

Clifton Park Town Board Meeting Minutes

April 2, 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 Paolucci
Councilman Speckhard
Councilman Roth
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Also Present: Town Attorney Trainor
Donald Clemens, Director of Building and Zoning
Jason Kemper, Director of Planning
Ass't. Town Attorney Pelagalli
Michael Shahan, Town Administrator

MOTION by Councilman Roth, seconded by Councilman Paolucci, to approve the minutes of the March 12, 2001 meeting as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett thanked Lorna Kircher for all her efforts with regard to the Mary Jane Row Dog Park.

Councilman Roth announced a new theater group, "The Not So Common Players" is forming under the auspices of the Arts and Culture Citizens Advisory Committee with performances anticipated in June.

Councilman Speckhard said Celebrate Downtown Days, scheduled for May 5th, is

progressing very well and consultant, Cindy Schmehl, will give an update at the April 16th Town Board meeting.

PUBLIC HEARING, 7:10 PM
Agency Plan for 2001 for the Section 8
Rental Assistance Plan

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

Joseph Mastrianni, Joseph E. Mastrianni, Inc., Plan Administrator, reviewed the 2001 Annual Plan Summary, attached. He said from the time an application is submitted until assistance is received is just less than two years and right now there is a waiting of just over 20 program area residents. Mr. Mastrianni recommended applying for more units in the next funding round, which should be January or February of 2002.

The public hearing was opened for comments from the audience at 7:15 p.m.

Everyone was given an opportunity to speak in favor of or against the 2001 Annual Plan and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 7:20 p.m.

PUBLIC HEARING, 7:20 PM
TO CONSIDER A LOCAL LAW AMENDING LOCAL LAW NO. 10 OF 1996
CREATING AN ADULT USE BUSINESS REGULATION LAW AND OVERLAY
ZONE

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on March 26, 2001. (Clerk's Note: This is the third public hearing and third site to be considered)

Supervisor Barrett said there are limited options for creating a zone in town and the town's main goal is to create a zone that will vastly reduce the amount of area that would be open to adult entertainment businesses.

Councilman Paolucci gave a presentation reviewing background, legal precedents, previously proposed areas, reasons determined unsuitable, sensitive uses and viable solutions. He stated the town is vulnerable as these businesses could locate at this time in the B-3 and B-4 zones which total 857 acres. He said the town is looking at ten percent of available usable acreage (857 acres). He noted only eight percent of the town is devoted to commercial use. He displayed a map of the proposed Route 9 site, which is zoned Light Industrial. The description is as follows: The boundaries of the overlay zone known as the LI-A District are superimposed over those portions of the LI District described as the area wholly contained within the boundaries of Interstate 87 to the West, Parcel #264.-3-69 and Parcel #259.-2-44 to the North, the border of the Towns of Clifton Park

and Halfmoon to the East and Parcel #265.-1-14.2 and 265.-1-15.3 to the South. Councilman Paolucci reported this area has become available by changing assumptions; i.e. 500 feet from the structure. There are approximately 70 +/- acres available, excluding wetlands and houses. He reported Corpus Christi Church is approximately 2000 feet from the proposed property. He further reported there is no access from Route 9 to the property but from a small private road off of Route 9 in the Town of Halfmoon known as Roberts Lane, south of the Odyssey Gentlemen's Club. With regard to accessibility, Town Attorney Pelagalli said whenever there is any development, whether commercial or residential, the applicant doesn't necessarily have access to a town, county or state roadway but would have to build a road for accessibility.

The public hearing was opened for comments from the audience at 7:50 p.m.

Bob Stockton, Gramecy Court, asked if Halfmoon could also designate a zone in the area of the Odyssey. Councilman Paolucci reported no as the Town of Halfmoon has already designated an adult use zone near the Mechanicville border. Town Attorney Pelagalli said the proposed zone is further away from Corpus Christi Church than the Odyssey. Councilman Paolucci said the area near the town transfer station was studied but is located in the middle of a residential zone.

