

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

**February 25, 2002**

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  
Deputy Town Clerk Brobston

Absent: Councilman Paolucci  
Town Clerk O'Donnell

Also Present: Town Attorney Trainor  
Louis Gerard, Superintendent of Highways  
Mark Heggen, Comptroller  
Jason Kemper, Director of Planning  
Barbara McHugh, Director of Community Development  
Michael Shahan, Town Administrator

MOTION by Councilman Speckhard, seconded by Councilman Roth, to approve the minutes of the February 4 and 11, 2002 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**

Councilman Roth updated the Board on the Association of Towns meeting and reviewed resolutions proposed by the Association.

Councilwoman Walowit also reviewed issues discussed at the Association of Towns meeting including municipalities enacting own speed limits on local roads, asking for more state aid due to 9/11, environmental and farm aid issues.

## REPORTS

Report for January from Department of Parks, Recreation and Community Affairs was filed with the Town Clerk.

## PRESENTATION

Edwin Rodger, President of the Shenendehowa Library, speaking in favor of the creation of the Clifton Park-Halfmoon Library District, gave a presentation on the proposal and the issues before the voters in each of the towns. The vote will be held in each town on February 28, 2002.

Supervisor Barrett presented the following resolution to Ron and Dawn Toma honoring their son Lieutenant J.G. Anthony Toma.

Resolution No. 46 of 2002, a resolution honoring Lieutenant J. G. Anthony Toma.

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

WHEREAS, Lieutenant J.G. Anthony Toma, a 1994 Shenendehowa graduate and 1998 Annapolis graduate, deployed six months ago as part of the first Naval Squadron of F-14's in the V5 mission to Afghanistan, and

WHEREAS, Lieutenant J.G. Toma's efforts were pivotal in our country's victory over the Taliban and Al-Quaida forces and will continue to play a dominant role in our struggle against terrorism; now, therefore, be it

RESOLVED, that the citizens of Clifton Park hereby honor and extend their gratitude to Lieutenant J.G. Anthony Toma, his Clifton Park parents Ron and Dawn Toma, and his sister Tina Sala of Malta for their bravery and sacrifices on our behalf in the fight against terrorism throughout the world.

## ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

PUBLIC HEARING, 7:10 PM  
TO CONSIDER A LOCAL LAW CREATING THE  
VAN PATTEN GOLF COURSE PLANNED DEVELOPMENT DISTRICT

The Deputy Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on February 14, 2002.

Gordon Nicholson gave an overview of the proposed project explaining the most important element is a clubhouse upgrade. This will consist of moving the parking and clubhouse facilities and all activities from the edge of Main Street into the middle of the golf course, which was intended some 30 years ago. Mr. Nicholson noted the existing clubhouse was temporary in nature. He said the Planning Board suggested using the existing entrance and also suggested, as well as the Emergency Services Board, that the emergency entrance be either one way in with a gate or one way out with a gate so that it doesn't become a primary entrance. He said the proposed clubhouse is at least 500 to 600 feet away from any surrounding residences. Mr. Nicholson said at the request of surrounding residents the pavilion will be moved 250 feet further away from the neighborhood. He reported a driving range is planned and relocation of certain holes and greens and no other changes to the course. He said it is important to note that PUD legislation was supported by the Planning Board and this application is consistent with what has been reviewed and recommended in the past. Mr. Nicholson said the driving range would be lit most probably with down lighting. He noted the driving range is located on the far western periphery of the course. He further noted consideration is being given to having the banquet hall the size of Chaucer's. Mr. Nicholson said the existing clubhouse and parking lot will be demolished and the area landscaped with colonial fencing, entry sign and flowering trees and shrubs. The entrance will be located at the present site.

The public hearing was opened for comments from the audience.

Frank Berlin, Main St. Jonesville, expressed concern with the potential traffic that will be generated in Jonesville due to the number of people playing golf and attending weddings throughout the day, as well as people drinking, stating there could be hundreds of people at a given time. Mr. Berlin recommended having the entrance road from Route 146A. Mr. Berlin stated the emergency access road and the entrance are so close together there could be problems trying to get in if there is a major fire. Mr. Nicholson said there are significant wetlands all along the western edge of the property line that would require extensive disturbance in order to put in a roadway.

Supervisor Barrett said, and Mr. Nicholson agreed, that the emergency access will be fenced off and only used during an emergency. The Supervisor said the distance between the emergency road and entrance will be looked at by the Emergency Services Advisory Board through the process.

With regard to a traffic study, Director of Planning Kemper said there were some preliminary numbers drawn but the details would be worked out during site plan approval. Mr. Nicholson reported a letter was submitted to the Planning Board by Creighton Manning Engineers basically outlining the land uses in relationship to traffic generated. Mr. Kemper explained this was drawn from other comparable uses and not site specific which is something that would be requested during site plan.

