

## **Clifton Park Town Board Meeting Minutes**

**February 26, 2001**

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

Absent: Councilman Paolucci

Also Present: Ass't. Town Attorney Trainor  
Mark Heggen, Comptroller  
Jason Kemper, Director of Planning  
Michael Shahan, Town Administrator

MOTION by Councilman Roth, seconded by Councilwoman Walowit, to approve the minutes of the February 5 and 12, 2001 meetings as presented.

### **ROLL CALL VOTE**

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

Noes: None

Absent: Councilman Paolucci

### **MOTION CARRIED**

### **ANNOUNCEMENTS AND COMMUNICATIONS**

Supervisor Barrett referred to an article in the Daily Gazette and commended Shenendehowa School bus driver Justina Vedder's efforts in bringing the Character Counts Program to school children. He said there would be new initiatives this year with recreational programs.

Supervisor Barrett announced the Open Space Committee members: Co-chairs David Miller and James Romano, and members Frank Berlin, Kevin Bowman, Frank Berger,

Margaret Catellier, Bill Mackesey, Gilbert Kortz, Steve Marra, Michael Mendrick, Kevin O'Brien and Ray Seymour.

The Supervisor announced notice has been received from the State Comptroller approving the establishment of the Route 9-Fire Road Water District. He emphasized the people who benefit from the water line will pay for the improvements. He noted the Clifton Park Fire Department, located in the water district, is in favor of the establishment of the district.

Supervisor Barrett recognized David Mietlicki and his accomplishments in attaining the rank of Eagle Scout and read Resolution No. 23 of 2001 adopted by the Town Board on February 5, 2001 acknowledging his achievements.

**PUBLIC HEARING, 7:10 PM  
TO CONSIDER AMENDING THE STONEY CREEK PARK DISTRICT NO. 2**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on February 15, 2001.

Supervisor Barrett explained this is part of the ongoing work with park districts and involves subdivisions, many of which were approved years ago and are now coming to fruition.

The public hearing was opened for comments from the audience at 7:30 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.

Councilman Speckhard said the concept of a park district has little to do with a single housing development but more to do with a neighborhood and with the creation of a park district a neighborhood is being created of attached lands. He explained this is a way reduce decision making in the recreational area from the Town Board to a neighborhood level and to help provide for recreational activities and equipment that the neighborhoods want. Councilman Speckhard emphasized the concept is to bring people together, not to separate. He said he looks forward to placing Summerhill in the proposed Trails park district. Supervisor Barrett said there is a paved path that winds through the neighborhoods of Meadow Estates to Wishing Well.

Supervisor Barrett declared the public hearing closed at 7:35 p.m.

**PUBLIC HEARING, 7:20 PM  
TO CONSIDER A LOCAL LAW AMENDING LOCAL LAW NO. 8 of 2000  
IMPOSING A NINETY-DAY MORATORIUM ON TOWN SEWER DISTRICTS  
OUTSIDE USER HOOKUPS**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on

February 17, 2001.

Supervisor Barrett summarized the proposed local law explaining the Town has become owner of the private sewer systems that have been abandoned to the Town. During the moratorium rules and regulations will be prepared.

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 7:41 p.m.

PUBLIC HEARING, 7:30 PM

TO CONSIDER A LOCAL LAW AMENDING LOCAL LAWS NOS. 9 of 1985 and 9 of 2000

IMPOSING A MORATORIUM ON THE REVIEW, APPROVAL AND/OR ISSUANCE OF PERMITS FOR OR RELATING TO THE ESTABLISHMENT OR RELOCATION OF ADULT USE BUSINESSES THROUGH DECEMBER 31, 2001,

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on February 17, 2001.

Supervisor Barrett summarized the proposed local law explaining the town has been struggling with this subject for almost a year. He reiterated adult use businesses cannot be zoned out but the town can designate an area of town for the businesses. He said it has been very difficult to find an area that will satisfy first amendment regulations without affecting any neighborhood. In response to a concern from the floor, Supervisor Barrett said a moratorium could be extended as long the town is still working in it.

