

**Clifton Park Town Board Meeting Minutes
December 18, 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.

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
Stephen Myers, Director of Building and Development
Michael Shahan, Town Administrator
Deputy Town Attorney Louis Renzi

MOTION by Councilman Roth, seconded by Councilman Paolucci, to approve the minutes of the December 4, 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 announced the Town Board will be going into Executive Session this evening.

REPORTS TO THE BOARD

Comptroller Heggen reviewed the November financial report, noting mortgage tax for the second six months has been received with the total amount less than 2005 by a small percentage and sales tax receipts are slightly higher than 2005. He recommended going

out for an RFP for three-year auditing services at this time.

Town Administrator Shahan reported generators for the Town Hall and the Buildings and Grounds building should be installed and running within three weeks and the senior center building within a couple of months. Mr. Shahan said the septic system for Grooms Tavern should be installed in two weeks. It is anticipated the ADA compliant restroom bid will be awarded by the end of January, and electrical work should be completed by February. A sidewalk and outside lighting is also planned. It is hoped a Town Board meeting can be held in the Tavern in April. Town Hall renovation work is underway to accommodate the full time attorney and secretary.

**PUBLIC HEARING, 7:10 PM
TO CONSIDER A LOCAL LAW AMENDING
LOCAL LAW NO. 10 OF 1996, THE ZONING CODE OF THE TOWN OF CLIFTON
PARK
AND SECTION 208- 107 REGARDING BUILDING PERMITS**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on December 14, 2006.

Director of Building and Development Myers summarized the proposed local law explaining these amendments are being made to make the Town Law parallel to NY State Code. He reported the biggest change is the state requirement of operating permits for places with hazardous materials. There are no policy changes and it should not be onerous for anyone going through the permit process.

The public hearing was opened for comments from the audience at 7:13 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 7:14 p.m.

MOTION BY Councilman Roth, seconded by Councilman Paolucci to go into Executive Session for the purpose of discussing personnel matters. Motion unanimously carried at 7:16 p.m.

Present: Supervisor Barrett, Councilman Paolucci, Councilman Speckhard, Councilman Roth, Councilwoman Walowit, Town Attorney Trainor, Deputy Town Attorneys Pelagalli and Renzi.

No action was taken.

MOTION BY Councilman Roth, seconded by Councilman Paolucci, to return to the regular meeting. Motion unanimously carried at 8:04 p.m.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 423 of 2006, a resolution scheduling a public hearing regarding eminent domain proceedings pursuant to the Eminent Domain Procedure Law regarding the Sherwood Dawson Trail, proposed for Route 146A from its intersection with Dawson Lane to its intersection with Route 146 and the Kinns Road Multi-Use Trail proposed for Kinns Road from the intersection of Nottingham Way and Kinns Road to the intersection of Carlton and Kinns Roads.

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

WHEREAS, the Town Board wishes to solicit the comments of the Town's citizens regarding the Sherwood Dawson Trail and the Kinns Road Multi-Use Trail, and

WHEREAS, the hearing will outline the purpose, proposed location of the project and provide other pertinent information including maps and property descriptions of the adjacent parcels for the project; now, therefore, be it

RESOLVED, that a public hearing be held on Monday January 16, 2007 at 7:10 pm, in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York to consider eminent domain proceedings pursuant to the Eminent Domain Procedure Law regarding the Sherwood Dawson Trail and Kinns Road Multi-Use Trail; and be it further

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

Councilman Paolucci drew a diagram of the proposed trails. He explained the Sherwood Dawson Trail will connect with the Vischer Ferry Trail. Dawson Lane also connects to a trail at the end of the cul de sac. He reported there is room in the right-a-way to construct the trail, however, a pipe owned by New York State needs to be moved and an easement secured so the state can maintain it. He reported owners of the property are not willing to grant the easement but negotiations are ongoing. Councilman Paolucci further explained grading work on the trail will entail going on private property and an easement is required. The Sherwood Dawson trail will follow streets in the Sherwood Forest subdivision to Nottingham Way to Kinns Road. Councilman Paolucci said it is hoped construction can start in 2007 during the construction season. Councilman Roth wants to make sure affected property owners are advised of the public hearing. Councilman Paolucci emphasized property is not needed to build the trails but for grading work. Supervisor Barrett reported the purpose of the trails is to safely connect the community. In response to a question from the floor, Supervisor Barrett said a trail on Clifton Park Center Road would have necessitated taking down trees and taken a significant amount of people's front yards.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth,

Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 424 of 2006, a resolution scheduling the 2007 Organizational Meeting and the first 2007 Town Board Meeting for the Town of Clifton Park.

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

Now, therefore, be it

RESOLVED, that the 2007 Organizational Meeting for the Town of Clifton Park shall be held on Tuesday, January 2, 2007 at 7:00 p.m. in the Wood Memorial Meeting Room, One Town Hall Plaza, Clifton Park; and be it further

RESOLVED, that the first Town Board Meeting of January 2007 will be held on Tuesday, January 2, 2007 at 7:30 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 425 of 2006, a resolution authorizing the creation of a Capital Projects account for Rexford Water District No. 2, Extension No. 1, for \$100,000.