Pat Leamy, Apple Tree Lane, said he is insulted that the Route 9 area is being considered. Mr. Leamy said if you permit it they will come. He asked the Board to stand up and say these businesses are not permitted. Supervisor Barrett said he agrees with Mr. Leamy but the town cannot take that stance. He said making it harder for a business to locate in town is as far as the town can go and reducing the area is protecting the town. The Supervisor said the Supreme Court has ruled under the First Amendment that these businesses cannot be zoned out. Mr. Pelagalli said there have been cases that have gone to the Supreme Court in recent years and the Court has ruled that a municipality must allow adult uses. If the town is challenged without having a zone, businesses could come in and to not do anything would be totally irresponsible. He reported since 1967 when the zoning law was first passed up until the moratorium was passed in 2000, there has not been a single application for an adult use and asked why, if the town is making it more difficult to locate, would they come now. Mr. Pelagalli stated the town needs a limited and restricted zone.

Linda Malloy, Rolling Brook Drive, expressed concern that the proposed zone is in the northeast section of town and along the Northway and near Corpus Christi Church. She said she has done extensive research on the subject and she and her group are protesting the installation of a sex oriented business zone in a viable, accessible, populated section of town. She said her research shows there will be definite adverse secondary impacts by locating the zone in the proposed area. Ms. Malloy stated all three zones proposed by the town have the same problem, e.g. proximity to the Northway, to the most populated area of town, and to Corpus Christi Church and she does not want a sex oriented business zone along the Northway.

John Taormina, Eagle Trace, asked if the 500-foot buffer zone was from the property line

or the residence. Councilman Paolucci responded residence. Mr. Taormina said by having the buffer 500 feet from the building instead of the property line, a lot of properties are put in jeopardy. He said by setting the buffer from a building instead of property line, this could be applied in any zone and set a legal precedent. Mr. Pelagalli said there are no sensitive use barriers in other zones, only setbacks. Donald Clemens, Director of Building and Zoning, said there are a few unique buffering portions in the Zoning Code, the most being 300 feet. Mr. Taormina said the way he sees it, the town has allowed adult businesses to be closer to peoples' homes. Councilman Paolucci said he doesn't agree and reviewed sites where businesses could locate today. Mr. Taormina said if the 500 foot buffer had been kept from property to property, the zone couldn't be located in the proposed Route 9 area. He asked if the Pierce Road site is off the table. Councilman Paolucci said at the present time there are three legally viable sites, and he is not sure of the direction the Town Board wants to take. Supervisor Barrett said everything is conceptual and the particular spot Mr. Taormina is referring to is off the table. Mr. Taormina said the town is saying lets do everything to not allow these business in but we don't want to come close to putting up a court battle. He said according to a letter from the Governor's office there is no legal requirement for a specific amount of acreage to be set aside for an adult business. Supervisor Barrett said all the town has to go by is past precedent. Town Attorney Trainor said cases are law and that is what has to be looked at. Mr. Pelagalli reviewed cases where not enough acreage has been successfully challenged. He explained the courts don't set up guidelines that will be applicable elsewhere but look at a particular zoning code, ascertain what area is available and determine on that case whether or not that is sufficient. Mr. Pelagalli said the town is trying to avoid a legal challenge wherein the town would be the loser. He explained when the federal courts strike down a portion of a town code that has to do with adult uses, the court generally strikes down the entire law/zone which, once again, leaves the town without a zone, and approves the business that challenged the code. He stated the town is trying to come up with enough area where it won't be successfully challenged. Councilman Paolucci said 857

acres are available right now. He explained how the locations proposed have been determined. Mr. Taormina asked that a zone be created where it would affect the least number of people. Councilman Paolucci said the proposed location is in a light industrial area. Supervisor Barrett said he has looked at Mr. Taormina's buffering concept recommendation and the only area that would be left is land around the Northway. Mr. Taormina said adult business could move into a commercial area if there is a place available that meets the criteria and with a buffer zone created right now none of the buildings fit that criteria but the town's obligation would have been met. Supervisor Barrett said that concept would leave areas around Exits 8 and 9 available. Mr. Taormina stressed the zone should not be near the Northway. Supervisor Barrett offered to meet with Mr. Taormina.

Norman Goldman, London Square Drive, said changes have been made from the previous proposals, e.g. no informational session held, map didn't show buffer zones, leaving out buffering for cemetery and alcohol uses and reducing church and residence buffers. He said adult uses are incompatible with residential and the current proposal reduces the protection for houses on the property. Mr. Goldman reported Roberts Lane

extends from Route 9 for approximately 1/10 of a mile and the town line is less than 500 feet from Route 9. He said if that is the planned access, the existing Roberts Lane would have to be reconstructed including the bridge and a new road constructed for an extended distance.