Charles Hall, 934 Main St. Jonesville, said he would like the entrance road changed to Route 146A. He stated there is only a small area that is wetlands. Mr. Hall said there is a major traffic problem on Main Street. He further said a traffic survey regarding this proposal was done and is in the Clerk's office. Mr. Hall asked what hours the pavillion will be operating. Mr. Nicholson said he believes afternoons and early evenings and there is no intention to have music or late night activities. Mr. Hall said he would like to make sure music would be off at an early hour.

Supervisor Barrett stated if this project goes forward it will go through the full Planning Board process.

Mr. Nicholson said Mr. Hall had asked at a Planning Board meeting to move the access road and preserve as much of the existing vegetation as possible. He reported the road was staked out in the field and the location will preserve and guarantee that the proposed access road is west of the existing tree line. He said consideration was also given to a buffer strip to preserve the vegetation and have it made part of the PDD legislation.

Carol Temple, Main Street, Jonesville, owns property next to the proposed emergency road. Ms. Temple said the golf course has been operating for over 20 years with one road and without any kind of emergency road. She asked how this was presented to the Emergency Services Advisory Board. She said the emergency road only goes half way up and does not go to the clubhouse. She expressed concern with the vibrations of construction equipment causing problems with the homes that have field stone foundations. She presented a letter signed by 45 people in the Main Street Jonesville area, attached.

Supervisor Barrett said the emergency access will be gated and Mr. Nicholson agreed. The Supervisor asked about restrictions on construction vehicles. Mr. Kemper responded construction vehicles can be limited to one access. He stated lot No. 5 is zoned for residential use and is not part of the application. Mr. Nicholson said the emergency access was illustrated because in the last 15 years Emergency Services and fire people have insisted on a type of emergency access to be constructed. Mr. Nicholson said he doesn't feel it is needed or necessary but is willing to do it. He noted it is close to being opposite the fire station and in terms of lot 5 and its future intent, if the emergency access isn't in, 6 to 7 houses could be built on lot 5 in accordance with the existing zoning. He said there doesn't have to be any connection between the residential use that is permitted on lot 5 and anything that happens on the golf course, noting it is entirely negotiable.

Mr. Nicholson said if the PDD is approved by the Town Board, there will be specific

discussions with the Planning Board on the actual details for the layout and public hearings will be held. He noted the developer wants to work with the neighbors.

Supervisor Barrett said some changes have already been made regarding the location of the road.

In response to other possibilities if the golf course ceased to exist, Mr. Nicholson responded approximately over 450 single family homes could be built on the site. He said the banquet facility/clubhouse usage would happen primarily on the off-peak hours on the weekend and wouldn't interact with general to and from work traffic on Main St.

It was noted from the floor the Jonesville people are not against the golf course but with additional traffic. In response to a question regarding water, Mr. Nicholson said the greens are watered by wells and ponds and there should be sufficient capacity on site. Mr. Nicholson said Mr. Van Patten had discussed the possibility of extending the golf course and decided against it. Discussion ensued regarding possible routes for sewer and water through the site.

Norman Goldman, London Square Apts., has always considered the Van Patten Golf Course as one of the significant recreational features in town. He urged the Town Board to approve the PDD so it can go to the next process where the concerns can be addressed.

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.

Mr. Nicholson said if anyone cares to meet with him in his office, he will be happy to discuss any potential alternatives.

Councilman Speckhard said there is a traffic report from December 2001 that basically says the proposed construction of the banquet hall, pavillion and maintenance facilities will not have a significant impact on peak hour traffic. He said the concerns regarding the emergency road are very important and the Town Board can, in approving the PDD, add any conditions it wishes. He suggested, concerning what the road might turn out to be in the next 10 to 15 years and the impact it might have on the adjoining houses, that the Board consider adding some type of considerations or mandates with respect to the emergency road. Councilman Roth asked if consideration had been given to moving the road so it goes directly to the clubhouse. Mr. Nicholson said there are wetlands, fairways and greens through that area.

**PUBLIC HEARING, 7:20 PM  
TO CONSIDER THE CREATION OF THE  
CORPORATE COMMERCE ZONE WATER DISTRICT**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on February 11, 2002.

Supervisor Barrett explained this public hearing is being held at the recommendation of bond counsel. Town Attorney Trainor further explained the full description of the properties was not appended in the public notice and needs to be redone. Councilman Speckhard asked the status of testimony given at the previous public hearing on December 17, 2002. Mr. Trainor responded the testimony should be considered by the Town Board, perhaps as a matter already in record, and should be included as part of the record.

Comments from the December 17, 2001 Public Hearing regarding the creation of Corporate Commerce zone water district:

Mr. Doran said what he said in the public hearing regarding the water district applies to this hearing also.

