

**Clifton Park Town Board Meeting Minutes
October 2, 2000**

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 Pelagalli
John Hahn, Director of Community Development
Michael Shahan, Town Administrator
Walter Smead, Assessor

MOTION by Councilman Paolucci, seconded by Councilman Roth, to approve the minutes of the September 11 and 18, 2000 meetings as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

AUDIT THROUGH SEPTEMBER 29TH

General Operating/Utilities #1531 to #1753 \$103,543.98
General Manual Checks #95 to #101 296,565.04
Highway Bills #39 to #45 509,108.26
Capital Projects
Moe Road 2,802.86
HUD Manual Checks #26 to #28 12,824.99
Lighting District #33 to #38 6,365.94
Olde Nott Farm Sewer District #29 to #32 7,551.21
Olde Nott Farm Manual Checks #3 to #5 23,625.00
Parks #156 to #1170 3,045.54

Rexford Water District #84 to #89 3,976.98
Risk Retention #23 to #26 6,957.35
Woodland Hills Sewer District #6 to #7 990.16
Riverview Landing Sewer District #1 882.53
Dutch Meadows Sewer District #10 to #11 1,858.23
Trust & Agency #31 to #37 955.50
Manual Checks #79 to #86 63,864.13
Escrow #2 to #11 9,986.65
Engineering #17 to #23 11,410.50
Payroll #245 to #272 34,644.60
Security Deposits #9 18,091.70
Escrow CHASE #1 352.00

MOTION by Councilwoman Walowit, seconded by Councilman Speckhard, to accept the audit.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett reviewed the agenda for “Character Counts” week.

The Supervisor announced a public evidentiary hearing regarding CK Sanitary System, Inc. rate increase request is scheduled for 7:10 p.m. on October 3, 2000. He said since only engineering and no financial representatives will be in attendance and it will be necessary to hold another hearing and asked Town Attorney Pelagalli to request a 60-day extension of CK Sanitary System, Inc.

Supervisor Barrett reviewed his 2001 Budget message, attached.

The Supervisor announced the 23rd Clifton Park Stampede is scheduled for October 14th.

Councilman Roth expressed appreciation to Jason Kemper for the successful special collection day and reviewed the hazardous waste collected. He reported 294 cars came through and all preregistered were accommodated, however, 60 people were refused

either by phone, after the final registration day, or at the site. He estimated the event to cost \$14,000 with Malta sharing the cost for their residents. He thanked food sponsors - Grand Union, Price Chopper, McDonalds of Clifton Park and Mama's Family Restaurant.

Councilman Roth said he is taking exams which are held on Monday evenings for paramedic recertification and has to leave the meeting early.

Supervisor Barrett said the two public hearings this evening are being switched due to Councilman Roth having to leave.

**PUBLIC HEARING, 7:20 PM
TO CONSIDER THE ESTABLISHMENT OF THE
ROUTE 9 – FIRE ROAD WATER DISTRICT**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on September 22, 2000.

Supervisor Barrett said this had already been voted on and approved by the Town Board but bond counsel felt the boundaries needed to be more clearly defined in the public hearing notice and it should be redone. Supervisor Barrett noted petitions had been brought to the Town by people in the Exit 9 area requesting public water. He reviewed the boundaries of the proposed district. The public hearing was opened for comments from the audience at 7:40 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 7:43 p.m.

Supervisor Barrett said though it is rare that the Board would vote the same night as a public hearing, he recommended voting on the establishment of the district this evening since the Town Board had already approved it at an earlier meeting.

Resolution No. 228 of 2000, a resolution determining that action to organize the Route 9-Fire Road Water District No.1 and acquire and construct improvements to the water system will not have a significant effect on the environment.

