

**Clifton Park Town Board Meeting Minutes  
November 21, 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  
Councilman Roth  
Councilwoman Walowit  
Supervisor Barrett  
Town Clerk O'Donnell

Also Present: Town Attorney Trainor  
Jason Kemper, Director of Planning  
Myla Kramer, Director of Parks, Recreation & Community Affairs  
Barbara McHugh, Director of Community Development  
Michael O'Brien, Environmental Specialist  
Michael Shahan, Town Administrator

MOTION by Councilman Paolucci, seconded by Councilman Roth, to approve the minutes of the November 7 and 10, 2005 meetings 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 congratulated the Shenendehowa Boys Soccer Team for winning the state championship.

Councilman Roth reported Dan Kumlander, auditor for the ice arena, should have his report ready for a December meeting.

Supervisor Barrett said it appears the arena will be profitable for the fourth consecutive year.

Supervisor Barrett made a presentation to a representative from the Outback Restaurant in appreciation of the support received for the Hurricane Katrina Relief Fund. It was noted the staff of the Outback Restaurant donated their tips to the Relief Fund.

Councilman Roth is making arrangements to have a local volunteer give a presentation of the relief efforts made in New Orleans in the aftermath of the Hurricane Katrina.

PUBLIC INFORMATIONAL PRESENTATION  
MAXWELL AND PLANK ROADS SENIOR HOUSING  
WHITNEY CAPITAL COMPANY LLC

Robert Schneider - Developer and representative of Whitney Capital Company, LLC  
David Gallo - Whitney Capital Company, LLC  
Tom Gears – Architect

Mr. Schneider reported Whitney Capital is a company that has developed about 4000 units of senior affordable housing and is presently developing 105 units of senior affordable housing in Saratoga Springs. He said Whitney is proposing 117 units of senior affordable housing in two buildings – 64 units and 53 units. The original concept was for 168 units. Mr. Schneider said he believes the height and other issues have been addressed. He said with the YMCA, Library and shopping in the area, the project is in a good location.

Mr. Gears, SWBR Architects, reviewed plans noting each building is two stories. Plans show a curb cut on Maxwell Road and on Mooney Drive. A full traffic study has not been done but according to Mr. Gears that would be the next step in the process.

Mr. Schneider said the facility is income restricted and not subsidized and is not assisted living. He reported rents are based on 60 percent of the median income for the area. He explained New York State calculates and sets affordable rates and presently a 1 bedroom would be in the mid \$600s and 2 bedrooms, mid \$700s. Mr. Schneider said the facility will contain a computer room, library, meeting room and gym. He said the company will also be looking at a PILOT program.

Questions from the Town Board related to parking, emergency access, lighting, buffering, setbacks and wetlands.

Mr. Gallo said there are federal, but no state, tax credits involved in order to help construction.

Comments and questions from the floor revolved around what is “affordable”, whether or not the housing is subsidized, tax implications, development, noise, dumpster location, lighting, visual and traffic impact and loss of woods, nature and wildlife and buffer

distance. Residents of Tallow Wood and Via da Vinci commented that since the recent development of Delmar Thompson their quality of life has been degraded and homes devalued. Residents asked the Town Board to preserve the area as open space rather than high density living space. Members of the audience spoke in opposition to the project.

Supervisor Barrett noting a zoning change would be required for this project, explained the process of referring the request to the Planning Board who would respond with recommendations to the Town Board. The Town Board would then take action or not. He said it is possible that the Town Board could ask that the project be scaled down. The Supervisor said there is a lot of interest and a need for senior housing in Clifton Park but questioned if this is the right location.

Mr. Gallo said at this time the area is vacant and the project will contribute to the tax base.

Mr. Schneider said no animals would be allowed in the complex.

MOTION by Councilwoman Walowit, seconded by Councilman Paolucci to recess for five minutes. Motion unanimously carried at 8:37 p.m.

Meeting reconvened at 8:45 p.m.

Bill Butler, Berkshire Drive, representing Clifton Park Baseball League, spoke with regard to the 15 year old 2006 Babe Ruth World Series. He said the economic benefit to the town in 2002 was dramatic and noted game attendance was 53,000. He reported the league is in the process of changing Field 13 into more of a stadium and hopes to put in permanent bleachers, a media center which is required by Babe Ruth, dug out expansion, new sound system, infield refurbishments and high speed internet cable as games will be broadcast over the internet. Mr. Butler said the Babe Ruth fee to host the games is \$40,000. The contract for this event was signed in 1998. Dates are August 19-27, 2006. He expressed appreciation for the town's support in the past and look forward to future support.