Debby Oliviera, Temple Hills, spoke in opposition to the Northway location. Councilman Paolucci reviewed B-3 and B-4 areas that total 857 acres. Ms. Oliviera said if this can be reduced, 50 acres is better than 857 acres. She expressed concern that the three proposals have not been in the 857 acres. Councilman Paolucci said the current proposal would eliminate the entire 857 acres and allow 50 acres that would reduce the secondary impacts more than using the 857 acres would. Ms. Oliviera recommended looking for 50 acres within the B-3 and B-4 zones. Supervisor Barrett said businesses would have a far tougher time going into area proposed than in B-3 and B-4 zones. She read a prepared statement and submitted additional petitions “opposed to the overlay zoning of two 40 acre parcels of land location on I-87 (the Northway) to Pierce Road and Route 9 to Woods Road, which the Town of Clifton Park is considering for the purpose of Adult Business Zoning”. She presented six pages, which includes the Route 9 site, to update the report presented on February 21st. Ms. Oliviera said once the site has been determined, the National Law Center for Families and Children would be willing to come in for a second opinion to tighten it up and protect families.

Supervisor Barrett said the town’s diligence begins here, doesn’t end here, but doesn’t think businesses will be coming in when they haven’t in the past. He said the town has no legal standing at this point in time.

Peggy DiGena, Hazaltine Lane, said a pornographic store opened overnight in her former neighborhood on Long Island where there were no zones designated. This store was within 300 feet of a church and school. She said her church picketed, was defeated in court and had to pay the legal fees of the store. Ms. DiGena said adult use businesses can come into town right now and though she wishes there were another location, the proposed zone needs to be accepted. Regarding no roads available at this location, Ms. DiGena said when developers start building there are no roads and they have to build them.

Marilyn Trunco, Twilight Drive, said Malta and Halfmoon have set sites in undesirable locations but the proposed site puts Clifton Park in a vulnerable position since it borders the Northway which will adversely affect the image of the town and is in close proximity to Corpus Christi Church and homes. She stated accessibility from the Northway makes the site a favorable location for adult businesses and they will prosper and thrive. She asked the Board to look at the Corporate Commerce zone on Route 146 as this location is not near the Northway and doesn’t threaten any existing faith communities. She asked if there would be a public hearing on the Corporate Commerce site. Supervisor Barrett said he is not sure either way. Ms. Trunco said the number of homes in the Corporate Commerce area is minimal compared to the thousands near the site proposed this evening. Supervisor Barrett said the Odyssey has been on Route 9 for years and the area around it has thrived. He doesn’t see where property values have been destroyed. He said

the Mormon Church has moved out of the Corporate Commerce zone. He has been told another church is moving in but this will be verified.

Rob Ritter, Castle Pines, doesn't agree with the proposed zone, stating these businesses will come if allowed and if zones are being created, then the entire residency of Clifton Park has to share the pain and the burden. He said he doesn't feel comfortable living a mile and a half away from the proposed zone. He recommended dividing the acreage in zones available.

Mike Dudick, Southbury Road, said 50 acres would be better than 857 acres and not everyone is going to be happy but the right answer won't be known until it is tested. He said the proposed area seems most viable.

Norman Goldman reported there is a house on the proposed area and feels the rules have been compromised by the changes in buffering. He said the current buffering seems to be tailored to allow going back to the Wood Road site. Supervisor Barrett said the change in buffering has nothing to do with Wood Road, but it is necessary to get as many acres out of the proposed area as possible.

Councilman Paolucci said 500 foot notices were not sent and believes this was an oversight.

Mr. Goldman said according to the Town of Halfmoon Town Clerk, Roberts Lane is not a town road. He asked if nudity can be prohibited within an adult establishment because it is something that is not permitted generally in public. Councilman Paolucci said the town could have a law that does not allow nudity anywhere in the town. Mr. Goldman said nudity can be prohibited in an adult establishment because it is generally applied in town and the anatomical areas listed apply generally in town or they couldn't be prohibited in the adult establishment. Mr. Trainor said that is probably correct.

Councilman Paolucci explained two separate issues have been discussed: 1) the creation of an overlay zone whereby the town limits the amount of acreage available and 2) as a separate issue, to have a law that would ban nudity throughout Clifton Park but this is not part of tonight's proposal. Mr. Goldman questioned the language in the proposed legislation regarding nudity and the effect it would have townwide. Mr. Goldman said he doesn't believe any adult businesses 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 10:15 p.m.

