

**Clifton Park Town Board Meeting Minutes  
November 20, 2006**

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.

EAGLE SCOUT PATRICK ALBER LED THE 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  
Mark Heggen, Comptroller  
Michael O'Brien, Environmental Specialist  
Kathleen Maynard, Director of Planning  
Michael Shahan, Town Administrator

MOTION by Councilman Roth, seconded by Councilwoman Walowit, to approve the minutes of the November 6, 2006 meeting as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett expressed concern that sales tax revenues are coming in only three percent over last year.

Councilman Roth announced the Clifton Park Community Chorus will be presenting their annual holiday concert on December 9th.

Councilman Speckhard announced the town Blood Drive will be held on December 13th in the town hall.

Patrick Alber of Troop 45 reported on his Eagle Scout project of building park benches, one each in the Vischer Ferry Nature Preserve and the Round Lake Reservoir. He raised \$2000 for the entire project and organized the manpower, spending two days at each site.

Councilman Roth presented Mr. Marino with the following resolution commending him on his dedication to the ECC and the Town of Clifton Park.

Resolution No. 403 of 2006, a resolution honoring Robert Marino for his many years of service to the Town of Clifton Park.

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

WHEREAS, Robert Marino has been a member of the Environmental Conservation Commission since nineteen-ninety four, and has been the Chairman of the Commission since nineteen-ninety seven, and

WHEREAS, Robert Marino has presided over the review of countless projects, both major and minor, by the Environmental Conservation Commission for Negative Environmental Impacts, and

WHEREAS, Robert Marino was a major contributor to the creation and updating of the Town of Clifton Park Comprehensive Plan, and

WHEREAS, Robert Marino coordinated the Annual Adopt a Highway effort for the ECC Cleanup of Englemore Road, and

WHEREAS, Robert Marino was a significant contributor to the establishment of the Environmental Stewardship Award, and

WHEREAS, Robert Marino was a leading architect of the Town's Household Hazardous Waste Day Program, which is celebrating twelve successful years and growing in popularity every year; now, therefore, be it

RESOLVED, that the Town Board wishes to pause in its deliberations to honor and thank Robert Marino, for his many years of service to the residents of the Town of Clifton Park.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

## REPORT TO THE BOARD

Environmental Specialist O'Brien presented the Hazardous Waste Day Report, attached.

Councilman Roth commended Mr. O'Brien on his work in putting the Hazardous Waste Day together. He said if necessary the hours can be extended next year.

## PUBLIC HEARING, 7:10 PM ANNUAL PLAN FOR 2007 SECTION 8 HOUSING CHOICE VOUCHER PROGRAM

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on October 5, 2006.

Mr. Greg Galucci and Ms. Terry Ray, Joseph E. Mastrianni, Inc., contract administrators for Housing Choice Voucher Program, explained the Section 8 Program is a rental program that helps low income families, elderly and disabled individuals pay rent. The program area includes Halfmoon, Malta and the Village of Round Lake. Individuals on the Section 8 program are also eligible for other programs. The program size is 59 and there is a 3 ½ year waiting list. It was noted that funding for the program is provided by HUD and no town funds are involved in the operation of the program.

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

Everyone was given an opportunity to speak regarding the Annual Plan and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 7:40 p.m.

## REPORTS TO THE BOARD, CON'T

Comptroller Heggen reviewed the October financial report noting compared to 2005 revenues are tracking the same, expenditures are slightly higher but well within budget. He stated sales tax receipts are above last year.

Town Administrator Shahan reviewed the budget process.

Councilman Paolucci asked if monies allocated this year for the Route 146 Park can be encumbered. Mr. Heggen said those monies have been identified and will rollover to 2007.

## PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 404 of 2006, a resolution referring the P.E.G. Apartments PUD to the Planning Board for review and comment.

