

Clifton Park Town Board Meeting Minutes

May 6, 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 Paolucci
Councilman Speckhard
Councilman Roth
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Also Present: Town Attorney Trainor
Louis Gerard, Superintendent of Highways
Jason Kemper, Director of Planning
Barbara McHugh, Director of Community Development
Michael O'Brien, Environmental Specialist
Michael Shahan, Town Administrator
Walter Smead, Assessor

MOTION by Councilman Paolucci, seconded by Councilman Roth, to approve the minutes of the April 8, 2002 meeting as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

MOTION by Councilwoman Walowit, seconded by Councilman Roth, to approve the minutes of the April 15, 2002 meeting as presented.

ROLL CALL VOTE

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

Noes: None

Abstain: Councilman Paolucci

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett reported the response from the community to the Enduring Freedom Fund has been wonderful. Approximately \$300 to \$400 has been spent out of the funds donated with about \$800 remaining. He expressed appreciation to Clifton Park Center for paying shipping charges and TrustCo Bank for their donation, as well as the Enduring Freedom account at no charge. The Supervisor has heard from serviceman Matt Romano expressing his thanks for the packages.

REPORTS

Reports for April from the Planning and Highway Departments, Transfer Station, Parks, Recreation and Community Affairs, Animal Control, and Justice Court were filed with the Town Clerk.

Councilman Paolucci reviewed various complaints made with regard to noise in town, stating he is looking for ways to eliminate or reduce unreasonable noise, noting most of the occurrences are at night. He said other towns' legislation has been reviewed in preparation of the proposed legislation. He reviewed various cases where noise legislation has been upheld. He explained for most of the legislation, the amount of noise is defined by the A weighted decibel system, between the hours of 10:00 p.m. to 7:00 a.m. the "plainly audible standard" is also incorporated in the law. He reviewed the proposed legislation, exemptions and penalties.

PUBLIC HEARING, 7:10 PM

TO CONSIDER A LOCAL LAW REGARDING REGULATING NOISE IN THE TOWN OF CLIFTON PARK

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on April 22, 2002.

Councilman Paolucci continued summarizing the proposed local law explaining the town justices recommended adding jail time to the penalties section. He explained sound meters will be used to record decibel levels. The cost for two meters is between \$2000-3000. Councilman Paolucci asked that reference to "Table I" in the second paragraph of Section 8 be replaced with reference to "Section 7A". Town Attorney Trainor recommended in the first clause of Section 8, removing "In addition to those specific prohibitions set forth in Section 16-6 hereof". He further recommended replacing the word "offense" in the first sentence of Section 13 with "violation". Councilman Paolucci

stated this legislation works in concert with other town laws. Supervisor Barrett said this gives an enforcement mechanism. Councilman Paolucci said with this legislation, nightclub owners would have a standard to meet.

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

Jan Lemon, Esopus Drive, spoke against the proposed legislation, stating there is better use of public safety officers. She noted occasionally there are parties, that may be noisy, and go past midnight and residents shouldn't be faced with seven days in jail. She questioned writing a ticket on "plainly audible". Supervisor Barrett said law enforcement will use discretion. Ms. Lemon said the town is legislating personal responsibility.

Terry Keatley, Ballston Lake Road, stated the house next door to his is a puppy mill with 19 dogs and he listens to dogs bark 24 hours a day, 7 days a week. He distributed photographs of the neighboring property.

Holly Kimmey, Gloucester Street, spoke in support of the noise ordinance, noting the reason for supporting the law is because she has had a repeated problem with noise in the middle of the night and early morning hours a number of times a week for years and this will give her a methods to handle the problem.

