

**Clifton Park Town Board Meeting Minutes
October 11, 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 Speckhard
Councilman Roth
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Absent: Councilman Paolucci

Also Present: Town Attorney Trainor
Steven Myers, Director of Building and Development
Michael Shahen, Town Administrator
Walter Smead, Assessor

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Roth reviewed the proposed tire pickup scheduled for November. It was noted that Tuesday, November 8, 2005 is Election Day and the Transfer Station will only be opened from 8:00 a.m. to 12 noon.

Councilman Roth reported on the successful Hazardous Waste Day, noting 514 cars came through. He said this will be held in again 2006.

Councilman Roth also reported on the bulk pickup, noting 813 tons of trash and 299 tons of metal were picked up. He said the bulk pickup will be conducted again in 2006 and it is hoped apartment complexes will agree to this.

Supervisor Barrett said he supports the bulk pickup as an annual event and reported receiving a \$17,000 credit back. He said the Solomon Group, owner of Foxwood, London Square and Blue Spruce apartments, is on board for this event.

**PUBLIC HEARING, 7:10 PM
TO CONSIDER A LOCAL LAW AMENDING LOCAL LAW NO. 9 OF 2003 AND
NO. 1 OF 1999 REGARDING MODIFYING PROPERTY TAX EXEMPTIONS FOR
PERSONS 65 YEARS OF AGE AND OVER**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on October 7, 2005.

Town Assessor Smead said Shenendehowa has already raised the amount and the town is keeping pace with them.

The public hearing was opened for comments from the audience at 7:12 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 7:15 p.m.

**PUBLIC HEARING, 7:20 PM
TO CONSIDER A LOCAL LAW AMENDING
LOCAL LAW NO. 8 OF 2003 AND NO. 1 OF 1999 RELATING TO TAX
EXEMPTIONS
FOR INDIVIDUALS WITH DISABILITIES AND LIMITED INCOME**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on October 7, 2005

The public hearing was opened for comments from the audience at 7:25 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 7:26 p.m.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 261 of 2005, a resolution adopting a revised employee manual.

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

WHEREAS, the employee manual for employees of the Town of Clifton Park has been revised, and

WHEREAS, the Town Board of the Town of Clifton Park wishes to adopt these revisions and incorporate said revisions into the employee manual for the employees of the Town of Clifton Park; now, therefore, be it

RESOLVED, that the employee manual of the Town of Clifton Park as revised, is hereby adopted by the Town Board of the Town of Clifton Park as the official manual for Town employees.

Town Administrator Shahen said since a five year union contract has been approved, the employee manual needed updating.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 262 of 2005, a resolution accepting a conveyance of land along Moe Road in the Town of Clifton Park known as Moe Road Park.

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

WHEREAS, the New York State Department of Transportation had agreed to convey property along Moe Road in the Town of Clifton Park by virtue of its surplus property program for the purpose of parkland, and

WHEREAS, the New York State Department of Transportation is now desirous of transferring said lands to the Town of Clifton Park; now, therefore, be it

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

TYPE NAME OF OWNER

Land along Moe Road NYS Department of Transportation
Per Map 2D, Parcel 2

and be it further

RESOLVED, that the Supervisor is hereby authorized to execute any and all documents

relating to the Agreement for the Sale of Surplus Property, and be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt and 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, 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.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 263 of 2005, a resolution appointing a part-time student intern for the Highway Department.

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

WHEREAS, the need exists in the Highway Department for a part-time student intern for the Stormwater Management Program, and

WHEREAS, Richard Kukuk, Superintendent of Highways, has recommended that Daniel DeMeo, 26 Port Huron Drive, Niskayuna, be hired for the position; now, therefore, be it

RESOLVED, that Daniel DeMeo, 26 Port Huron Drive, Niskayuna, be appointed to the position of part-time student intern in the Highway Department, Grade 1, Step 1, effective immediately, to be paid as budgeted from A-AO5010-E-4000 (Highway-Part-Time Clerk).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 264 of 2005, a resolution in connection with a block party to be held in the Renaissance Subdivision.