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

WHEREAS, an application has been made to the Town Board for twenty-three single family lots on the south side of Ashdown Road, just east of Blue Barns Road, as an amendment to existing PUD legislation, and

WHEREAS, the Town Board has concerns of the proximity of the access road on Ashdown Road to the intersection at Ashdown and Blue Barns Roads, and

WHEREAS, the surrounding zoning to the property is Conservation Residential thereby requiring a reduction in the density of the number of single family homes to be allowed, and

WHEREAS, the adequacy of the present septic system for the apartments may be inadequate, giving rise to the need for an entire new septic system as a condition of approval; now, therefore, be it

RESOLVED, that the Town Board hereby refers the P.E.G. Apartments PUD to the Planning Board for comment and review with special attention to the concerns cited above and to report back to the Town Board within sixty days.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 405 of 2006, a resolution referring the Rexford Commons Mixed Use Development Incentive Zoning request to the Planning Board for review and comment.

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

WHEREAS, an application has been submitted for Incentive Zoning at the southwest corner of Glenridge Road and Balltown Road/Route 146, and

WHEREAS, the proposal is requesting 27,500 square feet retail and 85,400 square feet office, or 39,400 square feet office density bonus, and

WHEREAS, the Town Board wishes to stipulate that no office or retail building will be constructed unless a minimum five year lease contract is provided by the occupants of the

building, and

WHEREAS, any convenience store/gas station will only be allowed if access in/out can be provided on both Glenridge Road and Balltown Road, and

WHEREAS, any service station will be determined to be the required safe distance from any underground aquifer in Clifton Park, and

WHEREAS, any on site septic system ownership, traffic impact studies and pedestrian accommodations must all be determined prior to any approvals; now, therefore, be it

RESOLVED, that the Town Board hereby refers the Rexford Common Mixed Use Development to the Planning Board for comment and review with special attention to the concerns cited above and report back within sixty days to the Town Board.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 406 of 2006, a resolution adopting the 2007 Budget for the Town of Clifton Park.

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

WHEREAS, a public hearing was held on the Preliminary Budget on November 9, 2006, to obtain comment from the public regarding the proposed Budget for 2007, and

WHEREAS, the comments of the public have been incorporated into the proposed budget; now, therefore, be it

RESOLVED, that the 2007 Town of Clifton Park Budget is hereby adopted.

Supervisor Barrett reiterated there is no town tax for 2007. He reported surplus money is keeping the Highway tax at sixteen cents per \$1000 assessed value, with an average house paying \$22 per year. Senior programs, recreational and parks endeavors and community programs are supported in the budget. He expressed concern that the sales tax is not coming in at a higher level particularly because health benefits have grown tremendously and are just under \$2 million. The town attorney staff will be restructured and continue with five positions. The fulltime town attorney position will have a significant increase in salary and the rest of the positions will be decreased. The

Supervisor stated it is the Board's intention to stay with the current attorneys as their experience is very valuable. He reported the staff will consist of the fulltime attorney, deputy attorney, Planning Board, Zoning Board and special projects attorneys. Supervisor Barrett expressed appreciation to Mr. Shahen and the Town Board for their efforts in putting the budget together.

Councilman Paolucci, speaking in support of the change in the attorney structure, said the town has grown to a point where it is necessary to have to fulltime town attorney. Councilman Paolucci said with a fulltime town attorney it may not be necessary to contract out for attorneys. He said there are names attached to the salaries in the budget and asked that those names be removed as he feels the Board is undecided with the names and positions and discussions need to take place over the next month or so in this regard. One of the town attorney positions is listed in as \$10,000 on the salary/wages page and should be \$5000 which is the number in the general fund budget.

#### ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 407 of 2006, a resolution referring the Hollandale Planned Unit Development District Amendment for Hollandale Phase III, to the Planning Board for review and comment.

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

WHEREAS, application has been made to the Town Board for the proposed Hollandale Planned Unit Development District Amendment for Hollandale Phase III, and

WHEREAS, the Town Code permits the Town Board to request a review by the Planning Board of all PUD applications; now, therefore, be it

RESOLVED, that the Hollandale Planned Unit Development District Amendment for Hollandale Phase III, is hereby referred to the Town Planning Board for review and comment and that the Planning Board report back to the Town Board within 60 days.