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

WHEREAS, the contracts for improvements to the Rexford Water District No. 2, Extension No. 1 have been awarded, and

WHEREAS, the financing for this project is coming from bonds authorized from the Rexford Water District No. 2, Extension No. 1, by Resolution No. 412 of 2006, and

WHEREAS, the Town Board of the Town of Clifton Park wishes to establish a Capital Projects fund to account for the expenditures of the project, and

WHEREAS, a budget of the project is hereby attached; now, therefore, be it

RESOLVED, that the Town Board hereby establishes the Rexford Water District No. 2, Extension No. 1, Capital Projects Fund for \$100,000.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 426 of 2006, a resolution authorizing the Supervisor to sign Change Order No. 1 for Ice Arena Foundation Repairs.

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

WHEREAS, Resolution No. 354 of 2006 authorized a contract for the Ice Arena Foundation Repairs in an amount of \$5,100, and

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

WHEREAS, the Change Order results in an increase of \$3,541.87 for the Ice Arena Foundation Repairs from the current amount of \$5,100 to arrive at a new contract amount of \$8,641.87; now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to sign Change Order No. 1, dated November 13, 2006, to Natale Masonry, Inc.; and be it further

RESOLVED, that the increase amount of \$3,541.87 be paid with a transfer from A-7112-200-0700 (Clifton Common Equipment-Arena).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 427 of 2006, a resolution authorizing the budget transfers specified in

Exhibit A.

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

WHEREAS, the Comptroller has recommended that certain budget adjustments contained in Exhibit A be made to address the needs of all funds, as well as other miscellaneous expenditures as set forth in Exhibit A; now, therefore, be it

RESOLVED, that the budget transfers specified in Exhibit A be adopted per the Comptroller's recommendations.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 428 of 2006, a resolution scheduling a public hearing regarding a request for an open space incentive zoning proposal for a twelve lot subdivision on Ray Road.

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

WHEREAS, a project narrative, requested incentive and proposed amenity, subdivision calculations, site location map, constrained and unconstrained plan, and proposed layout for the Ray Road Property was submitted to the Town Board in accordance with Section 208-43.16 of the Town Code, and

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

WHEREAS, the Town Board previously referred the project to the Planning Board for advisory review of the amenity zoning proposal and the land use, and

WHEREAS, such review has been conducted through a scheduled public workshop, and the Planning Board's advisory report and the application has been transferred back to the Town Board for its Final Decision on the application; now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled for Monday, January 8, 2007 at 7:10 p.m. for the Ray Road Property, for consideration of a density increase request for the property in exchange for open space benefits for the Town of Clifton Park.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 429 of 2006, a resolution authorizing the Town Supervisor to sign an agreement with the Saratoga County Sheriff's Department for Specialized Law Enforcement Services.

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

WHEREAS, the Town of Clifton Park has found it to be effective and efficient to obtain law enforcement services within the Town through the Saratoga County Sheriff's Department, and

WHEREAS, the Town of Clifton Park wishes to contract for Specialized Law Enforcement Services per the attached agreement; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign a contract with the Saratoga County Sheriff's Department whereby the Sheriff's Department shall provide Specialized Law Enforcement Services within the Town of Clifton Park for a one (1) year period from January 1, 2007 through December 31, 2007, for a sum not to exceed \$197,032, amount to be provided from the 2007 budget.

Supervisor Barrett said these contracts are a wonderful example of intermunicipal cooperation. Councilman Paolucci stated the police protection in town is very effective.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 430 of 2006, a resolution authorizing the Town Supervisor to sign an agreement with the Saratoga County Sheriff's Department for additional Specialized Law Enforcement Services.

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

WHEREAS, the Town of Clifton Park has found it to be effective and efficient to obtain law enforcement services within the Town through the Saratoga County Sheriff's Department, and

WHEREAS, the Town of Clifton Park wishes to contract for additional Specialized Law Enforcement Services per the attached agreement; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign a contract with the Saratoga County Sheriff's Department whereby the Sheriff's Department shall provide additional Specialized Law Enforcement Services within the Town of Clifton Park for a one (1) year period from January 1, 2007 through December 31, 2007, for a sum not to exceed \$181,440, amount to be provided from the 2007 budget.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 431 of 2006, a resolution authorizing the Town Supervisor to sign an agreement with the Saratoga County Sheriff's Department, along with the Town of Halfmoon, for additional Police Services.

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

WHEREAS, the Town of Clifton Park along with the Town of Halfmoon has found it to be effective and efficient to obtain law enforcement services within the Towns through the Saratoga County Sheriff's Department, and

WHEREAS, the Town of Clifton Park wishes to contract for additional law enforcement within the two Towns, per the attached agreement; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign a contract with the Saratoga County Sheriff's Department whereby the Sheriff's Department shall provide additional law enforcement services for the Towns of Clifton Park and Halfmoon for a one (1) year period from January 1, 2007 through December 31, 2007, for a sum not to exceed \$90,720, each, amount to be provided from the 2007 budget.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 432 of 2006, a resolution adopting Local Law No. 20 of 2006, a local law amending Local Law No. 10 of 1996, Chapter 208-107, regarding Building Permits.

