

December 3, 2007

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 Hughes
Councilman Roth
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Also Present: Town Attorney McCarthy

Mark Heggen, Comptroller
Myla Kramer, Director of Parks, Recreation and Community Affairs
Lou Pasquarell, Safety Officer

MOTION BY Councilman Paolucci, seconded by Councilman Roth, to approve the minutes of the November 13 and 19, 2007 meetings as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Roth announced the town blood drive is scheduled for December 12, 2007 from noon to 6 p.m. He also announced the town sponsored Community Chorus will perform on December 8, 2007 at 3 p.m. at the Gowana Middle School.

PRESENTATION

Supervisor Barrett presented Charles Alonge, Jr. with the following resolution and thanked him for his many years of service and expressed appreciation for the difference he's made in the safety of many people throughout the state.

Mr. Alonge emphasized the importance of railroad safety, particularly at crossings.

Resolution No. 331 of 2007, a resolution honoring Clifton Park resident Charlie Alonge, Jr. for his twenty-five years of service as the New York State Coordinator of Operation Lifesaver and for raising awareness about railroad safety.

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

WHEREAS, for the past twenty-five years Charlie Alonge has been State Coordinator of Operation Lifesaver, a non-profit international public information, education, engineering and enforcement program established in 1972, dedicated to reducing collisions, injuries and fatalities at highway-rail grade crossings and along railroad rights-of-way, and

WHEREAS, Operation Lifesaver has active committees in forty-nine states and Canada, raising awareness about danger associated with railroads, and

WHEREAS, New York State Operation Lifesaver membership includes federal, state and local Agencies, railroads, law enforcement agencies and volunteers; and has three speaker bureaus in the state which have certified Operation Lifesaver presenters who make presentations at schools, service and social clubs, fraternal and various safety groups, and also participates in special events taking place throughout the year, and

WHEREAS, in 1982 Mr. Alonge received a call from the Executive Director of the Governor's Traffic Safety Committee and was asked to serve as coordinator of New York State Operation Lifesaver, a position he has held for twenty-five years, having stepped down due to health reasons, and

WHEREAS, Mr. Alonge has made a tremendous contribution to the success of New York State Operation Lifesaver, sharing a deep passion to change the behavior and judgment of motorists and pedestrians about trespassing on railroad rights-of-way and at highway rail grade crossings; resulting in saving untold lives; now, therefore, be it

RESOLVED, that the Town Board on behalf of its residents wishes to pause in its deliberations to honor Clifton Park resident Charles Alonge for his contribution to the success of New York State Operation Lifesaver and his tireless fight for railroad safety.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE ON RESOLUTIONS

In response to a question from the floor regarding Resolution No. 333, Supervisor Barrett said there will be no separate resolution regarding Town Board discussion.

Resolution No. 332 of 2007, a resolution adopting Local Law No. 12 of 2007, a local law pursuant to Section 922 of the New York State Real Property Tax Law.

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

WHEREAS, Councilman Paolucci has recommended that additional language be added to the County Real Property Tax Bills for Clifton Park property owners for Fiscal Year 2008 only, and

WHEREAS, the Town Board has solicited comments of the Town's citizens regarding the proposed additional language to be added to the 2008 County Real Property Tax Bills, and

WHEREAS, on November 19, 2007 at 7:10 P.M., a public hearing was conducted to obtain comment from the public regarding the additional language to be added to 2008 County Real Property Tax Bills; now, therefore, be it

RESOLVED, that Local Law No. 12 of 2007, a local law pursuant to Section 922 of the New York State Real Property Tax Law is hereby adopted, and be it further

RESOLVED, that the Town Clerk file said local law with the New York State Department of State; and be it further

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

Local Law No. 12 of 2007, a local law pursuant to
Section 922 of the New York State Real Property Tax Law

Legislative Intent

The Town Board hereby requests that the Director of Saratoga County Real Property Tax Services add the following advisement to the County Real Property Tax Bills for Clifton Park property owners, for Fiscal Year 2008 only:

(1). The Town of Clifton Park has allocated \$3,754,860 to reduce your portion of the Highway Tax Bill for the current year. This results in an effective tax rate of \$00.155012 per \$1,000 of assessed value, rather than the rate of \$1.852001 that would otherwise apply. Therefore, on property of \$200,000 in assessed value, this would result in a tax savings of approximately \$340.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 333 of 2007, a resolution to establish a policy regarding Privilege of the Floor at Town Board Meetings.