Mr. Tabner said his remarks about the water district would be the same for the sewer district.

(Clerk's Note: Since Messrs. Doran and Tabner noted comments regarding the water district also apply to the sewer district, all comments, including those of the Town Board and Town Attorney, are being incorporated into the minutes of this public hearing.)

Michael Doran, representing Niagara Mohawk Power Corporation, 300 Erie Blvd. West, Syracuse, New York, said this water district is asking to incorporate four parcels of Niagara Mohawk transmission lines that runs north and south through the town and initially Niagara Mohawk requested to be withdrawn from this district, citing the precedent of a resident being withdrawn at his request. He said Niagara Mohawk was informed that one parcel would be withdrawn but three would remain in the district. Mr. Doran stated these parcels on these transmission lines do not benefit from this water district, they are not enhanced in any way, do not need it and do not require it. He said Niagara Mohawk is asking the Town Board to remove the parcels from the district and will be saying the same thing in the sewer public hearing. He stated Niagara Mohawk will challenge any parcels that are in a special district and not of any benefit. He said Niagara Mohawk is being asked to pay for this new adjusted water district 16.72 percent of the recapture of the debt and since is not benefited by it, do not wish to pay it. He noted Niagara Mohawk would be required to pay almost 9.5 percent for the sewer debt, stating they do not benefit from it. Mr. Doran stated this property is only valuable to the adjacent owners and to no one else. He stated Niagara Mohawk pays about \$1.3 million in school, county and special district taxes and the parcels in question pay, other than school taxes, \$4400 in taxes each year and now are being asked for the water district to pay an additional \$3912 and for the sewer district \$2220. Mr. Doran reported there are cases which state that taxes levied ad valorem cannot be assessed to parcels that do not benefit from it.

Town Attorney Trainor said this water line and sewer line are going to pass right in front of Niagara Mohawk properties which makes tapping into those lines very convenient for someone on either the north or south side of Route 146. Mr. Doran responded it could.

Mr. Trainor continued presumably there would be quite an increase in the value of the parcels that Niagara Mohawk owns by virtue of these lines coming through. Mr. Doran said the fact that a parcel's value, and in this case that being a transmission line, that if the transmission lines were removed that this would be enhanced by the presence of water pipes in the highway does not mean that that property benefited for the purposes of tax assessment increases which this levy is in a sense ad valorem so it is an assessment increase. Mr. Trainor said the value of the property will increase when these pipes go out just as they would for everybody else in the district. Mr. Doran responded not for Niagara Mohawk. He said this land is only good for transmission line or to the adjacent owners. Mr. Trainor stated it can be sold. Mr. Doran said there is no intention to sell. Mr. Trainor said it can be added to other parcels to increase the value of those other parcels. He continued there is a benefit to Niagara Mohawk by having these lines come across. Mr. Doran said there is a benefit, but the water and sewer lines are not needed as it does not benefit Niagara Mohawk. Mr. Trainor said other parcels may not instantly need the water or sewer but they still get a benefit from those lines coming directly in front of their property and giving them access to that infrastructure. He stated there is a direct benefit to those properties in that district. Mr. Doran said Niagara Mohawk contends there is not a direct benefit to them. He said the Corporation has a system wide policy on new special district assessments and have addressed refuse tax, fees for transmission line and have successfully had those released and are addressing any new special district that comes up and haven't just isolated out this town. Supervisor Barrett said as far as the district goes there has to be a certain amount of assessed value within the district to say yes and also a certain threshold and numbers of landowners that would have to be met in order to have a district. Mr. Doran asked that Niagara Mohawk not be included in the districts.

Councilman Speckhard said one parcel was dropped out of water district and two out of the sewer district. He said a policy had been developed whereby anyone who was on the margin of a district and wanted out of a district could opt out. He said these parcels are internal so that if they were exempted would split the district apart. Mr. Doran said there are concerns for the parcels that are still included in the district. Councilman Speckhard the support of the Board and the committees that have worked on this reflects what Mr. Trainor has said in that there does appear to be a potential long term value in that property to Niagara Mohawk. Mr. Doran noted Niagara Mohawk contends case law "Long Island Light vs Supervisor" says they are not benefiting from this.

John Tabner, Tabner, Ryan and Keniry, representing 21st Century Park and Wayne Wagner, said Mr. Wagner's property represents 11.5 + percent of the tax in both water and sewer districts. He stated Mr. Wagner has been an early and long supporter of both districts, has a large commercial structure in the area and believes that the water and sewer are essential for the commercial development of not only his parcel but of all the parcels around there. Mr. Tabner said Mr. Wagner asks the Town Board to act favorably upon this.

End of comments of December 17, 2002 public hearing

The public hearing was opened for comments from the audience at 7:20 p.m.