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

WHEREAS, the Town Board has been petitioned pursuant to Article 12 of the N.Y.S. Town Law proposes to establish a water district to be known as the Route 9-Fire Road District No.1 (the "District") comprising a portion of the property served by and also proposes to acquire, construct and install improvements to the water system consisting of (a) the acquisition and installation of water equipment and facilities, and (b) the acquisition of land or rights in land, all as more particularly described in the report of C.T. Male Associates which is on file in the office of the Town Clerk (the "Project"), and

WHEREAS, pursuant to Article 8 of the Environmental Conservation law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the “Regulations”), the Town Board desires to determine whether the Project may have a “significant effect on the environment” (as said quoted term is defined in the SEQR Act and the Regulations) and therefore require the preparation of an environmental impact statement, and

WHEREAS, to aid the Town Board in determining whether the Project may have a significant effect upon the environment, the Town Environmental Specialist has prepared and submitted to the Town Board a Memorandum Report, a copy of which was reviewed by the Town Board and copies of which are on file at the office of the Town Clerk, and

WHEREAS, pursuant to the Regulations, the Town Board has reviewed and considered the Memorandum Report in order to make a determination as to the potential environmental significance of the Project, and

WHEREAS, the Project appears to constitute a “Unlisted Action” (as said quoted term is defined in the Regulations); and

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE TOWN BOARD OF THE TOWN OF CLIFTON PARK AS FOLLOWS:

(1) Based upon an examination of the Memorandum Report, and based further upon the Town Board’s knowledge of the area surrounding the proposed water district and such further investigation of the Project and its environmental effects as the Town Board has deemed appropriate, the Town Board makes the following findings with respect to the Project:

(A) The Project consists of the creation of a water district to be known as The Route 9-FireRoad Water District No. 1 as particularly described in the report of C.T. Male Associates, P.C which is on file in the office of the Town Clerk, and

(B) No potentially significant impacts on the environment are noted in the Memorandum Report, and none are known to the Town Board.

(2) Based upon the foregoing investigation of the potential environmental impacts of the Project and considering both the magnitude and importance of each environmental impact therein indicated, the Town Board makes the following finds and determinations with respect to the Project.

(A) The project constitutes a Unlisted Action (as said quoted term is defined in the Regulations);

(3) This resolution shall take effect immediately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 229 of 2000, a resolution establishing the Route 9-Fire Road Water District No.1 and authorizing the acquisition and construction of improvements to the water system.

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

WHEREAS, the previous name for the proposed district was the Route9-Firehouse Road Water District No. 1; but is more accurately called the Route 9-Fire Road Water District No. 1, and

WHEREAS, a meeting of the Town Board of the Town of Clifton Park was held on September 18, 2000, regarding the establishment of the Route 9-Fire Road Water District (the "District") in the Town of Clifton Park, New York (the "Town"), pursuant to Article 12 of the Town Law, and

WHEREAS, a map, plan and report relating the establishment of the proposed District, prepared by C.T. Male Associates, P.C., a competent engineer licensed by the State of New York, in the manner and detail required by the Town Board, has been filed with the Town Clerk in accordance with the requirements of Article 12 of the Town Law, and

WHEREAS, on September 18, 2000, a resolution was adopted by the Town Board reciting the filing of the map, plan and report, the boundaries of the proposed District, the improvements proposed, the estimated expense of these improvements, the proposed method of financing, the cost of the district to the typical property, the fact that the map, plan and report are on file in the Town Clerk's Office for public inspection, and all matters required by law to be stated, and

WHEREAS, the resolution called for a public hearing to be held on October 2, 2000 at 7:20 p.m. to hear all persons interested in this matter and to take action as required by law, and

WHEREAS, the resolution was published and posted as required by law, and

WHEREAS, a public hearing on the matter was held by the Town Board on October 2, 2000, beginning at 7:20 p.m. and the matter was fully discussed and all interested persons were heard;

NOW, THEREFORE, the Town Board of the Town of Clifton Park hereby determines that:

1. The petition is signed and acknowledged or proved as required by law and is otherwise sufficient.
2. All the property and property owners within the proposed District are benefited thereby.
3. All the property and property owners benefited are included within the limits of the proposed District.
4. The establishment of this District is in the public interest.