PUBLIC PRIVILEGE

Frank Griggs, Bradt Road, said the Mormon Church located on Bradt Road is not living up to conditions set by the Planning Board. He distributed information pointing out the major items set by Planning Board, and contractors, church, and town actions. He

reported trees called for to remain on the approved site plan have been removed and distributed photos of the area. He presented copies of Planning Board minutes from November 12, 1997 and June 8, 1999, as well as letters from former Director of Planning Simmonds to Mr. Griggs dated November 16, 2000 and from Joseph Grasso of Clough Harbour & Associates to Derek Miller dated December 13, 2000. He asked when the town will enforce the Planning Board regulations and wants assurance from the town that the Letter of Credit will be held back and conditions be met.

Director of Planning Kemper stated he will bring concerns and photos to the Planning Board.

George Petersen, Chairman of the Rexford Water District Study Committee, asked that the taxpayers of the Rexford and Rivercrest Water Districts be considered when surplus money is received from the County. He specifically mentioned: 1) defraying the cost of maintenance of high pressure water line as numerous breaks have occurred since it installation, 2) hydrants in Country Club Acres subdivision, and 3) contribute to the Rexford Water District Capital Improvement Fund.

PUBLIC PRIVILEGE ON RESOLUTIONS

In response to a question from the floor if the janitorial services was put out to bid, Supervisor Barrett responded it is a continuation of the same duties at the same price by the same people.

Resolution No. 73 of 2001, a resolution extending the Transfer Station hours for the annual Spring Clean Up/Green Up Week.

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

WHEREAS, Ronald Bruzdinski, Transfer Station Supervisor, has requested authorization to extend the Transfer Station hours for the Spring Clean Up/Green Up Week from Sunday, April 29, 2001 through Sunday, May 6, 2001; now, therefore, be it

RESOLVED, that the Transfer Station Supervisor is authorized to extend the Transfer Station hours of operation during Spring Clean Up/Green Up Week from April 29, 2001 through May 6, 2001 as per the attached schedules of hours of operation and overtime costs; and be it further

RESOLVED, that the Sunday hours will be from 10:00 AM to 4:00 PM for collection of leaves and brush only.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 74 of 2001, a resolution adopting an Annual Plan for 2001 for the Town of Clifton Park's Section 8 Program.

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

WHEREAS, the Town of Clifton Park operates a Section 8 Housing Assistance Payments Program funded by the U. S. Department of Housing and Urban Development, and

WHEREAS, the Town of Clifton Park is required by the U.S. Department of Housing and Urban Development to prepare and adopt a written Annual Plan that establishes local policies for administration of the Section 8 Housing Assistance Payments Program in accordance with regulations of the U. S. Department of Housing and Urban Development, and

WHEREAS, the Town Board of the Town of Clifton Park has caused a written Annual Plan for 2001 to be prepared establishing local policies for administration of the Section 8 Housing Assistance Payments Program in accordance with regulations of the U.S. Department of Housing and Urban Development, and has reviewed such written plan; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby adopts the Annual Plan for 2001 for operation of the Town of Clifton Park Section 8 Housing Assistance Payments Program; and be it further

RESOLVED, that the Town Board of the Town of Clifton Park continue to look at an increase in the number of allocations in the program.

MOTION by Councilman Speckhard, seconded by Councilman Paolucci, to amend the resolution by adding: "and be it further RESOLVED, that the Town Board of the Town of Clifton Park continue to look at an increase in the number of allocations in the program."

ROLL CALL VOTE ON AMENDMENT

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

Noes: None

MOTION CARRIED

ROLL CALL VOTE ON RESOLUTION

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

Noes: None

DECLARED ADOPTED

Resolution No. 75 of 2001, a resolution reorganizing the Town Attorney's office.

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

WHEREAS, Town Attorney Paul Pelagalli has requested to reduce his responsibilities in
the Town Attorney Office due to other commitments, and

WHEREAS, the Town Board wishes to thank Mr. Pelagalli for his commendable services
as the Town Attorney for the last several years; now, therefore, be it

RESOLVED, that James Trainor be appointed Town Attorney (and that he be paid
\$1027.54 per pay period for the remainder of the year) and that Joel Peller, Paul Pelagalli
and Oscar Schreiber be appointed as Assistant Town Attorneys (and that Paul Pelagalli
and Oscar Schreiber be paid \$616.50 per pay period, and that Joel Peller be paid \$924.77
per pay period for the remainder of the year) effective immediately; and be it further