Yousef Ballout, Torrero Drive, asked if this is the time to readdress the issues that have to do with Niagara Mohawk.

Councilman Speckhard said this was not being addressed this evening as this had already taken place a few months ago. He explained adjustments were made to two Niagara Mohawk properties simply because they were not surrounded by the rest of the district and were boundary units. He said the Town Board had allowed other boundary units to withdraw earlier and thought it only fair to allow Niagara Mohawk also since they had requested it. Councilman Speckhard continued Niagara Mohawk had requested to have all of their parcels removed from the district but the Board felt that long term Niagara Mohawk did benefit from having their parcels in the district. The parcels that are entirely in the district remain there and the peripheral parcels were removed.

Everyone was given an opportunity to speak in favor of or against the establishment of the water district and no one else wished to be heard. Supervisor Barrett declared the public hearing closed.

Claire Brunkhorst, 1409 Route 146 - west of Waite Road, said it is her understanding water will only come as far as Waite Road. She reported she has been out of water for the past three and a half months as wells are dry. She said she has been told she wouldn't be hooked into the Rexford Water District. She asked if she will be left without water. Supervisor Barrett responded no. Ms. Brunkhorst said she can't survive until 2005. Supervisor Barrett said there is a contract with Town of Glenville that there will be an additional connection with the Rexford Water District which involves bringing the line down Route 146. Councilman Speckhard said the Town of Glenville has insisted, as part of the current contract with the Rexford Water District, that Glenville needs to approve all outside hookups with the caveat that they would consider emergency situations. He explained there is also the agreement that the water line going to the Corporate Commerce zone will extend down Route 146 and hook into the Rexford Water District by 2005. Councilman Speckhard said there are no specific plans at this point but there is the requirement and the agreement that the pipe will be extended past the Corporate Commerce zone to hook into the Rexford Water District, not necessarily that the District will be using Clifton Park Water Authority water but simply that the hook up will be made and in the process of extending the pipe out there would make available connections all along that route to people on both sides. Ms. Brunkhorst asked if the cost of tying in would be prohibitive. Councilman Speckhard responded the funding of that particular pipe is going to be generalized over those users but nothing specific has been worked out. It is the desire and intention to be out there by 2005.

**PUBLIC HEARING, 7:30 PM  
TO CONSIDER CREATION OF THE  
CORPORATE COMMERCE ZONE SEWER DISTRICT**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on February 11, 2002.



Councilman Speckhard asked that the minutes reflect comments that were made at the previous public hearing on December 17, 2001 and that the comments be appended to tonight's public hearing.

Comments from the December 17, 2001 public hearing on creation of Corporate Commerce Zone sewer district:

Mr. Doran said what he said in the public hearing regarding the water district applies to this hearing also.

Mr. Tabner said his remarks about the water district would be the same for the sewer district.

(Clerk's Note: Since Messrs. Doran and Tabner noted comments regarding the water district also apply to the sewer district, all comments, including those of the Town Board and Town Attorney, are being incorporated into the minutes of this public hearing.)

Michael Doran, representing Niagara Mohawk Power Corporation, 300 Erie Blvd. West, Syracuse, New York, said this water district is asking to incorporate four parcels of Niagara Mohawk transmission lines that runs north and south through the town and initially Niagara Mohawk requested to be withdrawn from this district, citing the precedent of a resident being withdrawn at his request. He said Niagara Mohawk was informed that one parcel would be withdrawn but three would remain in the district. Mr. Doran stated these parcels on these transmission lines do not benefit from this water district, they are not enhanced in any way, do not need it and do not require it. He said Niagara Mohawk is asking the Town Board to remove the parcels from the district and will be saying the same thing in the sewer public hearing. He stated Niagara Mohawk will challenge any parcels that are in a special district and not of any benefit. He said Niagara Mohawk is being asked to pay for this new adjusted water district 16.72 percent of the recapture of the debt and since is not benefited by it, do not wish to pay it. He noted Niagara Mohawk would be required to pay almost 9.5 percent for the sewer debt, stating they do not benefit from it. Mr. Doran stated this property is only valuable to the adjacent owners and to no one else. He stated Niagara Mohawk pays about \$1.3 million in school, county and special district taxes and the parcels in question pay, other than school taxes, \$4400 in taxes each year and now are being asked for the water district to pay an additional \$3912 and for the sewer district \$2220. Mr. Doran reported there are cases which state that taxes levied ad valorem cannot be assessed to parcels that do not benefit from it.

