

**Clifton Park Town Board Meeting Minutes
June 19, 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 Roth, Councilwoman Walowit, Supervisor Barrett, Town Clerk O'Donnell

Absent: Councilman Paolucci, Councilman Speckhard

Also Present: Town Attorney Pelagalli, John Hahn, Director of Community Development, Mark Heggen, Comptroller, Michael Shahan, Town Administrator

MOTION by Councilman Roth, seconded by Councilwoman Walowit, to approve the minutes of the June 5, 2000 meeting as presented.

ROLL CALL VOTE

Ayes: Councilman Roth, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Speckhard

MOTION CARRIED

AUDIT THROUGH JUNE 16th

General Operating/Utilities #866 to 941 \$131,802.28

Highway Bills #125 to #137 10,677.53

Lighting District #14 10,390.67

Olde Nott Farm Sewer #19 613.90

Parks #45 to #60 27,492.53

Rexford Water District #46 to #50 1,066.23

Risk Retention #12 489.90

Trust & Agency Escrow #1 506.00

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

ROLL CALL VOTE

Ayes: Councilman Roth, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Speckhard

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett said the July 3rd Town Board Meeting will be televised July 5th.

The Supervisor expressed appreciation to the sponsors of the Character Counts T-shirts.

The Supervisor reported the Boy Scouts will hold an official flag burning ceremony after the parade and worn flags may be dropped off at the Town Hall.

PUBLIC HEARING, 7:10 PM

AGENCY PLAN FOR SECTION 8 RENTAL ASSISTANCE

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on May 1, 2000.

Joseph E. Mastrianni, Section 8 Administrator, reported he has been doing the Program since 1981 and explained new regulations with HUD require an annual and a five-year plan. He said the program is being run the same way as in the past. Mr. Mastrianni said the program includes the Towns of Clifton Park, Malta, and Halfmoon and the Village of Round Lake, with preference given to people who live in those communities. There is a

waiting list of about 80 people, with 60 being in the service area and a turn over of about five families per year. Of the 60 people on the waiting list, 30 are disabled or elderly, with a little more than a third currently being served are disabled or elderly The public hearing was opened for comments from the audience.

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 7:15 p.m.

Town Comptroller Heggen reviewed the May financial report. He said he has received the draft financial statements for year ending December 31, 1999. Mortgage Tax payment of \$368,000 has been received. Bills for the Woodland Hills and Dutch Meadow Sewer Districts for the second quarter have been sent to residents. These bills will be sent out for the remainder of the year and then will be on the January 2001 tax bill. Mr. Heggen said the State auditor is currently doing a Risk Assessment.

PUBLIC HEARING, 7:20 PM

TO CONSIDER THE ADOPTION OF A LOCAL LAW

IN CONNECTION WITH IMPOSING A SIX MONTH MORATORIUM ON THE REVIEW, APPROVAL AND/OR ISSUANCE OF PERMITS FOR OR RELATING TO THE ESTABLISHMENT OR RELOCATION OF ADULT USE BUSINESSES

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on June 15,2000.

Supervisor Barrett said it is very difficult to find a location to zone these businesses and more time is needed for review, therefore, a six-month moratorium is being proposed. The public hearing was opened for comments from the audience.

Gary Griffieth, pediatrician in Clifton Park, spoke against having adult use businesses in Town, stating a six-month moratorium misses the point. He said he thinks there is legal precedent for having the businesses zoned out of the area completely and would like to share this evidence with the Committee and Town Board.

Town Attorney Pelagalli said his research says these businesses cannot be zoned out. He said the Town is being proactive and is not encouraging businesses to come into Town but is trying to limit where they can go in order to have the least negative effect. Mr. Pelagalli asked Dr. Griffieth to send any information to him for his review.

Supervisor Barrett said the Town is in a precarious position since neighboring Towns are passing legislation in this regard and would be the weak link if legislation isn't passed.

Councilman Roth explained in passing the moratorium, the Town is trying to get additional information and if Dr. Griffith has information to share he encouraged him to forward it to Mr. Pelagalli. Councilman Roth said the Town will look at any information available but if the zone has to be set up it should be set up where it is best suited to make the least impact. He said if the moratorium is passed, he is going to ask the Committee to look at larger set backs and landscaping. He said if a zone isn't designated and a business opens in a strip mall, this will affect more than the 2000 children that attend programs at Corpus Christi, it will affect the 8,000- 10,000 children in this community and this would be a worse result. He said he hopes this will affect no children.

