

**Clifton Park Town Board Meeting Minutes
October 17, 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 – left at 8:00 p.m.
Councilman Roth
Councilwoman Walowit
Supervisor Barrett
Deputy Town Clerk Brobston

Absent: Town Clerk O'Donnell

Also Present: Town Attorney Trainor
Mark Heggen, Comptroller
Myla Kramer, Director of Parks, Recreation & Community Affairs
Steven Myers, Director of Building and Development
Jason Kemper, Director of Planning
Michael Shahan, Town Administrator

MOTION by Councilman Paolucci, seconded by Councilman Roth, to approve the minutes of the October 3, 2005 meeting as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett thanked residents for donations received in memory of Lou Gerard, former Highway Superintendent. A sign on the media platform at the Shenendehowa Central Football field was dedicated to Mr. Gerard for his decades of service and support for Shen Football. The remainder of the donations was given to the football team to be used as needed in his memory.

Councilman Speckhard said he would need to leave by 8:00 pm.

Councilman Paolucci announced bridgework at Exit 10 will be starting this year.

Supervisor Barrett said New York State has begun replacing the Kinns Road bridge.

Councilman Roth reminded residents that tires will be collected at the Transfer Station on November 1, 6, 8 & 15. The Transfer Station will be closed at Noon on November 8th due to Election Day. There will be a minimal fee per tire.

PRESENTATION TO THE BOARD

Supervisor Barrett thanked Bruce Anderson of The Outback restaurant for the donation of food and staff in the effort that raised money for the victims of Hurricane Katrina. The staff also donated their tips.

Councilman Paolucci said the Town Board was presented with petitions five years ago for a skateboard park on the Clifton Common. It was felt that the Clifton Common has enough activity and what is being proposed tonight is a site at the edge of the southwest corner of the parking lot of the Clifton Park Center Mall near the pond/restaurant area. Councilman Paolucci said there is an overwhelming continued interest in the skateboard park. An easement is needed with the Clifton Park Center Mall that would allow access to the site via the mall parking area. Permission has been received to use the mall parking facilities. Completion is anticipated next year.

Joe Grasso, Clough Harbour & Assoc., displayed the proposed location near the rear entrance to Clifton Park Center Mall, the entrance near the theatres. He explained it is a good site in terms of access from the parking lot, multiuse path along Clifton Country Road and path around the pond. It will be visible from Clifton Country Road and, in terms of security, the Sheriff's office is in the mall and will be located between two public areas. There are no wetlands on the site, has good drainage and limited clearing would be needed along the edges. It will not impact the pond. He reviewed the time frame of the project with completion planned for summer 2006. Cost is estimated at \$300,000-\$400,000.

Jim Boudreau, Clough Harbour & Associates, expert in designing sports facilities, explained the different types of skate parks - concrete bowl and modular. Though concrete would last longer, it is more expensive. It appears the modular would be more beneficial to the town as it is not permanent, can be expanded or reduced and could be moved to a different site. This facility would be for skateboarders and roller bladers only.

Councilman Paolucci said this has been discussed with the town's liability insurance carrier, NYMIR, and has been told that skateboard parks are one of the lowest liability issues. He said there would be a very nominal increase in cost for coverage of the skateboard park. He noted the proximity of the YMCA and trails to the proposed park.

Mr. Kemper said some of the project is located within the 100 foot buffer to a DEC wetland but there should be no issue in getting a permit.

Councilman Paolucci said there will be a nominal fee for residents of town in order to recoup some expenses.

Supervisor Barrett noted discussion needs to be held regarding fees, rules and regulations, and security.

Councilman Paolucci said the plan is still conceptual and this evening he is asking for Town Board support authorizing the Supervisor to sign the contract with Clifton Park Center.

Discussion continued regarding the conceptual plan.

Comments from the public:

Chris Conley asked that the fee be kept low. He asked that younger skaters be taken into consideration when setting up ramps, etc.

Jordan Turner spoke in favor of the skate park and asked that the cost be kept low.

Pat Costello spoke in favor of the skate park.

Supervisor Barrett said a standard membership fee is under discussion so users wouldn't have to pay and sign a waiver each time.

Kyle Arnold recommended a snack bar and a scooter area.

Justin Panis recommended cubbies for storing book bags and seats.

Supervisor Barrett expressed appreciation for the comments received and any rules and regulations will be made with parents in mind.

Councilman Paolucci said he welcomed the parents' participation.

Councilman Speckhard left at 8:00 p.m.

Town Comptroller Heggen reported revenues are tracking ahead of 2004 and expenditures are within budget.