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the transmission lines were removed that this would be enhanced by the presence of water pipes in the highway does not mean that that property benefited for the purposes of tax assessment increases which this levy is in a sense ad valorem so it is an assessment increase. Mr. Trainor said the value of the property will increase when these pipes go out just as they would for everybody else in the district. Mr. Doran responded not for Niagara Mohawk. He said this land is only good for transmission line or to the adjacent owners. Mr. Trainor stated it can be sold. Mr. Doran said there is no intention to sell. Mr. Trainor said it can be added to other parcels to increase the value of those other parcels. He continued there is a benefit to Niagara Mohawk by having these lines come across. Mr. Doran said there is a benefit, but the water and sewer lines are not needed as it does not benefit Niagara Mohawk. Mr. Trainor said other parcels may not instantly need the water or sewer but they still get a benefit from those lines coming directly in front of their property and giving them access to that infrastructure. He stated there is a direct benefit to those properties in that district. Mr. Doran said Niagara Mohawk contends there is not a direct benefit to them. He said the Corporation has a system wide policy on new special district assessments and have addressed refuse tax, fees for transmission line and have successfully had those released and are addressing any new special district that comes up and haven't just isolated out this town. Supervisor Barrett said as far as the district goes there has to be a certain amount of assessed value within the district to say yes and also a certain threshold and numbers of landowners that would have to be met in order to have a district. Mr. Doran asked that Niagara Mohawk not be included in the districts.

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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 8:02 p.m. but reopened at 8:02 p.m. to hear comments of Town Engineer John M. McDonald.

Jack McDonald, Town Engineer, said tonight's discussion is on the debt portion of the

districts, not on usage fees so any property in the water or sewer districts is going to benefit from the installations of the main but owners will not be paying for the usage of the water or sewer unless they decide to hook up. He reiterated there is certainly a benefit to any property that is in the district.

End of comments of December 17, 2001 public hearing.

The public hearing was opened for comments from the audience.

Everyone was given an opportunity to speak in favor of or against the establishment of the sewer district and no one wished to be heard. Supervisor Barrett declared the public hearing closed.

PUBLIC HEARING, 7:40 PM  
TO CONSIDER AN EXPENDITURE FOR REPLACEMENT OF RIVERVIEW  
LANDING SEWER DISTRICT NO. 1 SEWER SYSTEM FACILITIES AND  
RELATED IMPROVEMENTS

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on February 14, 2002.

Town Engineer, John M. McDonald reviewed the history of the 20-year-old sewer district noting it serves 31 homes in the Riverview Landing subdivision. The Clifton Park Water Authority has been doing the maintenance on the system. In the fall the town was notified of a problem with the treatment plant that serves these homes. He noted the existing soil conditions are not conducive to septic systems. A sand filter system was constructed in 1984 and has failed. Mr. McDonald said consideration was given to hooking this sewer system into a larger one but there is no sewer system in close proximity and the most inexpensive alternative was to repair the sand filter system in place. He noted this has been authorized by DEC and the work has been essentially completed. Mr. McDonald said the cost has to be paid by the property owners that benefit and the project will be financed through a serial bond paid by the sewer district and this public hearing is to authorize the financing of the project. He said the final cost is expected to be around \$140,000-\$150,000. Mr. McDonald reviewed the infrastructure layout.

Comptroller Heggen reported rates are favorable with short term at approximately two percent and long-term at four to five percent. He recommended doing a short term BAN and then rolling it into a long-term bond along with the existing outstanding debt the town has right now.

The public hearing was opened for comments from the audience.

Angelo Pastizzo, Maria Court, asked how often the system is tested. Mr. McDonald responded some tests are on a monthly basis and done by the Water Authority, some are semi-annual and annual. Mr. Pastizzo said the system lasted 18 years without full usage that it was designed for. He reported there are 31 homes on the system but there was 42

approved lots in the subdivision and if built out would be a 25 percent increase on the system. Mr. Pastizzo asked if the system can handle 42 hookups. Mr. McDonald responded yes, but it would not be automatic and any proposed construction would require an engineering study to make sure there is capacity, permits, as well as a fee, to hook into the system. Supervisor Barrett said no money was received from the owner of the system when it was abandoned to the town. Mr. Heggen said there is approximately \$7000 in the Riverview Landing special district fund. Mr. Pastizzo expressed appreciation to the Town Board for their efforts in this regard. Mr. McDonald noted that Settler's Hill on Miller Road is the closest County Sewer hookup and Olde Nott Farm is the closest sewer district.

Everyone was given an opportunity to speak in favor of or against the proposed expenditure and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 9:04 p.m.

Town Administrator Shahen reviewed two incidences in which the security patrol assisted the NY State Police. He reported work has started on the roof and foundation of Grooms Tavern. Councilman Roth updated the Board on the bid process. It was noted HVAC at the Grooms Tavern may need to be upgraded.

Comptroller Heggen reviewed the financial report for February noting sales tax money received in January and February is counted towards 2001. He said for fiscal year 2001, \$6,541,000 in sales tax money has been received, an increase over 2000. The 2002 budget for sales tax is \$6.8 million dollars. Mr. Heggen reported the Dutch Meadows and Woodland Hills BAN is at 1.99 percent.