Supervisor Barrett said if there is any legal foundation to stand on to not allow businesses in, the Town will consider it.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 7:35 p.m.

Supervisor Barrett said if members of Corpus Christi want to set up a meeting with him and the Town Board he would be happy to attend.

Town Administrator Shahan stated, with regard to the adult use businesses, the Town must do what the Supreme Court has ruled and an area in Town must be found. He updated the Board on various projects, reporting he is working with McDonald Engineering on the Corporate Commerce zone and it has been decided to make the sewer line a forced main, which will reduce the cost. He said discussions are being held with the Department of Health to see if the same trench for water and sewer lines could be used and, if possible, this could save approximately \$100,000. Mr. Shahan noted he would like a letter sent to the landowners in the 300 acre area to invite them to an informational meeting to see if they are interested in proceeding with this project. He reported he and the Supervisor have met with Chief of Security Harry Green to discuss park patrols and review areas of Town that have been vandalism trouble spots. Mr. Shahan encouraged people to call the Town Hall to report any acts of vandalism so these areas can be patrolled. With regard to the Evergreen Avenue and Grooms Road traffic study, Saratoga County Highway Superintendent Ritchey reported no traffic light is warranted but recommended the intersection be monitored in the future.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 147 of 2000, a resolution authorizing the Supervisor to enter into a contract with Clough, Harbour and Associates, LLP for inspection and construction support services for Moe Road improvements.

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

WHEREAS, the Director of Community Development has identified a need for inspection and construction support services relative to Moe Road, and

WHEREAS, Clough, Harbour and Associates, LLP has submitted a proposal to provide these services, and

WHEREAS, the Director of Community Development has recommended that the Town of Clifton Park accept this proposal; now, therefore be it

RESOLVED, that the Supervisor of the Town of Clifton Park is hereby authorized to enter into a contract with Clough, Harbour and Associates, LLP for the provision of inspection and construction support services for Moe Road, and, be it further

RESOLVED, that this contract shall have a maximum fee of \$400,000 with 80% (\$320,000) to be paid from approved Federal Funds and 15% (\$60,000) to be paid from approved State Funds and \$20,000 to be paid from budgeted line DA-5142-140 (Highway Funds-Other Payments).

ROLL CALL VOTE

Ayes: Councilman Roth, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Speckhard

DECLARED ADOPTED

Resolution No. 148 of 2000, a resolution authorizing water rent rolls for Rexford Water District No. 2 and Rivercrest Water District No. 1.

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

WHEREAS, the Comptroller has compiled the water rent rolls for the Rexford Water District No. 2 and Rivercrest Water District No. 1, per the Exhibit attached hereto, and

WHEREAS, it is necessary to approve the water rent rolls so that the Comptroller may bill and collect money for water services in those districts; now, therefore be it

RESOLVED, that the water rent rolls attached hereto and the Town Board acting as Commissioners for the Rexford Water District No. 2 and Rivercrest Water District No. 1 are hereby approved and the Comptroller is authorized to bill and collect money for water services in those districts.

ROLL CALL VOTE

Ayes: Councilman Roth, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Speckhard

DECLARED ADOPTED

Resolution No. 149 of 2000, a resolution hiring staff for summer recreation programs.

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

WHEREAS, it is necessary that additional staff be hired by the Department of Parks and Recreation to operate the Town of Clifton Park summer recreation programs; now, therefore be it

RESOLVED, that the individuals listed in Exhibit A attached hereto shall be hired to staff the Town of Clifton Park from June 23, 2000 to August 18, 2000.

ROLL CALL VOTE

Ayes: Councilman Roth, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Speckhard

DECLARED ADOPTED

Resolution No. 150 of 2000, a resolution calling for a public hearing in the matter of the proposed extension of the Clifton Knolls Park District.

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

WHEREAS, a map, plan and report relating to the proposed extension of the Clifton Knolls Park District prepared by the Planning Department, in such manner and in such detail as has been determined by the Town Board, has been filed with the Town Clerk of the Town of Clifton Park, in accordance with Article 12-A of the Town Law, and

WHEREAS, a description of the boundaries of the proposed extension of said district is set forth in Exhibit "A" (known as the Wyncrest and Enders Subdivisions), and

WHEREAS, this is a phase of an overall expansion of the Clifton Knolls Park District, and

WHEREAS, the service proposed is rendering park district service, and

WHEREAS, the proposed method of financing the cost of said service is by taxes levied against the real property located within the district; now, therefore be it

RESOLVED, that a public hearing be held by the Town Board of Clifton Park on the 3rd day of July, 2000 at 7:30 p.m. in the Wood Memorial Meeting Room, 1 Town Hall Plaza, Clifton Park, to consider said map, plan and report and to hear all persons interested therein and to take such action thereon as is required.