Town Administrator Shahan said the 2006 Preliminary Budget has been prepared. He reported Security will be out in force on Halloween.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

MOTION BY Councilman Roth, seconded by Councilman Paolucci to remove Resolution No. 265 of 2005 from the table.

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

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

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 the 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 the fob is easily replaceable and it is to the Town Hall's advantage to have this type of access.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 270 of 2005, a resolution scheduling a public hearing to consider the 2006 Preliminary Budget.

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

WHEREAS, the Town Board wishes to obtain comment regarding the 2006 Preliminary Budget; now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled for November 10, 2005 at 7:00

p.m. in the Wood Memorial Room at Town Hall, One Town Hall Plaza, Clifton Park, to consider the 2006 Preliminary Budget; and be it further

RESOLVED, that the Town Clerk publish appropriate notice of same.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 271 of 2005, a resolution adopting Local Law No. 9 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 and over.

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

WHEREAS, a public hearing was held on October 11, 2005 relative to proposed amendments to Local Law No. 9 of 2003, said amendments reflecting change in New York State income tax figures and public comment was received; now, therefore, be it

RESOLVED, that Local Law No. 9 of 2005, amending Local Law No. 9 of 2003 is hereby adopted as set forth in the attached Schedule A; and be it further

RESOLVED, that the Town Clerk shall cause said Local Law No. 9 of 2005 to be filed with the New York State Secretary of State and shall forward a copy of the amended legislation as approved to the Saratoga County Treasurer.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 272 of 2005, a resolution adopting Local Law No. 10 of 2005 a local law

amending Local Law No. 8 of 2003 and Local Law No. 1 of 1998 relating to a tax exemption for individuals with disabilities and limited incomes.

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

WHEREAS, Section 459-C of the Real Property Tax Law gives local governments the option of granting a reduction in the property taxes paid by qualifying persons with disabilities, and

WHEREAS, the Clifton Park Town Board wishes to authorize the Town Assessor to grant a partial property tax exemption to persons with disabilities who meet certain income limitations as per Section 459-C of the Real Property Tax Law, and

WHEREAS, a public hearing was held on October 11, 2005, relative to proposed amendments to Local Law No. 8 of 2003, and public comment was received; now, therefore, be it

RESOLVED, that Local Law No. 10 of 2005, amending Local Law No. 8 of 2003 is hereby adopted as set forth in the attached Schedule A; and be it further

RESOLVED, that the Town Clerk shall cause said Local Law No. 10 of 2005 to be filed with the New York State Secretary of State and shall forward a copy of the amended legislation as approved to the Saratoga County Treasurer.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 273 of 2005, a resolution accepting a conveyance of the following streets and easements.

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

WHEREAS, as a condition of approval of the Countryman Estates North Subdivision III and IV, the Town of Clifton Park Planning Board required that the developer convey roads, open space, 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 street and easements briefly described as follows:

Street Name of Owner

Champion Circle Amedore Homes, Inc.

Portion of Liberty Way

Paso Fino Court

Saddle Brook Drive

Stablegate Drive

Class "A" Active Open Space

Class "B" Passive Open Space

Stormwater Drainage Utility Easement through Class "A" Active Open Space & Class "B" Passive Open Space along the East Side of Liberty Way

Stormwater Drainage Utility Easement through Class "B" Passive Open Space along the West Side of Liberty Way

Stormwater Drainage Utility Easement through Class "B" Passive Open Space. Lands to be conveyed to the Clifton Park Water Authority, Lot Nos. 3,4,5, & 6 Champion Circle and Lot No. 27 Stablegate Drive from the West Side of Liberty Way to the South Side of Stablegate Drive.

Stormwater Drainage Utility Easement through portion of Lots Nos. 10, 8, 6 & 4 Stablegate Drive, and Lot Nos. 21 & 23 Liberty Way

Stormwater Drainage Utility Easement within a portion of Lot Nos. 6 & 8 Liberty Way

Stormwater Drainage Utility Easement through a portion of Lot Nos. 6 & 8 Saddle Brook Drive

Stormwater Drainage Utility Easement through a portion of Lot No. 37 Liberty Way; 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, recording fees 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, if necessary, and be it further

RESOLVED, that the Town Board hereby authorizes the installation of a stop sign on Champion Circle at its easterly intersection of Liberty Way, on Liberty Way at its northeasterly intersection of Saddle Brook Drive, on Paso Fino Court at its northerly intersection of Saddle Brook Drive, on Saddle Brook Drive at its westerly intersection of Liberty Way, on Saddle Brook Drive at its easterly intersection of Lapp Road, on Stablegate Drive at its northeasterly intersection of Liberty Way, and on Stablegate Drive at its southeasterly intersection of Liberty Way, as required by the Planning Board and Town Highway Superintendent for proper traffic control.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 274 of 2005, a resolution authorizing the Supervisor to sign an Easement Agreement with ITW Mortgage Investments d/b/a Clifton Park Center for the Clifton Park Action Park.