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

WHEREAS, residents of the Renaissance Subdivision wish to conduct a block party October 15, 2005 and have requested permission to use Via Raphael for their party activities from 3-11 pm; now, therefore, be it

RESOLVED, that the residents with the approval and advice of the Town Highway Superintendent, have permission to use Via Raphael for their party activities on October 15, 2005 from 3-11 pm, but must not block off the street and make sure emergency vehicles can gain access to the street if needed, and be it further

RESOLVED, that the residents shall be responsible for all clean-up activities on Town property or on the street right-of-way resulting from the social activity; and be it further

RESOLVED, that a copy of this resolution be sent to the applicable Fire Department, the Ambulance Corps., the Sheriff's Department and the State Police.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 265 of 2005, a resolution awarding a contract to re-key the doors at the Clifton Park Town Hall with card access.

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

WHEREAS, quotes were received for the re-keying of the doors at the Clifton Park Town Hall, and

WHEREAS, the lowest conforming quote for the work to be done was presented by Center for Security, 1604 Route 9, Clifton Park, at a total cost not to exceed \$9,982; now, therefore, be it

RESOLVED, that the Clifton Park Town Board hereby awards the contract to Center for Security, as the lowest responsible bidder, for re-keying the doors at the Clifton Park Town Hall, at a cost not to exceed \$9,982, to be budgeted from the Contingency Fund.

Councilman Roth said he would rather see fobs than keys and recommended tabling the resolution until it could be determined if the quote received would be applicable to fobs.

MOTION TO TABLE by Councilman Roth, seconded by Councilwoman Walowit.

ROLL CALL VOTE ON MOTION TO TABLE

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

Noes: None

Absent: Councilman Paolucci

MOTION CARRIED

Resolution No. 266 of 2005, a resolution authorizing an intern to work in the Office of Parks, Recreation and Community Affairs.

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

WHEREAS, Shenendehowa High School has a Career Exploration Internship Program (CEIP) that provides students in their junior and senior years with a link between school and the workplace, and

WHEREAS, Shenendehowa's CEIP program depends on the support and participation of area businesses, and

WHEREAS, Myla Kramer, Director of the Office of Parks, Recreation and Community Affairs, recommends that Laura Moscovic, 5 Thunderbird Drive, Ballston Lake, a senior at Shenendehowa High School, be authorized to work as an unpaid intern in the Office of Parks, Recreation and Community Affairs; now, therefore, be it

RESOLVED, that authorization is hereby given to the Office of Parks, Recreation and Community Affairs to permit Laura Moscovic, 5 Thunderbird Drive, Ballston Lake, to work as an unpaid intern from October of 2005 through January of 2006.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 267 of 2005, a resolution approving an outside user hook-up to the Rexford Water District No. 2.

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

WHEREAS, the Rexford Water District No. 2 has been approved by the New York State Comptroller's Department of Audit and Control, and

WHEREAS, a request has been received by the Town Board, as Commissioners of the Water District, to approve an outside user hook-up per the attached agreement, and

WHEREAS, said property is located outside the legal boundaries of the Water District and water mains have been extended previously providing a water main in front of each property, and

WHEREAS, the Rexford Water District Superintendent has reviewed and approved the application and has been advised that Glenville has no objection to the new user, and

WHEREAS, the Chairman of the Rexford Advisory Committee has also reviewed the application and has no objection to allowing this new outside user connection, and

WHEREAS, the Water Superintendent has collected all appropriate fees as required by the Rules and Regulations of the Water District, and

WHEREAS, the Town Engineer has reviewed the location and has confirmed that there will be no detrimental impact on the water system; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Rexford Water District No. 2, hereby approves an outside user hook-up to the District's facilities by Michael R. Komp, for Tax Map No. 282-1-68, pursuant to the attached agreement and authorizes the Supervisor to sign the agreement on behalf of the Water District; and be it further

RESOLVED, that this approval for an outside-user hook-up by Michael R. Komp, Riverview Road, Rexford, is specifically conditioned upon participation as part of the District once its boundaries are extended to encompass his property.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 268 of 2005, a resolution authorizing the Highway Superintendent to install stop signs in the Park Lane Estates Subdivision. Introduced by Councilman Roth, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, a study of the four way intersection of Gloucester Street with Abbey Court and Roxbury Court, in the Park Lane Estates Subdivision, has been conducted by McDonald Engineering, and WHEREAS, McDonald Engineering has recommended installing a stop sign on Abbey Court and Roxbury Court where it intersects with Gloucester Street, and WHEREAS, upon review of the rest of the signs on other intersections throughout the subdivision, McDonald Engineering further suggested that a stop sign be added at the intersection of Queensbury Court and Dorchester Street, and

WHEREAS, the Highway Superintendent agrees with McDonald Engineering's recommendation; now, therefore, be it RESOLVED, that the Highway Superintendent is hereby authorized to install a stop sign on Abbey Court and Roxbury Court where it intersects with Gloucester Street and at the intersection of Queensbury Court and Dorchester Street. ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 269 of 2005, a resolution waiving the cost of 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 Roth.