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

WHEREAS, the Director of Building, Steve Myers, has recommended that Chapter 208-107, Building Permits of the Town Code be amended per the attached, and

WHEREAS, the Town Board conducted a public hearing on December 18, 2006 at 7:10 p.m. to solicit the comments of the Town's citizens regarding the proposed changes and no comments were received; now, therefore, be it

RESOLVED, that Local Law No. 20 of 2006, a local law amending Local Law No. 10 of 1996, regarding Building Permits is hereby adopted; and be it further

RESOLVED, that this local law shall take effect immediately upon its adoption.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Norman Goldman, London Square Drive, asked when the ice arena audit will be available. Councilman Roth responded early January. Mr. Goldman questioned if the town should be assisting in the audit preparation. Councilman Roth stated this audit is for the town's ice arena. Mr. Goldman read a prepared statement expressing concerns with the Executive Assistant position in the Planning Department.

Paul Bredderman, Veterinarian, Westchester Drive, urged the Town Board to act to save Mr. Sarris' sanctuary and distributed a flyer in this regard.

Supervisor Barrett said this is a zoning issue and he is not against Mr. Sarris helping animals.

Deputy Town Attorney Renzi, handling the Sarris matter on behalf of the town, explained there are two lawsuits, one of which is private claiming nuisance and negligence. The town has nothing to do with the private lawsuit. The town lawsuit is one that Mr. Sarris brought against the town after he received a ticket for being in violation of the Zoning Code due to the fact he does not have enough land to conduct his activities. Mr. Sarris was found guilty in town court and fined. Mr. Renzi reviewed the legal issue, noting it was brought to Supreme Court where Mr. Sarris was ordered to give the birds, geese, etc. away and he has appealed the ruling to the Appellate Division. He stated no judge or court has ever ordered Mr. Sarris to do any harm to his animals but has ordered they be placed elsewhere. Mr. Renzi reported there is a creek that runs through Mr. Sarris' property that is a DEC designated wetland, however, there is no federally designated wetland. He reiterated the federal government has nothing to do with Mr. Sarris' property, it is strictly town and state. He reported he and Director of Building and Zoning Myers found three wildlife rehabilitators that could take the animals.

Supervisor Barrett emphasized the importance of zoning regulations. He said this is a very difficult situation but the law must be upheld.

Grady Coon, Saratoga Springs, owner of Adirondack Dundee, spoke in support of Mr. Sarris. He encouraged the Town Board to amend the Zoning Code. He reported there is no one else in the capital region qualified to take care of certain breeds of Mr. Sarris' birds. He said Mr. Sarris is not breeding animals but rehabilitating.

Supervisor Barrett said if someone came before the Town Board requesting to start a wildlife sanctuary, the Board would work with them.

Mr. Renzi reported Mr. Sarris has never asked for a variance

Gina Georgio, Schenectady, stated birds can only go to another federally licensed wildlife rehabilitator and cannot be placed just anywhere. She stated the town code needs to be amended.

Erika Scott, Schenectady, stated the ducks were on the property when Mr. Sarris purchased it.

Mr. Renzi responded there is a difference between a passive situation where wild animals are free to come and go and proactively managing a facility for Mr. Sarris' purposes. He continued, Mr. Sarris' activities would be acceptable if he had enough room.

Barbara Maddaus, Vischer Ferry, read a prepared statement asking the Town Board to reconsider its option to allow Mr. Sarris' activities to continue to serve the community as an asset and benefit.

Councilman Paolucci noted the town intends to create another nature preserve in the recently purchased Dwaaskill Park.

Trish Markey, NYS Licensed Rehabilitator, reported in 2005 she sent over 100 calls to George Sarris. She said there is no one in the tri-state area that can take waterfowl from Mr. Sarris' property. Ms. Markey said if a wildlife rehabilitator is full or doesn't have a facility for certain species of geese, state law requires the birds be euthanized. She spoke favorably of Mr. Sarris' property and asked that the Zoning Law be changed.

Lynn Miller-Lachmann, Albany, spoke in support of Mr. Sarris and his property, noting it is a resource for Clifton Park.

Norman Goldman continued to read his written comments, addressing his concerns regarding electronic voting machines. He expressed appreciation to Deputy Town Attorney Renzi for the clear explanation regarding the Sarris' lawsuits. He recommended revisiting the Land Conservation law.

Zagorski and Burnett children spoke in favor of Mr. Sarris' activities.

Councilman Roth, noting residents of Kings Court had to leave the meeting to due time restraints, distributed two letters regarding the proposed Hollandale PDD amendment.

Councilman Paolucci said it is his understanding that property owners have the right to take out trees up to an acre without any type of permit.

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

Motion carried at 10:01 p.m.

Patricia O'Donnell, Town Clerk