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

WHEREAS, the Town of Clifton Park plans to construct a Skateboard Park on land that adjoins Clifton Park Center, and

WHEREAS, an easement is needed from Clifton Park Center for parking and to access the skate park; now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to sign an Easement Agreement with ITW Mortgage Investments d/b/a Clifton Park Center for the Clifton Park Action Park.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 275 of 2005, a resolution expressing the intent of the Town of Clifton Park Town Board to encourage parents to limit the times that children will be trick or treating on Halloween to between the hours of 4:00 p.m. and 8:00 p.m.

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

WHEREAS, the Town Board of the Town of Clifton Park wishes to encourage parents to limit the hours that their children will trick or treat for safety reasons; now, therefore, be it

RESOLVED, that the Town Board encourages families residing within the Town of Clifton Park to limit trick or treating to between the hours of 4:00 p.m. and 8:00 p.m. on Halloween.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 276 of 2005, a resolution establishing the Emergency Services Volunteer Committee and appointing members to said committee.

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

WHEREAS, the Clifton Park Town Board wishes to establish a committee to look at the methodology of how Ambulance Corp Services are billed; now, therefore, be it

RESOLVED, that the Emergency Services Volunteer Committee is hereby established; and be it further

RESOLVED, that the following members are hereby appointed to the Emergency Services Volunteer Committee for a one year term:

Clifton Park-Halfmoon Emergency Corps George June and Brian Glick
Ballston Lake Ambulance Henry Propst and William Pomeroy
Emergency Services Advisory Board Dave Bowen

Supervisor Barrett said there are facilities that are calling emergency services to transport people on a non-emergency basis; this adds to the amount of calls with no corresponding income to offset costs. Councilman Roth will be the liaison to the Committee.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 277 of 2005, authorizing Tom Ziobrowski, Superintendent of the Rexford Water District, to read the water meters in the Olde Nott Farm Sewer District No. 1.

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

WHEREAS, in order to develop a water based rate formula, based on usage in the Olde Nott Farm Sewer District No.1, a need exists to read the water meters in said district; now, therefore, be it

RESOLVED, that authorization is given to Tom Ziobrowski, Superintendent of the Rexford Water District, by the Town Board, acting as Commissioners of the Olde Nott Farm Sewer District No. 1, to read the water meters in the Olde Nott Farm Sewer District No. 1 at a cost of \$500, to be paid from G1-811-24 (ONF-Sewer Contractual-General

Maintenance).

Supervisor Barrett said this will result in a significant decrease in the burden on the homeowners in Olde Nott Farm.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 278 of 2005, a resolution proclaiming October 17 - 21, 2005 as National Business Women's Week.

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

WHEREAS, working women constitute sixty-six (66) million of the nation's work force and strive to serve their communities, their states and their nation in professional, civic and cultural capacities, and

WHEREAS, women-owned businesses account for twenty-eight (28) percent of all U.S. business generating \$1.15 trillion in sales, and

WHEREAS, the major goals of Business and Professional Women/USA are to promote equality for all women and to help create better conditions for working women through the study of social, educational, economic and political problems; all of us are proud of their leadership in these many fields of endeavor, and

WHEREAS, for seventy-seven (77) years Business and Professional Women/USA has been spotlighting the achievements and contributions of working women during National Business Women's Week, and

WHEREAS, the local Business and Professional organizations: Greater Capital Region, Schenectady, Tech Valley, State Street, Hudson Valley, and Saratoga Springs, representing a combined membership of 131 women, meeting monthly in various locations, have been working toward equity for all women in the workplace through advocacy, education and information in the capital district area since 1934; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby proclaims October

17 - 21, 2005 as National Business Women's Week.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 279 of 2005, a resolution allocating money for parkland located on Route 146, Rexford.