RESOLVED, that the duties of the Town Attorney staff shall be delegated by the Town
Supervisor, as well as the Town Board, through Town Attorney James Trainor; and be it
further

RESOLVED, that the duties of assistant Town Attorney Paul Pelagalli shall include all
legal matters related to the Town Planning Board and Planning Department, including
related issues and litigation and such further duties as shall be delegated by the Town
Supervisor, as well as the Town Board or Town Attorney from time to time; and be it
further

RESOLVED, that the duties of assistant Town Attorney Oscar Schreiber shall include all
legal matters related to the Zoning Board of Appeals, the Department of Building and
Development, tax assessments and certioraris, related issues and litigation, and such other
duties as may be delegated by the Town Supervisor, as well as the Town Board or Town
Attorney from time to time; and be it further

RESOLVED, that the duties of Town Attorney James Trainor shall include all legal

matters related to the Town Board and the duties of assistant Town Attorney Joel Peller shall include all legal matters related to special districts and contractual issues and miscellaneous projects not otherwise delegated to assistant Town Attorneys Pelagalli or Schreiber, and such other duties as may be delegated by the Town Supervisor, as well as the Town Board or Town Attorney from time to time.

Councilman Speckhard asked that resolution indicate the ability of the Town Board and individual members of the Board to directly relate to the Town Attorneys.

MOTION by Councilman Speckhard, seconded by Councilman Paolucci, to amend the resolution by adding “as well as Town Board” in the last two RESOLVES.

ROLL CALL VOTE ON AMENDMENT

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

Noes: None

MOTION CARRIED

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 76 of 2001, a resolution setting a public hearing to amend Local Law No. 6 of 1969, as amended by Local Law No. 2 of 1998, a Local Law regarding Burning Permits.

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

WHEREAS, Chapter 80 of the Town Code was enacted by Local Law No. 6 of 1969, and amended by Local Law No. 2 of 1998, regarding burning permits, and

WHEREAS, the Town Fire Marshall has proposed the attached changes to Town Code Chapter 80, and

WHEREAS, the Town Board wishes to obtain input from the public in this regard; now, therefore, be it

RESOLVED, that a public hearing to consider amendment of Chapter 80 of the Town Code, regarding Burning Permits and the adoption of a Local Law to amend Local Law No. 6 of 1969, as amended by Local Law No. 2 of 1998 is hereby set for April 9, 2001 at 7:20 P.M. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park; and be it further

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

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 77 of 2001, a resolution to award the bid for lawn care services.

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

WHEREAS, the Director of Buildings and Grounds solicited competitive bids for lawn care services to the Barney Road Pool, Clifton Common, Town Hall, Veterans Park, Soccer Fields at Parkside Trails and the Sherwood Forest entrance and center island and received several conforming bids, and

WHEREAS, the bid from Tru Green Lawn Care was determined to be the lowest conforming bid at an annual amount of \$11,129.69, such that the Director of Buildings and Grounds recommends approval of the same; now, therefore, be it

RESOLVED, that the Director of Buildings and Grounds is authorized to accept the bid of Tru Green Lawn Care for lawn care services for Barney Road Pool, Clifton Common, Town Hall, Veterans Park, Soccer Fields at Parkside Trails and the Sherwood Forest entrance and center island at a cost not to exceed a total amount of \$11,129.69 with the Town reserving the right to reduce the total amount of applications as it deems appropriate, per the attached proposal, to be budgeted from A7150-45 (Barney Rd. Pool-Supplies) \$456.75, A7112-24 (Clifton Common-Repair & Maintenance) \$5,865.32, A7024-24 (Veterans Memorial Park-Repair & Maintenance) \$2081.34, SP8-7125-24 (Sherwood Forest-General Maintenance) \$625.00 and A7026-24 (Soccer Fields at Longkill-Repair & Maintenance) \$2081.28.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 78 of 2001, a resolution approving Niagara Mohawk Refund Settlement.