MOTION BY Supervisor Barrett, seconded by Councilman Roth, to recess for five minutes. Motion unanimously carried at 9:15 p.m.

The meeting resumed at 9:20 p.m.

## PUBLIC PRIVILEGE ON RESOLUTIONS

Question from the floor regarding the roles and relationship of the Grooms Tavern Preservation Committee and the Friends of Grooms Tavern. Supervisor Barrett explained the Friends is a private organization whose main task is raising money and the town Preservation Committee is to oversee the project and the spending of money, along with Mr. Shahen and Councilman Roth, and work with town. Councilman Roth said the Friends agree with the restoration principles. He said the Preservation Committee is primarily involved with the restoration work to be done on the Tavern and the Friends are primarily concerned with the operational part of what is going to go on in the Tavern once the restoration is completed. He continued once the restoration is completed the restoration committee may go out of existence but this has not been decided at this point. Councilman Roth said the moneys that have been allocated by the Town of Clifton Park is what the Committee has to work with at the moment, however, they are also going to be looking for grants just as the Friends are looking for grants. A Memo of

Understanding between the Town of Clifton Park and Friends of Grooms Road Tavern will come before the Town Board for approval or disapproval. He stated Friends of Grooms Tavern and Grooms Tavern Preservation Committee are two separate groups.

Resolution No. 47 of 2002, a resolution referring the Green Meadows PUD Amendment to the Planning Board for review and comment.

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

WHEREAS, an application has been made to the Town Board for an amendment to the Green Meadows Planned Unit District (PUD), and

WHEREAS, the Town Code requires a review of all PUD applications by the Planning Board; now, therefore, be it

RESOLVED, that the Green Meadows PUD Amendment application is hereby referred to the Town Planning Board for review and comment and that the Planning Board report back to the Town Board within 60 days.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

#### DECLARED ADOPTED

Resolution No. 48 of 2002, a resolution granting an easement to the Clifton Park Water Authority.

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

WHEREAS, the Clifton Park Water Authority is seeking to extend water to 3 lots along Longkill Road, and

WHEREAS, the proposed water line will have to cross Town of Clifton Park parkland, as described in Exhibit A, and

WHEREAS, a 20 foot easement will be required for the placement of the water line and for future maintenance activities; now, therefore, be it

RESOLVED, that a 20 foot easement be granted to the Clifton Park Water Authority for installation and maintenance of a water line; and be it further

RESOLVED, that the Supervisor is authorized to execute all necessary documents on behalf of the Town to convey and record the easement as appropriate.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 49 of 2002, a resolution granting an additional easement to Verizon New York, Inc.

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

WHEREAS, Verizon New York Inc. has an existing easement on the corner of Southbury Road and Crescent Road, SBL 284.13-2-21, and

WHEREAS, Verizon New York Inc., needs an additional 15 x 15 foot added to the existing easement to allow for infrastructure improvements; now, therefore, be it

RESOLVED, that Verizon New York Inc. is hereby granted a 15 x 15 foot easement on the corner of Southbury Road and Crescent Road, SBL 284.13-2-21, to allow for infrastructure improvements.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 50 of 2002, a resolution authorizing the Town Supervisor to enter into a contract with Tuttle Construction Co., Inc. for structural stabilization for Grooms Tavern.

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

WHEREAS, the Town's Architect, John G. Waite Associates, has recommended that work be done for structural stabilization for the Grooms Tavern, and

WHEREAS, quotes were received for a public works project for work at the Grooms Tavern, and

WHEREAS, the Town's Architect, John G. Waite Associates, has reviewed the contract and recommends that the Town Board accept the bid of Tuttle Construction Co., Inc. for \$11,450, and

WHEREAS, the Town Board in Resolution No. 192 of 2001, allocated \$116,000 for restoration work at Grooms Tavern; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to enter into a contract with Tuttle Construction Co., Inc. for structural stabilization of Grooms Tavern, at a cost of \$11,450.

Councilman Roth said both this bid and the following bid came in approximately \$5000-\$6000 lower than amount budgeted.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

#### DECLARED ADOPTED

Resolution No. 51 of 2002, a resolution authorizing the Town Supervisor to enter into a contract with Tuttle Construction Co., Inc. for masonry removals and miscellaneous carpentry at Grooms Tavern.