The public hearing was opened for comments from the audience at 7:41 p.m.

Linda Malloy, Rolling Brook Drive, thanked the Town Board for proposing to extend the moratorium which hopefully will provide time for more creative solutions. She said placing the zone along the Northway is asking for trouble. She submitted "Report To The American Center for Law and Justice on the Secondary Impacts of Sex Oriented Business" to Councilman Paolucci and the Town Clerk.

John Taormina, Eagle Trace, listed discrepancies, attached, with the Pierce and Wood Roads sites and gave recommendations. He said he considers the Pierce and Wood Roads sites and their proximity to the Northway as a threat to his family's safety and wellbeing. He stated this should not be near the Northway or in a place where it is not visible from a secondary road. Mr. Taormina said he is not aware of any study that looked at the impact on the police coverage in town and what the increase in crime and response would have to be. He said he doesn't feel it is safe to assume that nothing is going to happen and the town needs to plan for the worst case scenario.

Supervisor Barrett agreed with Mr. Taormina and stated whether an area is set through an overlay zone or the buffering approach is used, access of the town will be restricted by probably 90 percent or more. He expressed appreciation to residents for their input.

Marilyn Tronco, Twilight Drive, thanked the Town Board for extending the moratorium as it is very important to look at this more closely and asked the Board to be mindful of the overall impact of the final decision. She said the current proposed sites threaten property values and safety of children, as well as the image and character of the town and quality of life.

Norman Goldman, London Square Drive, said he is glad the moratorium is being extended. He said he sees a need in the future for two, three or more alternative proposals coming up. He asked when the next proposal will be presented. Supervisor Barrett said as soon as possible.

Mr. Goldman said the Clifton Country Mall probably brings in more outsiders, undesirables and criminals than any adult use business would ever bring in. He said in reports from police on the adult business that has existed for 20 or 30 years in the Town of Halfmoon there has been no problem. Mr. Goldman said he expects no adult use business will come into town.

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 8:10 p.m.

**PUBLIC HEARING, 7:40 PM  
TO CONSIDER APPLICATIONS FOR CONSERVATION EASEMENTS**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on February 16, 2001.

Supervisor Barrett reviewed the Conservation Easement program, stating currently over 2000 acres are in the program and expressed appreciation to those who have taken part.

The public hearing was opened for comments from the audience at 8:12 p.m.

Councilman Speckhard expressed appreciation to residents and taxpayers of the town as there is a cost to them from the program since taxes, which are abated, need to be prorated over the rest of the town though at a insignificant level. He said residents are already in the process of generally paying for the open space policies of the town and one of the major questions that will face the open space committee is to what extent will the taxpayers be willing to make those payments. He noted to date there has been no objection to picking up that tax load.

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 8:15 p.m.

Town Administrator Shahan reviewed activities for February, reporting the Moe Road project has begun and if there are any questions to please call him. It is hoped the project would be completed by fall but could be held up due to 72 utility poles needing to be moved. He said he is in the process of interviewing for the Security staff.

Town Comptroller Heggen reported he is in the process of preparing a response to the State Comptroller's Report. He reviewed the financial report for January, noting the majority of revenues received in January were 2000 revenues, the largest being sales tax monies of almost \$700,000. He reviewed unaudited figures for 2000 reporting revenues over budget by approximately \$985,000.

Resolution No. 47 of 2001, a resolution setting a public hearing to consider adoption of a local law rezoning parcel 271.-5-13 from R-1 to PIR and amending Local Law No. 10 of 1996.

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

WHEREAS, a request to rezone parcel 271.-5-13 from Residential-1 to Public/Institutional/Recreational uses has been presented to the Town Board, and

WHEREAS, the Town Board has obtained a review under the State Environmental Quality Review Act and now wishes to obtain input from the public; now, therefore, be it

RESOLVED, that a public hearing to consider a local law rezoning parcel 271.-5-13 from Residential-1 to Public/Institutional/Recreational is hereby set for March 5, 2001 at 7:10 PM in the Wood Memorial Room, One Town Hall Plaza, Clifton Park and the Town Clerk is directed to publish notice of same.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

#### DECLARED ADOPTED

Resolution No. 48 of 2001, a resolution authorizing the Catie Hoch Foundation Race to use Town roads during the Second Annual Catiebug Race.