ROLL CALL VOTE

Ayes: Councilman Roth, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Speckhard

DECLARED ADOPTED

Resolution No. 151 of 2000, a resolution calling for a public hearing in the matter of the proposed extension of the Longkill No. 1 Park District.

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

WHEREAS, a map, plan and report relating to the proposed extension of the Longkill No. 1 Park District prepared by the Planning Department, in such manner and in such detail as has been determined by the Town Board, has been filed with the Town Clerk of the Town of Clifton Park, in accordance with Article 12-A of the Town Law, and

WHEREAS, a description of the boundaries of the proposed extension of said district is set forth in Exhibit "A"(known as Country Knolls West, Section 60), and

WHEREAS, this is a phase of an overall expansion of the Longkill No. 1 Park District, and

WHEREAS, the service proposed is rendering park district service, and

WHEREAS, the proposed method of financing the cost of said service is by taxes levied against the real property located within the district; now, therefore be it

RESOLVED, that a public hearing be held by the Town Board of the Town of Clifton Park on the 3rd day of July, 2000 at 7:20 p.m. in the Wood Memorial Meeting Room, 1 Town Hall Plaza, Clifton Park, to consider said map, plan and report and to hear all persons interested therein and to take such action thereon as is required.

ROLL CALL VOTE

Ayes: Councilman Roth, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Roth, Councilman Speckhard

DECLARED ADOPTED

Resolution No. 152 of 2000, a resolution accepting a bid from Atlantic Pavement Markings, Inc.

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

WHEREAS, bids for application of pavement markings have been received, and

WHEREAS, the lowest acceptable bid was received from Atlantic Pavement Markings, Inc., and

WHEREAS, the Deputy Highway Superintendent and the Town Engineer have recommended accepting this bid; now, therefore be it

RESOLVED, that the bid of Atlantic Pavement Markings, Inc. for application of pavement markings as per Spec. No. H-3-00 is hereby accepted per Exhibit A.

ROLL CALL VOTE

Ayes: Councilman Roth, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Speckhard

DECLARED ADOPTED

Resolution No. 153 of 2000, a resolution adopting Revision 2 of the Rexford Water District No. 2 Rules and Regulations.

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

WHEREAS, the Rexford Water District No. 2 Study Committee has carefully reviewed the Rules and Regulations and has made its recommendations; now, therefore be it

RESOLVED, that the Town Board as Commissioners of the Rexford Water District No. 2 hereby adopt Revision 2 of the Rexford Water District No. 2 Rules and Regulations as per attached.

ROLL CALL VOTE

Ayes: Councilman Roth, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Speckhard

DECLARED ADOPTED

Resolution No. 154 of 2000, a resolution transferring \$7900 from FX-8340-320 (Capital Fund) to FX-8340-305 (Glenville Water Usage).

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

WHEREAS, unanticipated water charges have been expended by the Rexford Water District due to the flushing of water mains as part of the Glenridge Road Project; now, therefore be it

RESOLVED, that \$7900 be transferred from FX-8340-320 (Capital Fund) to FX-8340-305 (Glenville Water Usage).

ROLL CALL VOTE

Ayes: Councilman Roth, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Speckhard

DECLARED ADOPTED

Resolution No. 155 of 2000, a resolution adopting Local Law No. 5 of 2000, a local law “Imposing a Six Month Moratorium on the Review, Approval and/or Issuance of Permits for or Relating to the Establishment or Relocation of Adult Use Businesses” and amending Local Law No. 2 of 2000, a local law “Imposing a Ninety Day Moratorium on the Review, Approval and/or Issuance of Permits for or Relating to the Establishment or Relocation of Adult Use Businesses” and Local Law No. 9 of 1985, “Adult Entertainment”, as amended.

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

WHEREAS, a public hearing was conducted on June 19, 2000 relative to extending a six-month moratorium on the review, approval and/or issuance of permits for Adult Use Businesses in the Town of Clifton Park, and comment received was considered; now, therefore, be it

RESOLVED, that Local Law No. 5 of 2000, a Local Law “Imposing a Six Month Moratorium on the Review, Approval and/or Issuance of Permits For or Relating to the Establishment or Relocation of Adult Use Businesses” in the Town of Clifton Park and

amending Local Law No. 2 of 2000 and Local Law No. 9 of 1985 is hereby adopted effective from the date of filing with the Secretary of State but shall take effect immediately upon a person personally served a copy of the legislation after its adoption and the Town Clerk is directed to file appropriate notice of same.