Councilwoman Walowit spoke in favor of the PUD request.

Supervisor Barrett suggested Councilwoman Walowit ask Mr. Hollander if he would consider senior housing for these units.

#### ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth,

Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 408 of 2006, a resolution authorizing the Assistant Director of Parks, Recreation and Community Affairs to attend the “Community With Confidence” Seminar in Albany, New York.

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

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has requested authorization for Robin Dutcher, Assistant Director of Parks, Recreation and Community Affairs, to attend the Community with Confidence Seminar on November 28, 2006, to be held in Albany, New York, and

WHEREAS, Robin Dutcher’s attendance at the seminar will confer a benefit to the residents of the Town of Clifton Park; now, therefore, be it

RESOLVED, that authorization is hereby given for Robin Dutcher to attend the Community with Confidence Seminar on November 28, 2006, at the Holiday Inn Express, Albany, New York, at a cost not to exceed \$199, to be paid from A-7021-001 (Parks and Recreation Administrative-Training and Conference).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 409 of 2006, a resolution authorizing the Town Supervisor to file commitment documents with Saratoga County for collection of sales tax receipts.

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

WHEREAS, the Town of Clifton Park is required to file commitment papers regarding the collection of sales tax receipts for 2007; now, therefore, be it

RESOLVED, that the Clifton Park Town Board hereby authorizes the collection of sales tax to be paid in cash for 2007 from Saratoga County and the Town Supervisor to file the

appropriate documents of commitment with Saratoga County.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 410 of 2006, a resolution authorizing the Assessor to relevel delinquent water charges on the 2007 property tax bills.

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

WHEREAS, the Rexford Water District has reported unpaid water bills per the attached schedule for the Rexford Water District, and

WHEREAS, it is necessary for the Assessor to relevel the unpaid bill on the property owner's 2007 tax bill to ensure payment of the same; now, therefore, be it

RESOLVED, that the Town Board accepts the reported delinquent water charges for the Rexford Water District per the attached schedule and authorizes the Assessor to relevel that amount on the property owner's 2007 property bill.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 411 of 2006, a resolution authorizing the Assessor to relevel delinquent water charges on the 2007 property tax bills.

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

WHEREAS, the Rivercrest Water District has reported unpaid water bills per the attached schedule for the Rivercrest Water District, and

WHEREAS, it is necessary for the Assessor to relevel the unpaid bill on the property

owner's 2007 tax bill to ensure payment of the same; now, therefore, be it

RESOLVED, that the Town Board accepts the reported delinquent water charges for the Rivercrest Water District per the attached schedule and authorizes the Assessor to relevel that amount on the property owner's 2007 property bill.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 412 of 2006, a Bond resolution dated November 20, 2006 of the Town of Clifton Park, New York, authorizing the acquisition, construction and installation of improvements to the Rexford Water District No. 2, Extension No. 1 water system and related equipment, machinery and apparatus at a maximum estimated cost of \$100,000 and authorizing the issuance of \$100,000 serial bonds to pay the cost thereof.

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

Section 1. The Town of Clifton Park, New York (the "Town") is hereby authorized to acquire, construct and install improvements to the Rexford Water District No. 2, Extension No. 1 water system, including land or rights in land, and equipment, machinery and apparatus required in connection therewith, at an estimated maximum cost of \$100,000 and to issue an aggregate \$100,000 in serial bonds pursuant to the provisions of the Local Finance Law to finance the costs of the aforesaid object or purpose.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$100,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$100,000 in serial bonds (the "Bonds") of the Town authorized to be issued pursuant to this resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty (40) years pursuant to paragraph 1 of Section 11.00(a) of the Local Finance Law. The proposed maturity of the obligations authorized by this resolution will be in excess of five (5) years.