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

WHEREAS, the Catie Hoch Foundation will conduct its Second Annual Catiebug Race within the Town of Clifton Park on Saturday, September 29, 2001, and

WHEREAS, the Catiebug race will be a 5K race proceeding along Burning Bush Boulevard to Meridian Lane to Thunderbird Drive to Blue Spruce and to South Hollow Drive back to Blue Spruce then to Terrace Court and back to Burning Bush Boulevard, and

WHEREAS, the race will commence at 12:30 p.m.; now, therefore, be it

RESOLVED, that the Catie Hoch Foundation may use the Town of Clifton Park roadways for its Second Annual Catiebug Race on September 29, 2001, and be it further

RESOLVED, that the Catie Hoch Foundation shall notify all of the appropriate law enforcement and emergency service agencies and shall obtain adequate insurance which includes the Town of Clifton Park as a named insured.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

#### DECLARED ADOPTED

Resolution No. 49 of 2001, a resolution authorizing Kathleen Boni's attendance at computer skills workshop.

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

WHEREAS, Kathleen Boni has been hired by the Town of Clifton Park as an Account Clerk Typist with the office of Parks, Recreation & Community Affairs, and

WHEREAS, attendance at computer skills workshops given by MicroKnowledge will prepare Ms. Boni for use of Windows and Word in the course of her duties; now, therefore, be it

RESOLVED, that authorization is hereby given to Kathleen Boni to attend classes on Window and Word given by MicroKnowledge on February 26 & 27 and March 6 & 7, 2001, at a cost of \$338 as budgeted in line 7021-1 (Travel and Conferences).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 50 of 2001, a resolution scheduling a public hearing to consider accepting the Draft GEIS as complete regarding the Corporate Commerce Zone and declaring the Town Board as Lead Agency for SEQR purposes.

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

WHEREAS, the Town Board previously adopted the Preliminary Engineering Report of McDonald Engineering regarding proposed water and sewer service to the Corporate Commerce Zone, and

WHEREAS, a Draft GEIS ("DGEIS") regarding these services has been prepared by Clough, Harbour & Associates, and

WHEREAS, the Town Board wishes to solicit comments from the Town citizens regarding the proposals for water and sewer service to the Corporate Commerce Zone; now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled for March 19, 2001 at 7:10 p.m. to be held in the Wood Memorial Room at Town Hall, One Town Hall Plaza, Clifton Park to consider accepting the DGEIS as complete regarding the Corporate Commerce Zone and declaring the Town Board as Lead Agency for SEQR purposes; and the Town Clerk is directed to publish appropriate notice of the same.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 51 of 2001, a resolution authorizing Jason Kemper, Director of Planning and Joel Peller, Counsel to the Planning Board for the Town of Clifton Park, to attend the 2001 SEQR Seminar scheduled for March 15 & 16, 2001 at Albany Law School.

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

WHEREAS, a SEQR Seminar will be held at Albany Law School on March 15 & 16, 2001 to discuss State Environmental Laws and Regulations, and

WHEREAS, the attendance of Jason Kemper, Director of Planning and Joel Peller, Counsel to the Planning Board for the Town of Clifton Park at the 2001 SEQR Seminar will provide a benefit to the Town of Clifton Park; now, therefore, be it

RESOLVED, that Jason Kemper, Director of Planning and Joel Peller, Counsel to the Planning Board are hereby authorized to attend the 2001 SEQR Seminar at Albany Law School on March 15 & 16, 2001 at a total cost not to exceed \$520, to be paid from budget account #A8020-015 (Planning Operating).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 52 of 2001, a resolution authorizing the hiring of Howard LaVine as a computer consultant.

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

WHEREAS, Howard LaVine, 636 Plank Road, Clifton Park, has previously provided computer consulting services to the Town of Clifton Park, and

WHEREAS, the Town Board wishes to hire Howard LaVine as a computer consultant; now, therefore, be it



RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with Howard LaVine, 636 Plank Road, Clifton Park to provide computer consulting services to the Town of Clifton Park at a rate not to exceed \$2000 to come from A1620-4. (Town Computer line.)