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

WHEREAS, Resolution No. 95 of 2005 authorized the purchase of 98.81 acres of land for parkland on Route 146, Rexford, and

WHEREAS, said parkland is to be used for active recreational purposes and for walking trails, and

WHEREAS, the Town Board wishes to allocate money for the design and development of the parkland; now, therefore, be it

RESOLVED, that \$200,000 is hereby allocated, from funds received from the 2005 County Surplus allocation, for the design and development of parkland on Route 146, Rexford transferred to Account A-7160-135 (Rte. 146-Parkland).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 280 of 2005, a resolution authorizing the Town Administrator to attend the 2005 NYS Disaster Preparedness Commission Forum.

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

WHEREAS, a NYS Disaster Preparedness Commission Forum is being given from October 24-26, 2005 at the Crown Plaza in Albany, New York, and

WHEREAS, Michael Shahan, Town Administrator, has requested authorization to attend this forum, and

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 Shahan is hereby authorized to attend the 2005 Disaster Preparedness Commission Forum, October 24-26, 2005 in Albany, New York, at a cost not to exceed \$125, to be paid from A-4010-024 (Public Safety).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

PUBLIC PRIVILEGE

Dave Pentkowski, St. Andrews Drive, speaking for the Clifton Park Soccer Club, noted that in 2002 the Soccer Club raised money to light one field and since that time the Club has grown, particularly in the fall program. In 2002 it wasn't anticipated that lights would be necessary in the fall, however, there has been a tremendous demand for fields and the lighted field is going unused. Mr. Pentkowski asked the Board to modify Resolution No. 89 of 2002 which restricted lights on the field to Friday and Saturday in the fall. He said there is no spillover that would affect adjoining properties. He said the use of the field would help the needs.

Supervisor Barrett said the lights have been a positive addition and Town Board members are willing to discuss the issue.

Councilman Paolucci said he met with representatives of the Soccer Club in March and had suggested sitting down with the Club to discuss other options that would satisfy the Soccer Club's needs. He said this has not happened as yet and he would still like to meet with the Club.

Jim Baisley, Barkwood Lane, asked if the Town now owns the parkland in Countrymen Estates North. Mr. Kemper responded yes.

William Engleman, Partridge Plateau, said he feels there is no longer any appreciation at the town level for protection of “local wetlands”, in particular vernal pools, other than the town LC Zone over DEC wetland areas. He expressed concern that if the 18 lot subdivision proposed for the west side of Longkill Road is approved, it will destroy wetlands and habitat. Mr. Engleman said though the Town Board has taken steps to conserve open space in the Western GEIS, a large portion of town, including the area on Longkill Road, is still exempt from any requirement to provide conservation subdivision design. It is Mr. Engleman’s belief that the town is losing habitat and other important resources of an open space character.

Supervisor Barrett said the town has addressed many of Mr. Engleman’s concerns and has made tremendous strides in a short time. He said after 40 years of growth there is bound to be some changes. He noted the town is planning properly for the future, buying property strategically and not incurring any additional taxes on the taxpayers.

Mr. Kemper said the town goes above and beyond any DEC buffer. The law does not require any buffer on Army Corp wetlands but the town usually does require a buffer in order to protect those wetland areas.

Councilman Paolucci, speaking with regard to the Longkill Road 18 lot subdivision, noted the town has preserved developable land in that area; e.g. Round Lake Reservoir and Dwaaskill Nature Preserve.

David Gibson, Longkill Road, referring to the Open Space Plan, said the Planning Board needs additional authorization from the Town Board and the Plan needs to be enhanced.

Supervisor Barrett reviewed the process that was followed for the zoning changes in the western part of town, stating this was done in order to protect the rural character of the area.

Mr. Kemper said of the last 8 major subdivisions, 6 were clusters and all 6 had over 40 percent contiguous open space. He stated the Planning Board encourages cluster for every subdivision request over 20 acres.

Margaret Catellier, Royal Oak Drive, asked that building on wetlands not be allowed, no matter how small the area, in order to protect residents.

Mr. Kemper said the area referred to by Ms. Catellier was built 27 years ago and would not be allowed to be built on today. Wetland criteria has changed over the years.

Mr. Engleman expressed concern over the lack of open space design outside of the western GEIS area and with the loss of habitats. He reviewed Section 278 of Town Law.

Mr. Kemper reported of the 14,000 acres in the western part of town studied under the GEIS, everything outlined in the code adopted by the Town Board meets or exceeds what Mr. Engleman stated.

Youseff Ballout, Torrero Drive, said he agreed with parts of the study for the western part of town. He doesn't believe the open space parcels are contiguous. He asked the Town Board to take actions specific to Clifton Park, beyond what the state is doing, to bring additional protection that is needed but currently not provided.

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 9:35 p.m.

Patricia O'Donnell
Town Clerk