ROLL CALL VOTE

Ayes: Councilman Roth, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Speckhard

DECLARED ADOPTED

Resolution No. 156 of 2000, a resolution authorizing the Town Supervisor to sign an agreement with the Saratoga County Sheriff's Department.

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 and the Saratoga County Sheriff's Department wish to continue their relationship; 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 law enforcement services within the Town of Clifton Park for a three (3) year period ending March 31, 2003, and, be it further

RESOLVED, that the cost of such services, as budgeted, shall increase each year with the Consumer Price Index and any collective bargaining agreements.

ROLL CALL VOTE

Ayes: Councilman Roth, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Speckhard

DECLARED ADOPTED

Resolution No. 157 of 2000, a resolution authorizing the Town Supervisor to sign an agreement with the New York State Police.

Introduced by Councilwoman Walowit, who moved its adoption, seconded by

Councilman Roth.

WHEREAS, the Town of Clifton Park has found it to be cost effective and efficient to obtain law enforcement services within the Town through the New York State Police Department, and

WHEREAS, the Town of Clifton Park and the New York State Police Department wish to continue their relationship; now, therefore be it

RESOLVED, that the Town Supervisor is hereby authorized to sign a contract with the New York State Police Department whereby the State Police shall provide law enforcement services within the Town of Clifton Park for a three (3) year period ending February 28, 2003, and, be it further

RESOLVED, that the cost of such services, as budgeted, shall increase each year with the Consumer Price Index and any collective bargaining agreements.

ROLL CALL VOTE

Ayes: Councilman Roth, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Speckhard

DECLARED ADOPTED

Supervisor Barrett said one thing noted from the Public Safety Task Force meetings is that the State Police and Sheriff's Department are doing a great job dealing with larger disturbances. He noted there are pockets of vandalism in Town and Mr. Shahan, as Public Safety Coordinator, and the State Police and Sheriff's Department will be working together. Residents are encouraged to notify Mr. Shahan when vandalism occurs, as he will be keeping statistics to determine the problem areas and have them patrolled.

Supervisor Barrett said the Town is adding at least two Security Officer patrols from 9:00 p.m. to 4:00 a.m. to cover these problem areas, and they will notify State Police and Sheriff's Department of license plate numbers and descriptions of vandals. He stated the Town is going to do everything possible to alleviate these problems.

Councilman Roth said this is a very positive step and asked the press to get the message out to the community to advise the Town of any incidents.

PUBLIC PRIVILEGE

Beverly Czub, Miller Road, said she has noticed more State Police and Sheriff's patrols on Miller Road.

Andrew McCarty, Tallow Wood Drive, said the park/playground on Mooney Way, constructed by DCG Development, was supposed to be completed before a certificate of occupancy was issued for the buildings on Maxwell Drive. He reported the swing set has not been put in and the entrance on the north side of the park is at such a level that neither strollers or wheelchairs can get into the park as it is all sand. In addition, the four inches of top soil has not been put in, and when areas were graded debris was not removed so sticks are protruding out of the ground. Mr. McCarty asked who is taking care of the park. Supervisor Barrett asked Mr. Shahen to look into this situation.

Mr. McCarty said he is aware of adult web sites that are hosted in Clifton Park and local laws can govern most of the laws for the internet.

Town Attorney Pelagalli said he is not sure how a municipality can deal with that as it would have intermunicipality effect and the Town would probably be preempted by federal and state legislation but he will look into it.

Greg Pyle, Royal Oak Drive, speaking in regard to Moe Road reconstruction, said ground water feeds the pond at Moe and Clifton Park Center Roads and every time work is done the level of the drain is raised rather lowered and this backs water up into the basements in Evergreen Estates. He asked how to notify the contractor that the level of the drain should be lowered. Mr. Hahn asked Mr. Pyle to give him the information and he will give it to the engineer.

Speaking with regard to Barry Hollander's proposed expansion of either apartments or single family homes, Mr. Pyle said as the crowding gets worse the quality of life goes down. He said he realizes people who own property have to make a profit but he is concerned about uncontrolled growth. He said his recommendation would be to go with whatever Hollander proposal has the least number of cars per square foot.

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

Motion carried at 8:45 p.m.

Patricia O'Donnell

Town Clerk