Kip Finck, town resident and owner of Northern Lights, agrees that the noise ordinance would be a good thing but it is necessary to get the right decibel rating for the town. He reported the decibel standard in Schenectady and Niskayuna is around 80 decibels. He said he has done many different studies with professional sound people. He doesn't agree with the 45 decibel standard, stating when the Wood Room is completely quiet, the decibel level is 55. Mr. Finck recommends more study be done. He reported changes have been made inside the nightclub to make it quieter and most events are done before midnight. He doesn't want Northern Lights grandfathered in. He noted the sound from the cars on Vischer Ferry Road is from 75 to 80 decibels. Councilman Paolucci said he will put a table together of different ordinances he has looked at and the suggested decibel levels in those codes. He said he thinks Mr. Finck has done a lot over the past few months to try to mitigate noise levels.

Norman Goldman, London Square Drive, said in his mind the school and the Common are the sources of the most negative impact noise in the whole town and they are not covered by this legislation. He asked if the town can take decibel readings from the school. Supervisor Barrett said the lower decibel standard is in effect during the more sensitive hours of the day and law enforcement has discretion.

Dennis Schilling, Gloucester Street, located behind Northern Lights, spoke in favor the proposed legislation, stating he is not speaking about an occasional party but oppressive noise, sometimes five to seven times a week into the early morning hours. Mr. Schilling said this is a quality of life issue. He invited anyone to stand on his deck when Northern Lights has performances.

Youssef Ballout, Torrero Drive, seven days in jail should not be included in the legislation and the idea of giving discretion to the police or security officers leaves a lot of confusion. He questioned passing a law that is not clear and enforceable on its own.

Councilman Paolucci said the penalties are up to the judges' discretion.

Judith Kleinberg, Moe Road, believes jail time for a first offense is excessive.

Town Attorney Trainor explained the penalties provided call for fines or jail time or a combination of the two and this is clearly within the sentencing judge's discretion based on the circumstances.

Jim Larken, Heartwood Court, said the Board might want to consider a special function permit or special event exemption.

A discussion of Section 8 ensued and Town Attorney Trainor is to review.

Bob Travis, Ivy Court, lives near Clifton Gardens Park and with park activity the noises will exceed 85 decibels. He said he has no sympathies for residents who have moved into an area near a nightclub but does sympathize with businesses that have been in existence in an area zoned commercial. Mr. Travis considers 45 decibels at night unreasonable as he would 85 decibels during the day.

Jan Czajkowski, Maureen Court, said with today's technologies regarding the fire department being on pagers, is it necessary for fire sirens to go off or to have a 12:00 p.m. whistle. He said the town has opened a can of worms and the entire picture must to be looked at.

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 8:08 p.m.

**PUBLIC HEARING, 7:20 PM
TO CONSIDER A LOCAL LAW ESTABLISHING THE
VAN PATTEN GOLF COURSE PUD**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on April 22, 2002.

This is the second public hearing on this proposal. The first public hearing was held February 25, 2002. Supervisor Barrett said residents of the Jonesville area had come to the first public hearing with some concerns that he feels have been addressed in the legislation.

Gordon Nicholson said it is his understanding at the last public hearing that should the PUD legislation be approved, the Town Board agreed that the outstanding concerns or

questions by the surrounding neighbors would be a site plan review issue before the Planning Board and that tonight's public hearing is to address restrictions the Town Board wants to impose on the application. He reviewed the proposed restrictions, noting there is no intention to use the emergency road for anything other than an emergency entrance and was shown on the plans simply based on experiences with emergency services looking for a second entrance into sites where there are going to be public gatherings. He continued, the emergency road will be used for emergencies only and will be maintained for emergency purposes seasonally and whatever surface ESAB requests be put on the emergency road is fine. He is in agreement with proposed restrictions.

The public hearing was opened for comments from the audience at 8:10 p.m.

Norman Goldman, London Square Drive, said he wasn't aware of an established historic district in Jonesville and questioned boundaries. Councilman Speckhard said he isn't sure of the exact boundaries but the hamlet of Jonesville is an historic area and the Town Board wanted to distinguish between that part of Jonesville and the larger area. Supervisor Barrett said the Town Board's concern is that there not be another sign encroaching toward the fire department in that part of Main Street. He doesn't want this PUD legislation delayed anymore.

