. 1 Project, from the current contract amount of \$174,851 to arrive at a new contract amount of \$159,245.83; now, therefore, be it

RESOLVED, that Supervisor Barrett is hereby authorized to sign Change Order No. 1 dated July 11, 2005, to Jablonski Excavating contract for the Miller Road South Water District

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No. 1 Project, decreasing the contract by \$15,605.17 and releasing the amount from FX4-8340-200 (Miller Road South Water District-Transmission-Equipment).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 259 of 2005, a resolution urging New York State Assemblyman Robert Reilly to support the proposed Senate legislation to cap New York State taxes on gasoline.

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

WHEREAS, there has been an unprecedented and unexpected increase in the price of refined gasoline due to the effects of Hurricane Katrina and recent volatility in the oil crude market, and

WHEREAS, the price of gasoline has increased to record highs during the month of September 2005, twenty-six percent higher in the week following Katrina and seventy per-cent higher than the same period one year earlier, and

WHEREAS, the price of a gallon of gasoline includes 13.4 cents per gallon for Federal Excise Tax, 8 cents per gallon for State Excise Tax, .152 cents per gallon for New York State Petroleum Business Tax and New York State Spill Tax of .3 cents per gallon in addition to State and Local Sales Taxes of 4 and 3.25% respectively, and

WHEREAS, the increased retail price will cause a windfall for New York State of sales tax revenue related to the sales of gasoline, and

WHEREAS, the sales tax on each gallon is a regressive tax, that impacts persons on fixed incomes more significantly and that a similar price increase is expected in home heating fuel during the coming heating season, and

WHEREAS, twenty-five percent of the population of the Town of Clifton Park is comprised of Senior Citizens, a population that traditionally has a more fixed income, and

WHEREAS, the New York State Senate has already passed legislation that caps gasoline taxes for all consumers and provides relief for home heating expenses for seniors; now, therefore, be it

RESOLVED, that the Town of Clifton Park urges New York State Assemblyman Robert Reilly to support the proposed Senate legislation to cap New York State taxes on gasoline.

Councilman Paolucci explained as liaison to the Senior Center he is offering this resolution since the price increase for gasoline has been so sudden that consumers did not have a chance to plan for it and adjust accordingly. He said home heating expenses are also going to increase dramatically as well. Councilman Paolucci said it is important that government officials at state level know this is important to the residents of the Town of Clifton Park. He gave an estimate with gas at \$2.94 a gallon there is 64 cents in taxes. He asked the Town Board to support this resolution.

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ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 260 of 2005, a resolution adopting Local Law No. of ____ 2005, a local law Imposing a Moratorium on Transient Retail Merchant Licenses in the Town of Clifton Park.

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

WHEREAS, the Town Board has considered imposing a Moratorium on Licenses issued to Transient Retail Merchants wanting to do business in the Town of Clifton Park in order to revisit the Town Code sections governing such merchants, and

WHEREAS, on October 3, 2005 a public hearing was conducted to solicit the comments of the Town's residents regarding the proposed local law; now, therefore, be it

RESOLVED, that Local Law No. ____ of 2005, a Local Law Imposing a Moratorium on Transient Retail Merchant Licenses in the Town of Clifton Park 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 immediately upon its adoption.

Supervisor Barrett said there are exemptions and, therefore, would not need a permit.

Councilman Paolucci asked for clarification of "Article 4 of the General Business Law of the State of New York". He asked what recourse an applicant would have if turned down and what the town's exposure would be, e.g. Article 78. He expressed concern that the town would be restricting access for our farmers to come closer to the busier part of town, stating we should allow farmers in town to have access to the busier part of town rather than have residents go to a remote part of town.

Supervisor Barrett responded the town does everything possible to support farmers and would not do anything to inhibit them.

Mr. Trainor recommended the following amendments to the proposed legislation: 4. Scope of Controls (c) "The exemptions contained in the current Transient Retail Merchants law shall continue to be exempt from this moratorium" and 5. Hardship Exemptionbasis of extreme hardship "or for the purpose of farmers' market".

Councilman Paolucci said if there is no objective review then why pass the moratorium.

Supervisor Barrett stated there is concern with what has been taking place and without the moratorium the town is open for those activities to continue. The moratorium will give the Board time to review the Transient Law.

Councilman Speckhard spoke in agreement with Councilman Paolucci, noting he has many questions about the legislation which would be in effect for 45 days. He said he would have difficulty supporting the moratorium.

Town Attorney Trainor reviewed Article 4 of General Business Law.

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Councilwoman Walowit spoke in favor of the moratorium.

ROLL CALL VOTE

Ayes: Councilwoman Walowit, Supervisor Barrett

Noes: Councilman Paolucci

Abstain: Councilman Speckhard

Absent: Councilman Roth

**RESOLUTION NOT ADOPTED
NO MAJORITY VOTE**

PUBLIC PRIVILEGE

Lorna Kircher, Clifton Gardens, asked what the town's plans for the property on Linden Court are, specifically the out buildings, purchased from the Clifton Park Water Authority. Supervisor Barrett said if the buildings are unsafe they will be taken down but there is no plan for the property other than open space. He asked Mr. Shahan to check with McDonald Engineering and Building and Grounds Supervisor Handerhan as to the condition of the buildings. Ms. Kircher asked that the light on the property be kept to prevent vandalism. She expressed concern about the condition of the dog park, noting grass has not been restored and the welcome pen is in bad shape. She said the dog park needs mulch rather than sand. Ms. Kircher said she, and others that she has spoken with, will not use the dog park due to the vaccination policy.

Norman Goldman, London Square Drive, asked the status of the White House Conference on Aging Report. Councilman Paolucci responded it has been sent and has been filed in the Town Clerk's office. Mr. Goldman said he thought there would be an opportunity for residents to review and will not believe anything in the report until he can be sure the numbers from the survey are available and verifiable. He expressed displeasure with the way this has been handled.

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 9:23 p.m.

Patricia O'Donnell
Town Clerk