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

WHEREAS, the Town's Architect, John G. Waite Associates, has recommended that

masonry removal and miscellaneous carpentry work is needed at Grooms Tavern, and

WHEREAS, quotes were received for a public works project for work at the Grooms Tavern, and

WHEREAS, the Town's Architect, John G. Waite Associates, has reviewed the contract and recommends that the Town Board accept the bid of Tuttle Construction Co., Inc. for \$18,722, and

WHEREAS, the Town Board in Resolution No. 192 of 2001, allocated \$116,000 for restoration work at Grooms Tavern; now, therefore, be it

RESOLVED, that the Town Board accepts the bid of Tuttle Construction Co., Inc. for \$18,722 and that the Town Supervisor is hereby authorized to enter into a contract with Tuttle Construction Co., Inc., for masonry removal and miscellaneous carpentry at Grooms Tavern.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

#### DECLARED ADOPTED

Resolution No. 52 of 2002, a resolution establishing Corporate Commerce Zone Sewer District No. 1 and authorizing the acquisition and construction of improvements to the sewer system.

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

WHEREAS, the Town Board of the Town of Clifton Park proposes to establish the Corporate Commerce Zone Sewer District No. 1 (the "District") in the Town of Clifton Park, New York (the "Town"), pursuant to Article 12-A of the Town Law, and

WHEREAS, a map, plan and report relating to the establishment of the proposed District, prepared by John McDonald Engineering, 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-A of the Town Law, and

WHEREAS, on February 4, 2002, 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 properties in the District, the fact that the map, plan and report are on file in the Town Clerk's office for public inspection, and all other matters required by law to be stated, and

WHEREAS, the resolution called a public hearing to be held on February 25, 2002 at 7:30 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 February 25, 2002, beginning at 7:30 p.m. and the matter was fully discussed and all interested person were heard;

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

1. The notice of hearing was published and posted 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 be approved, that the requested improvements be constructed, and that the necessary easements and lands be acquired, upon the required funds being made available and provided for,

IT IS FURTHER RESOLVED that this District shall be known as the Corporate Commerce Zone Sewer District No. 1 in the Town of Clifton Park and shall be bounded and described as set forth on Exhibit A attached hereto,

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 permissive referendum as provided in Town Law Section 209-e, in the manner provided in Article 7 of the Town Law, and is subject to the approval of the State Department of Audit and Control in accordance with Town Law Section 209-f.

Councilman Speckhard stated the financing of the district will be done entirely by the people within the district. He said at some point an outside user policy will be developed for some existing outside users between “here” and the zone which should add to the payment. Councilman Speckhard said there are some grants from the state that have helped in the financing of this project.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

#### DECLARED ADOPTED

Resolution No. 53 of 2002, a resolution establishing Corporate Commerce Zone Water District No. 1 and authorizing the acquisition and construction of improvements to the water system.

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

WHEREAS, the Town Board of the Town of Clifton Park proposes to establish the Corporate Commerce Zone Water District No. 1 (the “District”) in the Town of Clifton Park, New York (the “Town”), pursuant to Article 12-A of the Town Law, and

WHEREAS, a map, plan and report relating to the establishment of the proposed District, prepared by John McDonald Engineering, 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-A of the Town Law, and

WHEREAS, on February 4, 2002, 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 properties in the District, the fact that the map, plan and report are on file in the Town Clerk’s office for public inspection and all other matters required by law to be stated, and

WHEREAS, the resolution called a public hearing to be held on February 25, 2002 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 February 25, 2002, beginning at 7:20 p.m. and the matter was fully discussed and all interested person were heard;

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

1. The notice of hearing was published and posted 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 be approved, that the requested improvements be constructed, and that the necessary easements and lands be acquired, upon the required funds being made available and provided for,

IT IS FURTHER RESOLVED that this District shall be known as the Corporate Commerce Zone Water District No. 1 in the Town of Clifton Park and shall be bounded and described as set forth on Exhibit A attached hereto,

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 permissive referendum as provided in Town Law Section 209-e, in the manner provided in Article 7 of the Town Law, and is subject to the approval of the State Department of Audit and Control in accordance with Town Law Section 209-f.

Councilman Speckhard said the funding for the water district includes a large grant by the

Town of Clifton Park which will need to be repaid over time because the construction of the pipe going out to the district is much larger than the district will need and it's fair to provide going further out in the western part of town.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 54 of 2002, a resolution adopting a Capital Projects budget for the Dutch Meadows Sewer District No. 1.

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

WHEREAS, the Town of Clifton Park has established a special district for the operation of the Dutch Meadows Sewer District No. 1, and

WHEREAS, the Town Board wishes to adopt a Capital Projects budget to establish parameters for Capital expenditures for the Dutch Meadows Sewer District No. 1; now, therefore, be it

RESOLVED, that the Capital Projects budget for the Dutch Meadows Sewer District No. 1 as set forth in Exhibit A to this resolution, is hereby adopted.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 55 of 2002, a resolution adopting a Capital Projects budget for Woodland Hills Sewer District No. 1.

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

Walowit.