Supervisor Barrett said \$30,000 has been secured from the county and it is anticipated the town's support will be \$60,000 and noted the county and town will greatly benefit from the event.

Councilman Roth said the Town Board wants this to be a tremendous success and asked Mr. Butler to let the Town Board know if other needs arise.

Joseph Grasso, Clough, Harbour & Associates (CHA), speaking with regard to the Ushers Road project, said some clearing for utility relocations has been started. He responded to Mr. Engleman's comments made at the November 14th Town Board meeting regarding the process CHA went through in evaluating the projects impacts with regard to threatened and endangered species. He went through the timeline regarding the environmental review of the project beginning in 2000. In August 2003 CHA received a

letter from Department of Environmental Conservation with a list of threatened and endangered species now known to exist in certain locations within the northern part of town. In September 2003 Fish and Wildlife Service identified Karner Blue butterfly habitat – blue lupine plant - known to exist somewhere in the vicinity of the project site. Mr. Grasso referred to the photo taken in May 2005 submitted by Mr. Engleman showing a wild lupine plant in the Ushers Road area. This was 2 years after CHA's detailed field investigation. The plant appears to be approximately 20 feet away of the pavement and is in the roadway right of way that is maintained by the town where there could be periodic mowing throughout the summer. The proposed sidewalk will be on the existing shoulder of Ushers Road and will not impact the plant which is located up the side slope. He said this is not the time of year to be able to identify a wild lupine plant. Mr. Grasso said a strict protocol was followed throughout the permitting and environmental review of the project and there will not be any direct impacts to the habitat. Mr. Grasso said as an additional precaution, the contractor has installed construction fencing along the bank. The contractor is going to shut down for the winter, fencing will stay up and in spring, if necessary, fencing will be re-erected and maintained throughout construction. Mr. Grasso reported Niagara Mohawk did some tree removals to allow the project to go through but then took it upon themselves to do additional maintenance clearing in the area of their lines in order not to have to come back for 10 years. Mr. Grasso said CHA did notify Niagara Mohawk that as little clearing as possible be done.

Myla Kramer presented the Town Board with a plaque received from the Southern Adirondack Tobacco Free Coalition denoting the town as a "Clean Air Champion" in making the town pools sites smoke free areas.

Town Administrator Shahan updated the Board on activities, noting the security officers will be out on "Black Friday" for parking enforcement in the malls.

Councilman Roth asked that a resolution be prepared this evening sending the Whitney Capital Co. senior housing project to the Planning Board. The Town Board agreed.

#### PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 296 of 2005 a resolution scheduling a public hearing to consider Local Law No. \_\_\_\_ of 2005, a local law amending Local Law No. 13 of 2001, and establishing a schedule of charges for commercial users of the Clifton Park Sewer District No. 1.

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

WHEREAS, the Town of Clifton Park has taken over several privately owned transportation sewer companies as required under Town Law; and has adopted a Sewer Use Ordinance that specifies the rules and regulations applicable for said sewer district's within the Town of Clifton Park boundaries, and

WHEREAS, up until the recent abandonment of the CK Sanitary Sewer System, which is now called the Clifton Park Sewer District No. 1, all users within the abandoned transportation companies were residential, and now it is required to adopt a schedule of rates for commercial and industrial users to ensure that all users are charged proportionately to the benefit derived there from, and

WHEREAS, the Saratoga County Sewer District No. 1 has developed a fair and reasonable method and scale of charges for all types of sewer users that have been in use for many years; now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled for December 5, 2005 at 7:10 PM, in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, to consider Local Law No. \_\_\_ of 2005, a local amending Local Law No. 13 of 2001, and establishing a schedule of charges regarding commercial users in the Clifton Park Sewer District No.1; and be it further

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

Supervisor Barrett asked Mr. O'Brien to send a letter to customers affected by the proposed legislation.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 297 of 2005, a resolution authorizing the Supervisor to sign a lease with Pitney Bowes for a mail machine for the Justice Court.