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

WHEREAS, the Town Board values the opportunity to hear from residents and the public at large regarding the operation of Town Government and issues within the community, and

WHEREAS, all Town Board members continue to be available to residents through telephone and e-mail, contact information available at Town Hall and on the Town's website, and

WHEREAS, the Town Board wishes to establish a policy which will present opportunity for the public to express views on issues of concern related to Town Business and Governmental Matters, and for the Board to listen to and receive various viewpoints on such issues of concern in an orderly manner recognizing the rights of fellow residents to hear and to be heard, and

WHEREAS, members of the public are invited to observe proceedings of the Town Board, to attend, listen and participate in the conduct of the public business at Town Board meetings, to comment to the Board on matters of concern, but are asked to refrain from speaking out while another citizen holds the privilege of the floor, or from conducting private meetings or discussion within the meeting room that distracts from the conduct of public business of the Board, and

WHEREAS, the Board wishes to ensure that the widest number of community view points are presented for Board and public consideration; now, therefore, be it

RESOLVED, that the Town Board hereby implements a policy which provides any member of the public the opportunity to speak at a Board meeting, if they so choose, on any topic(s) of their choice regarding town matters, for a single time period of up to five minutes in duration, to express viewpoints during such time microphones are available, and be it further

RESOLVED, that the Town Board will provide a digital timer which will be clearly visible to assist speakers by providing a visible prompt as to time available, and be it further

RESOLVED, that while the Board may from time to time take the opportunity to respond to matters of concern during privilege of the floor, the members may continue to respond to citizen inquiries through telephone contact, email responses, meetings with citizens and other forum such as public events, and be it further

RESOLVED, that members of the public attending Town Board meetings are hereby asked to refrain from speaking while another holds the Privilege of the Floor, or from conducting private meetings or discussion within the meeting room that distracts from the conduct of public business of the Board, and be it further

RESOLVED, that, in order to have the opportunity to receive and to listen to a variety of viewpoints on any given topic, that the Board, after hearing from one or more members of an organization or group, or from members of the public representing a particular point of view on a matter of concern, may limit further comment on a particular matter to additional information or points of view not yet heard; and be it further

RESOLVED, that this resolution take effect immediately.

MOTION BY Supervisor Barrett, seconded by Councilman Paolucci, to amend the resolution in the first RESOLVED by adding “regarding town matters” after the word “choice” and adding the following: “RESOLVED, this resolution shall take effect immediately”.

ROLL CALL VOTE ON MOTION

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

Noes: None

MOTION CARRIED

ROLL CALL VOTE ON RESOLUTION

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

Noes: None

DECLARED ADOPTED

Resolution No. 334 of 2007, a resolution scheduling a public hearing to consider an application for the Conservation Easement program.

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

WHEREAS, Carl and Marianne Springel, 61 Appleton Road, Rexford, have requested inclusion in the Conservation Easement program, and

WHEREAS, the Planning Board has reviewed the application and have agreed that the application meets the intent of the Conservation Easement provision and provides protection of a 104 acre parcel that lies adjacent to Town owned open space for fifteen years, and

WHEREAS, the Town’s Conservation Easement program requires public comment on properties proposed to be included in the program; now, therefore, be it

RESOLVED, that a public hearing is scheduled for December 17, 2007 at 7:10 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, to consider property located at 61 Appleton Road, Rexford, (SBL 276.-1-5.1 and 276.-1-7.1) for inclusion in the Conservation Easement program, and be it further

12/03/2007

RESOLVED, that the property owner give notice to all adjacent property owners and other entities as provided in the Town's Conservation Easement legislation in advance of the public hearing and submit receipts of mailing to the Town Clerk's office prior to the date of the public hearing; and be it further

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

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 335 of 2007, a resolution authorizing the Assessor to re-levy a delinquent water charge on the 2008 property tax bills.

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

WHEREAS, the Clifton Park Town Board has received a request from the Town of Ballston, requesting that the Assessor of the Town of Clifton Park be authorized to re-levy unpaid Town of Ballston water bills of the Town of Clifton Park users onto the Town and County Tax Bills, and

WHEREAS, the Town of Ballston has reported an unpaid water bill, per the attached schedule, for the Town of Ballston, and

WHEREAS, it is necessary for the Assessor to re-levy the unpaid bill on the property owner's 2008 tax bill to insure payment of the same; now, therefore, be it

RESOLVED, that the Town Board accepts the reported delinquent water charges for the Town of Ballston for a water user in the Town of Clifton Park, per the attached schedule, and authorizes the Assessor to re-levy that amount on the property owner's 2008 tax bill and to return the proceeds to the Town of Ballston.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 336 of 2007, a resolution accepting a conveyance of the following streets and easements in the Fairway Woods-Phase II Subdivision.