WHEREAS, the Arctic Foxes Women's Ice Hockey Team will sponsor its Third Annual "Cross Checking Colon Cancer" Women's Ice Hockey Tournament, November 4-6, 2005, 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 4-6, 2005 at the Clifton Park Ice Arena.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

PUBLIC PRIVILEGE

Norman Goldman, London Square Drive, read a statement reiterating his concerns with the White House Report on the Aging, attached.

Larry Wormuth, Lewis Henry Auto Sales, 1516 Route 9, speaking for numerous car dealers, spoke against Transient Retail Merchants, noting the effect on car dealers. He said it is very disheartening when someone can buy \$100 permit per day while the local retailer has to follow certain regulations regarding lights, signs, etc. The local car dealers want to be on a fair playing field and are not asking for any special consideration.

Supervisor Barrett spoke in agreement and said residents are glad the Town Board is going to do something about transient merchants. The Supervisor said local merchants who are here seven days a week, 365 days a year, paying taxes and playing by the rules deserve some loyalty.

Councilwoman Walowit said many citizens contacted her about the "visual pollution and circus-like atmosphere" of the Exit 9 area. She expressed concern about safety issues.

Peter Aust, President and CEO of the Chamber of Southern Saratoga County, read a statement, attached, representing the position of the Board of the Chamber and urging the Town Board to adopt the moratorium.

Bob Antonelli, New Country Motor Car Group, said this issue goes beyond competition and a fair playing field since when a transient business comes in it is not bringing customers from another area but taking customer base away from the existing businesses in the area.

Supervisor Barrett said businesses are welcome to come to town, buy property, invest in

the community, pay taxes and be a part of the community.

Norman Goldman, London Square Drive, said transient merchants can get a permit for temporary signs and balloons.

Beverly Czub, Miller Road, expressed appreciation for the support of local businesses in the community.

Joe Tedesco, Waite Road, car dealer, said he is waiting for a decision to be made regarding the moratorium and offered to be part of a committee to review legislation.

Councilman Roth said points made this evening are well taken and it is important to balance what is right for the area and what is right for the community. He expressed concern about the safety issue. He said the Board should look at what is allowed at the Exit 9 area. Councilman Roth further stated it is important that peoples' rights are not taken away as this is a form of freedom of speech and answers are needed from legal counsel. He said had he been in attendance at the October 3, 2005 Town Board meeting, he would have recommended tabling the resolution approving moratorium rather than voting on it.

Supervisor Barrett said he is in favor of the moratorium as parts of the current Transient Merchant legislation are archaic and need review.

Councilwoman Walowit agreed with the Supervisor and expressed concern about the safety issue.

Councilman Speckhard said the two votes on October 3, 2005 that defeated the moratorium resolution had nothing to do with the issues raised this evening but were totally focused on the piece of legislation being proposed to address the issue, a piece of legislation which includes 40 or 50 other things other than the question of businesses. He said he agrees transient businesses need to be affected by the same legislation, restrictions, and expectations that affect local businesses. Councilman Speckhard said he would support a moratorium to look at the issue discussed this evening, however, the legislation from last week dealt with everything, including garage sales and other implications that would affect residents. He said there were too many issues being placed in the moratorium.

Supervisor Barrett responded the exemptions in the current legislation would not fall under the moratorium since a permit is not required.

Councilman Speckhard explained the only thing that was exempted was if an individual wanted to sell something on his own property. He said an individual could not take a personal item and put it in a garage sale around the corner; that individual would have to come to the Town Board and ask permission to do so, as well as pay \$100. He stated these issues need to be taken out and the business problem dealt with.

Councilman Roth suggested the moratorium deal only with businesses.

Councilman Speckhard asked if it is possible to draw up legislation that deals with the question of businesses from outside the town coming in and being able to do things that businesses inside the town cannot do. He would support a moratorium to this effect.

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 8:21 p.m.

Patricia O'Donnell
Town Clerk