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

WHEREAS, the Justice Court has requested authorization to lease a new mail machine, and

WHEREAS, the proposed cost for leasing the mail machine has been budgeted per the attached schedule; now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to enter into a lease agreement with Pitney Bowes for a mail machine for the Justice Court for fifty-one (51) months at a cost not to exceed \$199 per month, to be budgeted from A1110-9 (Municipal Court-Leases).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 298 of 2005, a resolution authorizing the transfer of funds for repairs to the diving stands for the Country Knolls Pool.

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

WHEREAS, the two diving stands at the Country Knolls Pool are in need of repairs, and

WHEREAS, the Town Board wishes to transfer funds for this purpose; now, therefore, be it

RESOLVED, that \$5060 be transferred from 7123-200 (Longkill I Park District) to SP5-7151-200 (Country Knolls Pool Equipment) to pay for two adjustable fulcrums for two diving stands at the Country Knolls Pool.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 299 of 2005, a resolution authorizing the Town Supervisor to sign an application for a Grant through the NYS Archives-Local Government Records Management Improvement Fund for 2006-2007, for the Building and Planning Departments.

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

WHEREAS, in an effort to reduce storage space work areas and make all records more accessible, the Building and Planning Departments would like to convert the one million

plus paper records to digital, and

WHEREAS, the grant includes equipment, software and personnel expenses and requires authorization by the municipality for the Town Supervisor to sign legal documents on behalf of the Town; now, therefore, be it

RESOLVED, that authorization is hereby granted to the Town Supervisor to sign any legal documents on behalf of the Town for a NYS Archives Local Government Archives Grant for 2006-2007.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 300 of 2005, a resolution authorizing the Assistant Comptroller to attend the Innovate 2006 Conference.

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

WHEREAS, the Innovate 2006 Conference (user conference for accounting software) will be held March 13-15, 2006 in Uncasville, CT, and

WHEREAS, the Assistant Comptroller's 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 the Assistant Comptroller is hereby authorized to attend the Innovative 2006 Conference, March 13-15, 2006 in Uncasville, CT, at a total cost not to exceed \$525, to be paid from A-1315-1 (Comptroller-travel and conference) as budgeted.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 301 of 2005, a resolution allocating funds from the 2005 County Surplus.

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

WHEREAS, the following projects require funds to be committed as follows:

Staircase replacement-Highway Building \$ 15,000  
(Including three interior doors)  
Clifton Common Sprinkler System 125,000  
Ice Arena Locker Rooms 229,000  
Clifton Common Kids Corner 100,000  
Riverfront Development 120,000  
World Series Baseball 60,000  
Grooms Tavern 35,000  
\$684,000

and,

WHEREAS, the Town has received \$888,000 from County Surplus Funds of which \$200,000 was previously allocated by Resolution No. 279 of 2005; now, therefore, be it

RESOLVED, that \$684,000 be allocated from the 2005 County Surplus Funds for the above referenced projects.

With regard to the Kids Corner, Supervisor Barrett said he is hesitant to take down the structure since it was built with donations, unless the state requires it due to preservatives and stains used on the wood. The town is waiting to hear from the state.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 302 of 2005, a resolution referring the Rolling Meadows Subdivision density increase request to the Planning Board for further review.

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

WHEREAS, the Rolling Meadows project narrative requested incentive and proposed amenity, subdivision calculations, site location map, constrained and unconstrained plan, and proposed layout were submitted to the Town Board on November 3, 2005 by Lansing Engineering in accordance with Section 208-43.16 of the Town Code, and

WHEREAS, the applicant is requesting a density increase for the subdivision in accordance with Section 208-43.16 of the Town Code, and

WHEREAS, the Town Board must make a determination if the project is worthy of further consideration under the amenity zoning provisions, and

WHEREAS, referring this application to the Planning Board does not approve the density increase for the subdivision; now, therefore, be it

RESOLVED, that the Rolling Meadows Subdivision density increase request is referred to the Planning Board for further review and report back to the Town Board within sixty (60) days.

Supervisor Barrett said the developer is requesting 22 additional lots. If this additional density is allowed, \$30,000 per lot will go toward preserving open space in the study area.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 303 of 2005, a resolution appointing Kenneth J. Siconolfi as a Town of Clifton Park marriage officer for one day, December 24, 2005.