Section 4. Pursuant to Section 107.00(d)(9) of the Local Finance Law, no down payment is required prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the Town, not immediately required

for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any Bond Anticipation Notes issued in an anticipation of the Bonds shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any Bond Anticipation Notes issued in anticipation of the Bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds and any Bond Anticipation Notes issued in anticipation of the Bonds. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be apportioned and assessed upon the several lots and parcels of land within Rexford Water District No. 2, Extension No. 1, an amount sufficient to pay the principal of and interest on such obligations as the same become due and payable, but if not paid from such source, all the taxable real property in the Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal and interest on such obligations when due.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00, inclusive, of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to issue bonds providing for level or substantially level or declining annual debt service, is hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 8. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Town's General Fund. It is intended that the Town shall then reimburse such expenditures with the proceeds of the Bonds and bond anticipation notes authorized by this resolution and that the interest payable on the Bonds and any bond anticipation notes issued in anticipation of the Bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by this resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Regulation Section 1.150-2.

Section 9. The Serial Bonds and Bond Anticipation Notes authorized to be issued by this Resolution are hereby authorized to be consolidated, at the option of the Town Supervisor, the chief fiscal officer of the Town, with the serial bonds and bond anticipation notes authorized by other bond resolutions adopted by the Town Board for

purposes of sale in one or more bond or note issues aggregating an amount not to exceed the amount authorized in such resolution. All matters relating to the sale of the Bonds, including the date of the Bonds, the consolidation of the Bonds and Bond Anticipation Notes with other issues of the Town, and the serial maturity of the Bonds, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 10. The validity of the Bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of this resolution or a summary hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 11. The Town Supervisor, as chief fiscal officer of the Town, is hereby authorized to enter into an undertaking for the benefit of holders of the Bonds from time to time, and any bond anticipation notes issues in anticipation of the sale of the Bonds, requiring the Town to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15(c)2-12.

Section 12. This resolution, or a summary of this resolution, shall be published in the official newspapers of the Town for such purpose, together with a notice of the Clerk of the Town in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 13. The Town Board hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 14. This resolution shall take effect upon receipt of an order from the New York State Department of Audit and Control approving the increase in the maximum cost of Rexford Water District No. 2, Extension No. 1 and the filing of such order with the Town Clerk.

#### ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 413 of 2006, a resolution accepting a conveyance of the following street and easements.

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

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

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

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

Street Name of Owner

- Stoney Heights Court Massaroni Builders
- Drainage Easement “A” L.L.C.
- Drainage Easement “B”
- Drainage Easement “C”
- 

and be it further

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

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

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

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

RESOLVED, that the Town Board hereby authorizes the installation of a stop sign on Stoney Heights Court at its northerly intersection of Grooms Road (County Road 91), as

required by the Planning Board and Town Highway Superintendent for proper traffic control.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 414 of 2006, a resolution adopting an Annual Plan for 2007 for the Town of Clifton Park Section 8 Program.

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

WHEREAS, the Town of Clifton Park operates a Section 8 Housing Assistance Payments Program funded by the U. S. Department of Housing and Urban Development, and

WHEREAS, the Town of Clifton Park is required by the U. S. Department of Housing and Urban Development to prepare and adopt a written Annual Plan that establishes local policies for administration of the Section 8 Housing Assistance Payments Program in accordance with regulations of the U. S. Department of Housing and Urban Development, and

WHEREAS, the Town Board of the Town of Clifton Park has caused a written Annual Plan for 2007 to be prepared establishing local policies for administration of the Section 8 Housing Assistance Payments Program in accordance with regulations of the U. S. Department of Housing and Urban Development, and has reviewed such written plan; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby adopts the Annual Plan for 2007 for operation of the Town of Clifton Park Section 8 Housing Assistance Payments Program.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

No one wished to be heard.

MOTION by Councilman Roth, 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 8:33 p.m.

Patricia O'Donnell

Town Clerk