IT IS FURTHER DETERMINED AND RESOLVED that the District, as set forth in the map, plan and report is hereby approved, that the requested improvement shall be constructed, and that the necessary easements and lands shall be acquired, upon the required funds being made available and provided for,

IT IS FURTHER RESOLVED THAT this District shall be known as the Route 9-Fire Road Water District No. 1 in the Town of Clifton Park and shall be bounded and described as set forth on Exhibit A attached hereto, and that all previous references to the District as the Route 9-Firehouse Road Water District are hereby modified, amended and ratified to reflect the proper name of the District,

IT IS FURTHER RESOLVED that the proposed improvements, including construction costs, cost of acquisition of lands and easements, legal and engineering fees, and all other expenses, be financed by the issuance of serial bonds and bond anticipation notes of the Town

containing such terms as may be determined by the Town Board, the cost of such improvements to be assessed by the Town Board in as close a proportion to the benefit to which each lot or parcel will derive from the improvement as is possible;

IT IS FURTHER RESOLVED that this resolution is subject to the approval of the State Department of Audit and Control in accordance with Town Law Section 194.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Councilman Roth left at 7:50 p.m.

PUBLIC HEARING, 7:10 PM TO CONSIDER EXTENSION OF THE STONY CREEK NO. 2 PARK DISTRICT

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on September 22, 2000.

Supervisor Barrett said this proposed extension would include some new properties being developed in the area and park district monies go toward maintenance of public common areas, as well as giving flexibility to a committee within the park district if a “pocket park” was to be considered. The public hearing was opened for comments from the audience at 7:50 p.m.

Gil Kortz, Vischer Ferry Road, speaking also for Mildred Peck, Clifton Park Center Road, owner of sixty acres in town, said they don't feel they should be paying for lands that only people in the subdivision will be using. He asked if this is an attempt in a growing acquisition of large tracts of open space land that might be used for either undisturbed or passive recreation in efforts to try to maintain open space lands in town, this falls into another category other than neighborhood park recreation. He continued if the land is being protected for all the citizens of Clifton Park, he felt Mrs. Peck would be willing to pay a small amount, as one of all the residents of the town, to help any maintenance of that land. He said perhaps a town wide special district should be set up for this purpose.

Supervisor Barrett said he thinks there are others with the same concerns of Mr. Kortz and Mrs. Peck and asked them to write a letter saying they would rather not be included in the park district. The Supervisor explained a park district is considered a special district and is taxed to pay for upkeep of public areas and a possible park down the road should residents so choose.

Clare Parham, Vischer Ferry Road, said she opposed the Summerhill development. She said a lot of the land in that development that is open space is wetlands. She said her property borders land that is proposed to be used as park areas and has no desire for a park. She does not want to be taxed for something that a development is going to use. Ms. Parham asked that she be exempt, as a private property owner, from this park district as she doesn't feel she should be asked to pay a tax for something she won't use.

Supervisor Barrett asked that Ms. Parham put this request in writing to the town.

Ms. Parham asked why isn't it just developments that are involved and why the other side of Vischer Ferry Road isn't involved.

Supervisor Barrett said the developments across Vischer Ferry Road are part of the Clifton Knolls Park District.

Ms. Parham asked, since she borders an access to open space, would she have any say if she didn't want tennis courts, etc., built behind her property that would affect drainage or her land in anyway or is it just the committee's vote that is used.

Supervisor Barrett stated the Town Board acts as Commissioners of Park Districts and even though the committee would recommend what is to be done, the Town Board has to approve it.

Duncan Rounds, Heather Drive, Meadow Estates, said he is concerned that if this extension is not passed then the bike path and open spaces in Meadow Estates will cease to be maintained.

Town Attorney Pelagalli explained even without a park district, the town will own it as the developer will convey it to the town. He said the town can improve the area but without a park district the residents will have less input.

Supervisor Barrett explained without a park district if an improvement needs to be made, every taxpayer in town would be paying towards that improvement.

Councilman Speckhard explained if an improvement is to be made in a part district, the park district committee makes the recommendation to the Town Board. Supervisor Barrett said there would be opportunity for public input for any major project.

Mr. Rounds asked if there would be opportunity for residents to vote on any improvements to the park district. Supervisor Barrett responded no.

Councilman Paolucci said typically in the other park districts there is a committee that want to have a say as to the direction of how the open spaces within their community are maintained. When recommendations come up this is usually passed around the community through mailers and discussion is held and any vote would be decided within the group. The committee at that time would approach the Town Board with the recommendations. Councilman Paolucci said a committee would not come forward with a recommendation unless the majority of the people within that community were in approval. It was noted the proposed extension is only to create a boundary. Councilman Paolucci said people have come forward requesting to be placed in a park district. He explained in the past park districts were formed around pieces of property and this turned out to be a problem as it resulted in pockets of land that were left out of park districts so it was decided that more definable lines be used.