Councilman Speckhard said he wanted to make a distinction as this resolution really applies to the general computerization of town hall and is not directly related to the pilot e-government program that Mr. LaVine is working on at no charge. He reported within the next two weeks, the Comprehensive Plan will be on line and the public will be able to comment on it. Councilman Roth spoke in favor of the resolution reporting Mr. LaVine is also working at no charge with a small group on the creation an historic page.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

#### DECLARED ADOPTED

Resolution No. 53 of 2001, a resolution adopting Local Law No. 3 of 2001, amending Local Law No. 8 of 2000, Imposing a Ninety-Day Moratorium on Town Sewer District Outside User Hook-ups.

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

WHEREAS, a local law being proposed Local Law No. 3 of 2001, amending Local Law 8 of 2000, a copy of which is attached herein, and to be known as the Local Law Imposing a Ninety-Day Moratorium on Town Sewer District Outside User Hook-ups, is to be considered for adoption by the Town Board, and

WHEREAS, a public hearing with respect to the adoption of said Local Law was held on February 26, 2001 and no public comment was received; now, therefore, be it

RESOLVED, that Local Law No. 3 of 2001, amending Local Law 8 of 2000, a Local Law “Imposing a Ninety-Day Moratorium of Town Sewer District Outside User Hook-ups” in the Town of Clifton Park is hereby adopted; and, be it further

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

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

#### DECLARED ADOPTED

Resolution No. 54 of 2001, a resolution adopting Local Law No. 4 of 2001, a local law “Imposing a Moratorium Through December 31, 2001 on the Review, Approval and/or Issuance of Permits For or Relating to the Establishment or Relocation of Adult Businesses” and amending Local Law No. 9 of 1985 as amended, and Local Law 9 of 2000.

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

WHEREAS, a public hearing was conducted on February 26, 2001 relative to extending a moratorium through December 31, 2001 on the review, approval and/or issuance of permits for Adult Use Businesses in the Town of Clifton Park and all comments received have been considered; now, therefore, be it

RESOLVED, that Local Law No. 4 of 2001, a Local Law “Imposing a Moratorium Through December 31, 2001 on the Review, Approval and/or Issuance of Permits For or Relating to the Establishment or Relocation of Adult Businesses” in the Town of Clifton Park and amending Local Laws Nos. 9 of 1985 and 9 of 2000 is hereby adopted extending the moratorium through December 31, 2001 and that the Town Clerk is directed to file appropriate notice of same.

Councilman Speckhard said he is aware of a couple of new proposals and would like to consider a public hearing in March. Councilman Roth agreed with Councilman Speckhard and said the public input has definitely changed his mind on a couple of the areas and agrees that Pierce Road is not the place for this zone. He said it is important to try to finalize it for everyone’s welfare. Supervisor Barrett said this process will continue to be open and public. He said there is no out of the way, non-controversial areas for these businesses and that is why the Town is struggling. Councilwoman Walowit said she hopes a public hearing can be set by the next Town Board meeting and get as much done in March as possible. Councilman Roth said the town may have to look at less acreage. Supervisor Barrett stated there is no doubt that once the process is over, the town will have fulfilled first amendment obligations.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 55 of 2001, a resolution accepting certain applications for conservation easements.

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

WHEREAS, a public hearing was held on February 26, 2001 in order to receive public comment on those parcels which have applied for conservation easements in accordance with Local Law No. 12 of 1996, and

WHEREAS, the Town Board has considered the applications and no comments were received; now, therefore, be it

RESOLVED, that the applicants and parcels set forth in the attached Exhibit A are hereby accepted and are granted conservation easements in accordance with the provisions of Local Law No. 12 of 1996; and, be it further

RESOLVED, that the applicants whose parcels have been granted a conservation easement shall execute an agreement provided by the Town of Clifton Park.