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

WHEREAS, as a condition of approval of the Fairway Woods-Phase II Subdivision of the Town of Clifton Park, the 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

12/03/2007

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

Street	Name of Owner
Trethorne Drive	Masullo Brothers Builders
Portion of Fairleigh Way	
Portion of Tipperary Way	
1.464 Acre Stormwater Management Parcel	
2.628 Acre Stormwater Management Parcel	
15.018 Acre Open Space Land	

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, 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 provision 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 to make an Order laying out the afore described Town Highways, said Town Highways to consist of the lands described in the aforesaid deed(s), and be it further

RESOLVED, that the Town Superintendent of Highways 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 Trethorne Drive at its southerly intersection of Tipperary Way, on Fairleigh Way at its westerly intersection of Trethorne Drive and on Trethorne Drive at its northerly intersection of MacElroy Road, as required by the Planning Board and Town Highway Superintendent for proper traffic control.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 337 of 2007, a resolution authorizing the purchase of two furnaces for the Highway Garage.

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

WHEREAS, a need exists to replace two furnaces at the Highway Garage, and

WHEREAS, the cost to replace both furnaces is approximately \$8000; now, therefore, be it

RESOLVED, that authorization is hereby given for the Highway Department to purchase two furnaces for the Highway Garage; and be it further

12/03/2007

RESOLVED, that the Comptroller is hereby authorized to transfer \$3500 from Undesignated Fund Balance and \$4500 from Contingency to A05132-200 (Highway General Fund-Garage Equipment) to cover the cost of purchasing two furnaces for the Highway Garage.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 338 of 2007, a resolution appointing Lou Pasquarell to permanent status as Safety Officer, per Civil Service certification.

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

WHEREAS, Lou Pasquarell, 475 Vischer Ferry Road, Clifton Park, was provisionally appointed to the position of Safety Officer for the Town of Clifton Park, and

WHEREAS, Lou Pasquarell successfully passed the Civil Service Exam for the position of Safety Officer and was certified as a permanent employee on November 28, 2007; now, therefore, be it

RESOLVED, that Lou Pasquarell, 475 Vischer Ferry Road, Clifton Park, is hereby appointed to permanent status as Safety Officer for the Town of Clifton Park, per Civil Service Certification as of November 28, 2007.

Supervisor Barrett commended Mr. Pasquarell on his service to the town.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 339 of 2007, a resolution accepting a conveyance of the following street and easement in the Healy Subdivision.

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

WHEREAS, as a condition of approval of the Healy Subdivision of the Town of Clifton Park, the 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 easement briefly described as follows:

- | <u>Street</u> | <u>Name of Owner</u> |
|--------------------|-----------------------|
| • Wildberry Court | Hollander Homes, Inc. |
| • Utility Easement | |

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, 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 provision 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 to make an Order laying out the afore described Town Highways, said Town Highways to consist of the lands described in the aforesaid deed(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 Wildberry Court at its northerly intersection of Grooms Road, as required by the Planning Board and Town Highway Superintendent for proper traffic control.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

The digital timer was put into operation by the Town Clerk.

Youseff Ballout, Torrero Drive, asked what specific events led the Town Board to adopt Resolution No. 333 as he feels the Supervisor does a good job of keeping track of the five-minute time limit. He feels this is an attempt to stifle the democratic process and doesn't help the political debate in the town. He asked the Town Board to look at this again.

Supervisor Barrett responded five minutes is enough time for an opinion to be stated. He said Town Board members speak with residents on a daily basis. The Supervisor said a debate is not the proper use of public privilege and with three meetings a month, the time allotted is substantial. He expressed appreciation to Town Attorney McCarthy for his research into other municipalities and public privilege.

Councilman Paolucci said he likes the addition of a timer as this will give everyone the same opportunity to contribute and the Board encourages comments on town business.

Councilwoman Walowit said the reason she is supportive of the timer is due to constituents concerns regarding speakers and comments at Town Board meetings.

Councilman Hughes, speaking in support of the resolution, said the resolution fulfills the mandate of trying to ensure that town government is open and accessible to residents and encourages more individuals to come to meetings and be involved. He reiterated any member of the public is welcome at any Town Board meeting to speak on any town topic.

12/03/2007

Norman Goldman, London Square Drive, read prepared a statement that included comments opposing the use of a timer and limiting a speaker five minutes, the appointment of an individual to the Planning Department in September of 2006, and the Ice Arena Financial Report of 2005.

Jim Baisley, Barkwood Lane, stated he doesn't see any change in public privilege as speakers still have five minutes to address the Board. Regarding a newspaper article about the 2008 budget, he noted the \$41,000 decrease in miscellaneous equipment is "pocket change" and there should have been an explanation as to the allocation of the \$14 million.

Supervisor Barrett explained the budget shows the breakdown of the \$14 million.

Councilman Hughes said there are multiple avenues for people to contact elected representatives in addition to public privilege; e.g. email, phone, or meet in person.

Councilman Roth encouraged residents to contact Town Board members. He stated no one should be unheard at any time with a problem.

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 8:05 p.m.

Patricia O'Donnell
Town Clerk