Margaret Catellier, Royal Oak Drive, said she would like to be in a park district as every

time the subdivision sign needs to be repaired or the entrance area or cul de sacs need mowing it costs residents money through the homeowners' association. She said she doesn't think it is fair to ask owners of large tracts of land to pay park district taxes as they are already paying taxes on their land, but if residents of subdivisions want their common areas kept up then they should be willing to pay for that. She said in the event of injury to someone hired to do maintenance, the Homeowners' Association in her development is liable.

It was noted the cost of Clifton Common maintenance is covered in the general fund.

Tom Herold, Grooms Road, said the information mailed to residents should have better defined park districts and he is concerned there will be restrictions placed on property in the park district. He said the people who live in the developments are the one who should pay for a park district, as they will utilize it. Mr. Herold said he does not wish to be in a park district.

It was noted there are no restrictions or regulations placed on property because it is in a park district.

Supervisor Barrett asked anyone who does not wish to be included in the park district to write to him in this regard.

Mary Post, Miller Road, said people who live in developments are the ones that would utilize a park. She said she uses the Common and does not wish to be in the park district.

Jim Easton, Vischer Ferry Road, stated he does not wish to be included in the park district. He doesn't want to share the costs of having a development's grass mowed.

Guy Bassy, Miller Road, spoke in agreement with Mr. Easton.

Dawn Shafer, Grooms Road, said she is not interested in being part of the park district and wouldn't use a development park.

Norman Goldman, London Square Drive, said there are people paying various taxes - school, lighting, parks that don't use facilities. He stated he is an advocate for regional parks that cover everybody. He is not in favor of a town wide district as there would not be local input. He asked that allowances made for people who would have a significant expense involving large tracts of land. Mr. Goldman asked that there be no gerrymandering of districts.

Supervisor Barrett said it appears discussion is needed as to the establishment and extension of park districts.

Norman Frederick, Clifton Park Center Road, said if costs were divided equally between the homeowners it wouldn't seem to affect the owners of large amounts of land as much.

Town Assessor, Walter Smead explained most special districts are ad valorem districts so taxes depend upon assessment.

Mr. Pelagalli said the establishment of park districts is laid out in NYS Town Law but he will check to see if a park district can be done in any other way.

Ms. Shafer said the complexion of the Town has changed, therefore, the process of what was used originally should be revisited. She noted even though some special districts taxes are low, when totaled they can become a great deal.

It was noted that only publicly owned common areas would be maintained.

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 8:55 p.m.

The Town Clerk presented the 2001 Tentative Budget to the Town Board.

Due to the lateness of the hours, it was decided that Town Administrator Shahan will present the tentative budget at the October 10, 2000 Town Board meeting.

Resolution No. 230 of 2000, a resolution authorizing the Town Assessor to hire Del Palmer Appraisal Company to conduct an appraisal of the Best Western Motel.

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

WHEREAS, the Town of Clifton Park is currently a party to a Tax Certiorari proceeding brought by the Best Western Motel, and

WHEREAS, an independent appraisal of the Best Western Motel is necessary for the litigation, and Del Palmer Appraisals has performed such appraisals for the Town of Clifton Park in the past; now, therefore, be it

RESOLVED, that the Sole Assessor for the Town of Clifton Park is authorized to hire Del Palmer Appraisal Company to conduct an appraisal of the Best Western Motel, SBL 272.-1-5.2, with the estimated cost of \$2800 to come from the Appraisal Budget Account, A-1355-130.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 231 of 2000, a resolution authorizing the Town Supervisor to amend existing contract with Clough, Harbour & Associates LLP for final design for road improvements to Moe Road.

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

WHEREAS, the Town of Clifton Park desires to perform road improvements in response to public comment to Moe Road, and

WHEREAS, the Town of Clifton Park has contracted with the New York State Department of Transportation for project funding, review and administration of such project; now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to amend the existing contract with Clough, Harbour & Associates, LLP to initiate additional work stipulated as outlined in a Revised Supplemental Agreement dated September 6, 2000 to complete the design process of Moe Road, and be it further

RESOLVED, that the cost breakdown for services is attached as per Schedule A with a net addition to the contract of \$49,400, 95% of which will be reimbursed by State and Federal Funds, with Town costs of approximately \$2470 to come from Account DA-5142-140 (Snow Removal Highway-Other Payments).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 232 of 2000, a resolution granting full-time status as Buildings and Grounds employees to Joseph Champagne and Raymond Zeller.