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

WHEREAS, our consultants, Cost Control Associates, have identified certain over-billings by Niagara Mohawk Power Corporation in street lighting billings and have successfully obtained the agreement of Niagara Mohawk Power Corporation to make refunds for these over-billings, and

WHEREAS, Niagara Mohawk Power Corporation is desirous of obtaining concurrence to the terms of the Settlement, and

WHEREAS, Cost Control Associates recommends approval of the terms of the Settlement; now, therefore, be it

RESOLVED, that a refund be accepted in full satisfaction of past street lighting billing errors totaling \$16,628 consisting of the following amounts by street lighting district:

District Name	Account Numbers	Refund Amt.
General	90952-93109	\$16,173
Nutmeg	3000006145182	10
Riverview	1000012241001	168
Stonegate	9000006144182	79
Evergreen	0000006142182	198

TOTAL ALL DISTRICTS \$16,628

and be it further

RESOLVED, that the terms of the Settlement Agreement and Release be accepted, and that the Town Supervisor is hereby authorized and directed to sign the Settlement Agreement and Release.

It was noted that Cost Control Associates receives 50 percent of the total amount.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 79 of 2001, a resolution accepting the Draft Generic Environmental Impact Statement for the Corporate Commerce Zone as complete and declaring the Town Board as Lead Agency.

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

WHEREAS, the Town Board previously adopted the Preliminary Engineering Report of John M. McDonald Engineering, P.C. regarding proposed water and sewer services to the Corporate Commerce Zone, and

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

WHEREAS, a public hearing to consider acceptance of the DGEIS and declaration of the Clifton Park Town Board as lead agency for SEQRA purposes was conducted on March 19, 2001 and no comments were received; now, therefore, be it

RESOLVED, that the Town Board hereby accepts the Draft GEIS for the Corporate Commerce Zone and hereby declares the Town Board of the Town of Clifton Park as Lead Agency for SEQRA purposes.

Councilman Speckhard asked if the town is now in a position to begin creating water and sewer zones. Mr. Trainor said he believes so.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 80 of 2001, a resolution appointing Chaule Limited to provide janitorial services during sports league play in Town parks.

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

WHEREAS, it is both necessary and appropriate to appoint janitors for Town parks during sports league play and payment for these services has been budgeted for 2001; now, therefore, be it

RESOLVED, that Chaule Limited, 26 Stonegate Road, Ballston Spa, be appointed as

janitors serving Town parks through the completion of sports league play, at a cost not to exceed \$18,823 for the year (\$2,869 per month), to be budgeted from A-7112-23 (Clifton Common-Cleaning) \$13,242, A-7113-23 (Collins Park-Cleaning) \$4,257 and A-7024-23 (Veteran's Park-Cleaning) \$1,324.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 81 of 2001, a resolution creating the position of Community Enhancement Director.

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

WHEREAS, in order to create a liaison between the Town of Clifton Park and community organizations, local businesses and the residents of the Town of Clifton Park it is necessary to create a position of Community Enhancement Director, and

WHEREAS, the duties of the Community Enhancement Director will include the development of the Town newsletter, compiling information for the Town's official website, writing grant applications and marketing the Town to prospective businesses, and

WHEREAS, the creation of such a position will assist the Town in managing growth and development in the Town; now, therefore, be it

RESOLVED, that the Town Board hereby establishes the position of Community Enhancement Director; and be it further

RESOLVED, that the duties of said Director shall be as set forth in the job description on file in the office of the Town Supervisor.

It was noted this is a fulltime position at a salary no less than a Grade 11. Supervisor Barrett stated the Environmental Specialist does not report to the Community Enhancement Director

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE, CON'T.

Norman Goldman, London Square Drive, speaking with regard to buffering in the adult use zone, said in the first proposal the buffers weren't drawn according to proposed rules and after having pointed that out, the second proposal showed the same mistakes and now the language has been changed to make those errors correct. Councilman Paolucci said he doesn't agree with Mr. Goldman and reported Mr. Kemper has walked the areas and has stated that what was presented was correct. He said the law was written clearly enough in both instances that the buffer was from the property line.

MOTION by Supervisor Barrett, seconded by Councilman Speckhard, to move into Executive Session to discuss a personnel matter.

Motion unanimously carried at 11:00 p.m.

Attendees: Councilman Paolucci, Councilman Speckhard, Councilman Roth, Councilwoman Walowit, Supervisor Barrett, Town Attorney Trainor, Town Administrator Shahan, Town Clerk O'Donnell

Discussion was held on a personnel matter.

MOTION by Councilwoman Walowit, seconded by Councilman Speckhard, to return to the regular meeting.

Motion unanimously carried at 11:09 p.m.

MOTION to adjourn the meeting to the next regular meeting or any other meeting necessary for the conduct of Town business.

Motion carried at 11:10p.m.

Patricia O'Donnell
Town Clerk