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

WHEREAS, Town resident Kenneth J. Siconolfi wishes to serve as a Town marriage officer pursuant to New York State Domestic Relations Law Section 11-c for one day December 24, 2005 and for one ceremony, that being for the marriage of Gregory Fowler and Kathleen A. Losi; now, therefore, be it

RESOLVED, that Kenneth J. Siconolfi, 20 Lexington Drive, Clifton Park, is hereby appointed as a marriage officer for the Town of Clifton Park pursuant to New York State Domestic Relations Law Section 11-c for one day December 24, 2005, and for one ceremony, that being for the marriage of Gregory Fowler and Kathleen A. Losi at no salary.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 304 of 2005, a resolution authorizing the Town Supervisor to sign a Grant application and authorizing Myla Kramer, Director of Parks, Recreation and Community Affairs, to submit an application to the New York State Department of State Quality Communities Grant Program for 2006, for Environmental Protection Funds to support the process of developing and writing a Parks and Recreation Master Plan.

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

WHEREAS, funds that are solicited through this program will be used for the development of a Clifton Park, Parks and Recreation Master Plan in an amount not to exceed \$100,000, and that the Town of Clifton Park will commit \$20,000 in matching funds, and

WHEREAS, the development of the Master Plan is supported by several organizations as set forth in Exhibit "A", and who the Town of Clifton Park plans to partner with in community input, and

WHEREAS, the grant includes equipment, software and personnel expenses and requires authorization by the municipality for the Town Supervisor to sign legal documents on behalf of the Town; now, therefore, be it

RESOLVED, that authorization is hereby granted to the Town Supervisor to sign any legal documents on behalf of the Town of Clifton Park, and be it further

RESOLVED, that the Director of Parks, Recreation and Community Affairs be authorized to submit an application to the New York State Department of State Quality Communities Grant Program for 2006, for Environmental Protection Funds to support the process of developing and writing a Parks and Recreation Master Plan, in an amount not to exceed \$100,000, and that the Town of Clifton Park will commit \$20,000 in matching funds.

Councilman Speckhard if this Master Plan would have same legal qualifications as the town's Master Plan. Supervisor Barrett responded the Town Board would not be legally bound to it. Supervisor Barrett asked that the Riverfront Committee be added to the list of organizations.

Exhibit "A"

Organizations supporting the Master Plan and whom we expect to include in development:

Nordic Club, Mohawk Towpath By Way Coalition  
Audubon, New York  
Shenendehowa Schools  
Captain  
Environmental Conservation Commission  
Clifton Park Soccer League  
Miss Shen Softball League  
Old Timers League  
Adult Women's Softball League  
New York State Canal Corps  
Clifton Park Baseball League  
Shenendehowa Senior Center  
Riverfront Committee

**ROLL CALL VOTE**

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

Noes: None

**DECLARED ADOPTED**

Resolution No. 305 of 2005, a resolution referring the proposed Whitney Capital Co. LLC Senior Housing Planned Development District to the Planning Board for review and comment.

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

WHEREAS, application has been made to the Town Board for the proposed Whitney Capital Co. LLC Senior Housing Planned Development District, and

WHEREAS, the Town Code requires a review of all PDD applications by the Planning Board; now, therefore, be it

RESOLVED, that the proposed Whitney Capital Co. LLC Senior Housing Planned Development District is hereby referred to the Town Planning Board for review and comment and that the Planning Board is to report back to the Town Board within 60 days.

Town Attorney Trainor said the code says the Town Board "shall" refer PDDs to the

Planning Board for its review and he interprets this as a requirement. Councilman Paolucci said the Town Board might want to look at changing language.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

#### PUBLIC PRIVILEGE

William Engleman, Partridge Plateau, said it is his understanding that Longkill Road grade will be raised in the Ushers Road area. He also asked if a tree survey has been done as part of the project specifications. He said the amount of clearing in certain areas has been excessive, as was the clearing done by Niagara Mohawk. Mr. Grasso said the only tree survey done was in July 2003. He said regarding the profile of the road, it will not be necessary to get into the slope where the plant is located.

Councilman Paolucci reported Niagara Mohawk is clearing a path around their lines so that tree limbs do not interfere with power lines and this is done every ten years.

MOTION by Councilman Paolucci, seconded by Councilwoman Walowit, to adjourn the meeting to the next regular meeting or any other meeting necessary for the conduct of Town business.

Motion carried at 10:00 p.m.

Patricia O'Donnell  
Town Clerk