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

WHEREAS, Michael Handerhan, Supervisor of Buildings and Grounds, has requested

that Joseph Champagne, 475 Vischer Ferry Rd., Clifton Park, and Raymond Zeller, 7B Poplar Drive, Clifton Park, be granted full-time status as employees of the Department of Buildings and Grounds, and

WHEREAS, the Town Board recognizes that granting such status to Mr. Champagne and Mr. Zeller would be a benefit to the Town of Clifton Park; now, therefore, be it

RESOLVED, that Joseph Champagne, 475 Vischer Ferry Road, Clifton Park, and Raymond Zeller, 7B Poplar Dr., Clifton Park, who are currently half-time with both the Department of Buildings and Grounds and the Highway Department, are hereby granted full-time status as employees of the Town of Clifton Park's Department of Buildings and Grounds, effective immediately, with the additional cost of \$24,519 per year to be paid from Account A-7110-E 3000 (Buildings & Grounds Laborers).

Supervisor Barrett explained with the Town acquiring additional properties there are many more duties and responsibilities for the Buildings and Grounds Department.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 233 of 2000, a resolution authorizing the Southern Saratoga YMCA to conduct a Youth Triathlon.

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

WHEREAS, the Southern Saratoga YMCA intends to conduct a Youth Triathlon, Y-Kids Tri, on Saturday, October 7, 2000, and

WHEREAS, the Youth Triathlon will commence at the YMCA and traverse Town roads including Wall Street, Clifton Country Road, Clifton Park Center Road, Moe Road and several streets within the Hollandale Apartment Complex and Clifton Gardens, and

WHEREAS, the Southern Saratoga Youth Triathlon will involve the Arongen School parking lot and the trail leading toward the rear of the Hannaford Store at Village Green Plaza; now, therefore, be it

RESOLVED, that the Southern Saratoga YMCA is hereby granted permission to conduct

a Youth Triathlon using Clifton Country Road, Clifton Park Center Road and roads through Hollandale Apartment Complex, the Clifton Gardens Development, the Arongen School parking lot and along the trail leading toward the rear of the Hannaford Store at Village Green Plaza, and be it further

RESOLVED that the Deputy Superintendent of Highways is hereby authorized to close that portion of Clifton Park Center Road that runs from Clifton Country Road to Moe Road, and be it further

RESOLVED, that the Southern Saratoga YMCA shall file proper insurance and arrange for all relevant traffic enforcement agencies and Emergency corps.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 234 of 2000, a resolution setting a public hearing for October 10, 2000 to consider a local law amending Local Law No. 3 of 2000, a Local law amending Local Law No. 27 of 1989, Signs as amended by Local Law No. 8 of 1992, to consider adoption of a Local Law imposing a six month moratorium on review, approval and issuance of permits for billboards/off-premises signs/advertising signs in the Town of Clifton Park.

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

WHEREAS, the Town of Clifton Park has been made a party to litigation seeking to declare the Town's sign law unconstitutional as it relates to exclusion of billboards/off premises signs/advertising signs within the Town of Clifton Park, and

WHEREAS, the Town Board wishes to extend a six month moratorium on the review, approval and issuance of permits for billboards/off premises signs/advertising signs in the Town of Clifton Park pending review of relevant case law as it applies to the Town's sign law; now, therefore, be it

RESOLVED, that a public hearing to consider extending a six month moratorium on the review, approval and issuance of permits for billboards/off premises signs/advertising signs in the Town of Clifton Park for an additional six months is hereby set for October 10, 2000 at 7:10 P.M. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park

and the Town Clerk is directed to publish appropriate notice of same.

Supervisor Barrett stated the Town will fight proposed billboards placement by Nichols Media.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

PUBLIC PRIVILEGE

Norman Goldman, London Square Drive, said he is concerned about the amount of money being discussed regarding the back portico on the Senior Citizens building but thinks it is a good project.

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

Motion carried at 9:18 p.m.

Patricia O'Donnell
Town Clerk