V.A. Temple, Main Street, said he and his wife think this is a very good resolution and want the golf course to succeed though he thinks another entrance on Route 146A would have served the residents and Mr. Van Patten better. He stated this is a great solution and doesn't want it held up any further.

Frank Berlin, Main Street, said the traffic on Main Street has become intense and questioned the parking. Mr. Nicholson explained the 400 spaces would service all of the combined uses. Director of Planning Kemper explained how parking is based, stating the town would rather see a smaller parking lot built rather than add black top for a parking lot if it is not going to be used. Mr. Nicholson added if more parking is necessary, the applicant would have to come back to the Planning Board for site plan approval and 500 foot notification would be sent, but he feels proposed parking is adequate. Mr. Nicholson said the applicant wants to use the existing golf course entrance as there are environmental constraints due to wetlands in other areas. Mr. Berlin recommended moving the entrance opposite Torrey Pines. Mr. Nicholson stated it was the Planning Board's opinion to leave the entrance where it is. Mr. Berlin also recommended building the entrance off Route 146A.

Gene Stefanacci, manager of Van Patten Golf Course, expressed appreciation to the Town Board and residents for coming up with a good solution.

Supervisor Barrett asked that the PUD legislation be placed on the agenda this evening

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 8:30 p.m.

PUBLIC PRIVILEGE

No one wished to be heard.

Resolution No. 105 of 2002, a resolution authorizing the Sole Assessor to attend a Computerized Valuation seminar in Ithaca, N.Y.

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

WHEREAS, Sole Assessor Walter Smead has requested that he be authorized to attend a seminar to be held in Ithaca, N.Y., July 14-19, 2002, at a cost not to exceed \$900, and

WHEREAS, Walter Smead's attendance at the conference would provide a benefit to the Town; now, therefore, be it

RESOLVED, that Walter Smead is hereby authorized to attend the Computerized Valuation seminar in Ithaca, N.Y. July 14-19 2002, at a cost not to exceed \$900, a portion of which will be reimbursed by New York State and the balance to be paid from A-3155-01 (Assessor-Training/Conference) as budgeted.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 106 of 2002, a resolution authorizing Change Order No. 1 for the Country Knolls Pool Clubhouse.

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

WHEREAS, McDonald Engineering, P.C. has recommended that additional work be done by the Contractor relating to additional moisture protection necessary for the exterior walls as well as additional handicapped grab bars and signs necessary for modifying one of the changing rooms at the Pool Facility to be Handicapped Accessible, at an additional cost of \$588.74, and

WHEREAS, BPI Piping, Inc. the Contractor for the Country Knolls Pool Restroom Reconstruction, has submitted a quote for the additional work in the amount of \$588.74, and

WHEREAS, a change order is required to authorize these changes; now, therefore, be it

RESOLVED, that authorization is hereby granted to the Town Supervisor to execute a change order for additional work for the Restrooms at the Country Knolls Pool at a cost of \$588.74 to be budgeted from A-1626-200 (Burning Bush Clubhouse-Equipment).

Councilman Paolucci spoke favorably of the improvements that have been made. Mr. Shahren noted the facilities will be used twelve months a year.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 107 of 2002, a resolution proclaiming the week of May 13 - 19, 2002 Senior Center Week.

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

WHEREAS, older Americans are significant members of our society, investing their wisdom and experience to help enrich and better the lives of younger generations, and

WHEREAS, the Shenendehowa Senior Center has acted as a catalyst for mobilizing the creativity, energy, vitality, and commitment of the older residents of Clifton Park and Southern Saratoga County, and

WHEREAS, through the wide array of services, programs and activities the Shenendehowa Senior Center offers, it empowers older citizens of Clifton Park to contribute to their own health and well-being and the health and well-being of their fellow citizens of all ages, and