Supervisor Barrett expressed appreciation to Board members Speckhard, Roth and Walowit for work done in implementing the Conservation Easement program.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 56 of 2001, final resolution establishing Route 9 – Fire Road Water District No. 1.

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

Walowit.

WHEREAS, the Town Board of the Town of Clifton Park, Saratoga County, New York (the "Town") previously authorized the formation of Route 9 – Fire Road Water District (the "District") by resolutions adopted by the Town Board on October 2, 2000 and December 4, 2000, subject to approval of the New York State Comptroller, and

WHEREAS, on October 18, 2000, the Town Board submitted an application to the New York State Office of the State Comptroller requesting approval of the formation of the District and construction of improvements to the water system in the District (the "Improvements") consisting of (a) the acquisition and installation of water equipment and facilities, (b) the acquisition of land or rights in land, all as more particularly described in the maps and plans prepared by C. T. Male Associates, P. C. (the "Maps and Plans") which is on file in the office of the Town Clerk, and

WHEREAS, by order dated February 15, 2001, the New York State Comptroller approved the establishment of the District; now, therefore, be it

RESOLVED, that Route 9 – Fire Road Water District No. 1 in the Town of Clifton Park, Saratoga County, New York, is hereby established substantially in accordance with the Maps and Plans, and the District shall be bounded and described as set forth on Exhibit A attached hereto, and, be it further

RESOLVED, the construction of the Improvements is hereby authorized at a maximum estimated cost of \$385,000, and, be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to cause a certified copy of this resolution to be recorded in the office of the Saratoga County Clerk and filed in the office of the State Department of Audit and Control in Albany, in accordance with the provisions of Town Law Section 195.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 57 of 2001, a resolution establishing the first Saturday in May as "Celebrate Downtown Day" in the Town of Clifton Park.

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

WHEREAS, the Town Board of the Town of Clifton Park wishes to establish a day in recognition of springtime and shopping in the Exit 9 area, and

WHEREAS, this first annual community celebration will be under the combined sponsorship of Clifton Park Center, Village Plaza, Shopper's World, Southern Saratoga Chamber of Commerce and the Town of Clifton Park, and

WHEREAS, funding from the Town of up to \$10,000 will be allocated; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes up to \$10,000 be allocated for advertising, activities, including \$2000 for the general event coordinator consultant, Zawislan Co. to be budgeted from A8560-200 (Community Beautification-Capital Improvement), and, be it further

RESOLVED, that the Town Board hereby declares May 5, 2001 from 10:00 a.m. to 5:00 p.m. as "Celebrate Downtown Day" in the Town of Clifton Park.

Councilman Speckhard said this is a project that John Hahn is continuing to work on. He explained the \$10,000 was targeted for a gazebo in the community beautification budget and instead will be used to cover expenses for "Celebrate Downtown Day" which more than likely will be repaid through sponsorships. Councilman Speckhard said the beautification of Clifton Country Road will continue. Councilwoman Walowit asked if the consultant will replace Mr. Hahn. Councilman Speckhard responded yes. Councilwoman Walowit said she assumes this will not intrude on the sponsors for 4th of July, Stampede and other events. Councilman Speckhard responded businesses are not being asked to support a town activity but to support a very high profile publicity activity for themselves.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

PUBLIC PRIVILEGE

Norm Goldman, London Square Drive, speaking in regard to the proposed zoning change for middle income senior housing said there are many people who would make use such a facility. Supervisor Barrett said the public hearing will not be a referendum on middle income senior housing as there is no doubt the town needs middle income senior housing. Councilman Speckhard emphasized that even if the rezoning were approved that would not automatically approve the proposed project.

Mr. Goldman said recognition should also be given to former Supervisor LeRoy for the initiation and implementation of the Conservation Easement program.

Supervisor Barrett said he is looking for ways to enhance and strengthen the program as well as make it more enticing. He further said he is looking for other alternatives to preserve open space.

Councilman Speckhard agreed with Mr. Goldman and stated the Conservation Easement law was a breakthrough piece of legislation.

MOTION by Councilman Speckhard, 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 9:20 p.m.

Patricia O'Donnell  
Town Clerk