WHEREAS, the Town of Clifton Park has established a special district for the operation of the Woodland Hills Sewer District No. 1, and

WHEREAS, the Town Board wishes to adopt a Capital Projects budget to establish parameters for capital expenditures for the Woodland Hills Sewer District No. 1; now, therefore, be it

RESOLVED, that the Capital Projects budget for the Woodland Hills Sewer District No. 1 as set forth in Exhibit A to this resolution, is hereby adopted.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

#### DECLARED ADOPTED

Resolution No. 56 of 2002, a resolution amending the Town of Clifton Park Personnel Manual.

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

WHEREAS, the Town of Clifton Park wishes to clarify reimbursement of Medicare Part B premiums to its retirees; and

WHEREAS, the 2002 budget was adopted with appropriate funds to cover this additional expenditure; now, therefore, be it

RESOLVED, that Section III B.7 is hereby added to the Town of Clifton Park Personnel Manual as provided in Exhibit A.

Addition to Town of Clifton Park Personnel Manual

Section III B. 7.

7. The Town will reimburse retirees of the Town for their share of Medicare Part B premium on a quarterly basis. This reimbursement is only for former employees of the Town who continue to maintain health insurance through the Town. This provision will

not effect the retirees who are currently receiving reimbursement of their Medicare Part B premium.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 57 of 2002, a resolution appointing Edward and Maudie Dussault to the Grooms Tavern Preservation Committee.

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

WHEREAS, openings exist on the Grooms Tavern Preservation Committee; and

WHEREAS, Edward and Maudie Dussault have been recommended to serve on the committee; now, therefore, be it

RESOLVED, that Edward and Maudie Dussault, 609 Grooms Road, Clifton Park, are hereby appointed to the Grooms Tavern Preservation Committee to serve at the pleasure of the Town Board.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 58 of 2002, a resolution adopting Local Law No. 3 of 2002, a local law amending Local Law No. 1 of 2002 and 27 of 1989 as amended by Local Law No. 10 of 1996 regarding the 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

Roth.

WHEREAS, the Sign Law for the Town of Clifton Park (Code of the Town of Clifton Park, Section 171-4 and 171-6) currently prohibits the placement of off-premises signs/billboards within the boundaries of the Town of Clifton Park, and

WHEREAS, the Town Board of the Town of Clifton Park has resolved litigation brought by Nichols Media Group, LLC challenging the Town's sign law on the basis that it unconstitutionally prohibited off-premises signs/billboards, and

WHEREAS, the Town Board has adopted certain changes to the Town Code and wishes to adopt certain additional changes to the Town of Clifton Park Sign Law relative to the regulation of off-premises signs/billboards in accordance with recommendations from the Town Attorneys, and

WHEREAS, the Town Board of the Town of Clifton Park held a public hearing on February 11, 2002 at 7:10 p.m. concerning proposed amendments to Section 171 of the Zoning Law of the Town of Clifton Park, said amendments to address the regulation of off-premises signs/billboards and at which time no one wished to be heard, and

WHEREAS, the Town Board of the Town of Clifton Park has duly complied with the environmental review required by the State Environmental Quality Review Act with the assistance of the Town's Engineers; now, therefore, be it

RESOLVED, that Section 171-4 of the Zoning Law of the Town of Clifton Park is amended in the form annexed hereto.

Local Law No. 3 of 2002

Section 171-4(H) (1)

No off-premises signs shall be allowed other than as permitted under the exempt signs provision above. and as permitted in the off-premises sign overlay zone.

Section 171-4(L)

No authorized sign may contain non-commercial copy in lieu of any other copy.

Supervisor Barrett said the property that houses the billboards would be reassessed. He noted that the billboard located at Route 146 and Route 9 is located in the Town of Halfmoon.

ROLL CALL VOTE

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

Noes: None

Absent; Councilman Paolucci

DECLARED ADOPTED

PUBLIC PRIVILEGE

Norman Goldman, London Square Dr., referred to Local Law No. 1 of 2002 and asked what the restrictions apply to since there are no expectations that the town will ever have any other signs in the zone. Supervisor Barrett said he believes the new billboards are grandfathered as they are part of the lawsuit. He asked Mr. Goldman to put his questions in writing. Town Attorney Trainor replied the restrictions would apply to any new signs that would be in the district. Mr. Shahan explained a zone has been created and if the new signs were at some point in time taken down, standards are needed to put up other signs.

Bryant Kolner, Round Lake, said on February 1st he delivered a proposal for a town police force to the Supervisor's office and has not heard back in this regard. He asked why the proposal wasn't shared with the Public Safety Task Force. Supervisor Barrett said the proposal left out many of the major expenses. He said if Mr. Kolner would like to contact him they could possibly get together.

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

Motion carried at 10:15 p.m.

Patricia O'Donnell  
Town Clerk