WHEREAS, the Shenendehowa Senior Center affirms the dignity, self worth, and independence of older persons by facilitating their decision and actions, tapping their experience, skills and knowledge; and enabling their continued contributions to the community; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park does hereby proclaim May 13-19, 2002 as Senior Center Week, and be it further

RESOLVED, that the Town Board of the Town of Clifton Park calls upon all citizens to

recognize the special contributions of the Shenendehowa Senior Center participants, and the special efforts of the staff and volunteers who work every day to enhance the well-being of the older citizens of our community.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 108 of 2002, a resolution authorizing the implementation, and funding in the first instance 100% of the federal-aid and State “Marchiselli” Program – aid eligible costs, of a transportation federal-aid project, and appropriating funds therefor.

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

WHEREAS, a Project for the Reconstruction of Moe Road, Grooms Road to Route 146, Town of Clifton Park, P.I.N. 1753.44.122/.221 (the Project) is eligible for funding under Title 23 U. S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% federal funds and 20% non-federal funds, and

WHEREAS, the Town of Clifton Park desires to advance the Project by making a commitment of 100% of the federal and non-federal share of the costs of Preliminary Engineering and ROW incidentals;

Now, therefore, the Town Board, duly convened does hereby

RESOLVE, that the Town Board hereby approves the above-subject project, and it is hereby further

RESOLVED, that the Town Board hereby authorizes the Town of Clifton Park to pay in the first instance 100% of the federal and non-federal share of the cost of Preliminary Engineering and ROW Incidentals work for the Project or portions thereof, and, it is further

RESOLVED, that the sum of \$515,400.00 has already been appropriated from Highway Department funds and made available to cover the cost of participation in the above phase of the Project, and, it is further

RESOLVED, that an additional sum of \$21,600.00 (Twenty one thousand six hundred dollars) is appropriated from DA-5142-140 (Highway/Snow Removal-Special Projects) and made available to cover the additional cost of participation in the above phase of the

project, and be it further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Town Board of the Town of Clifton Park shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Town Supervisor of the Town of Clifton Park be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Town of Clifton Park with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that this Resolution take effect immediately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 109 of 2002, a resolution honoring Peter T. Stanley for attaining the rank of Eagle Scout.

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

WHEREAS, Peter T. Stanley, 6 Windsor Drive, Clifton Park of Boy Scout Troop 48, has attained the rank of Eagle Scout, and

WHEREAS, the Town of Clifton Park Town Board wishes to acknowledge and honor Peter T. Stanley's achievements, particularly his project creating bereavement binders for the families of children who have died at Albany Medical Center's Pediatric Intensive Care Unit and the Pediatric Hematology/Oncology program; now, therefore, be it

RESOLVED, that Peter T. Stanley, 6 Windsor Drive, Clifton Park of Boy Scout Troop 48, is hereby recognized and honored for having attained the rank of Eagle Scout.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 110 of 2002, a resolution authorizing the Highway Superintendent to attend the 2002 Highway School in Ithaca N.Y.

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

WHEREAS, Louis Gerard, Highway Superintendent, has requested that he be authorized to attend a Highway School in Ithaca, N.Y., June 3-5, 2002, at a cost not to exceed \$450, and

WHEREAS, Mr. Gerard's attendance at the conference would provide a benefit to the Town; now, therefore, be it

RESOLVED, that Louis Gerard is hereby authorized to attend the Highway School in Ithaca, N.Y., June 3-5, 2002, at a cost not to exceed \$450.00, to be paid from A-05010-00001 (Highway-Training/Conference).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 111 of 2002, a resolution authorizing the hiring of Michael Traylor as a part-time security officer.

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

WHEREAS, a need for a part-time security officer has been identified, and

WHEREAS, Michael Shahan, Town Administrator for the Town of Clifton Park has recommended Michael Traylor for this position; now, therefore, be it

RESOLVED, that authorization is hereby granted to hire Michael Traylor, 1 Philip Drive, Malta, as a part-time security officer at Grade 3, Step 1, effective immediately, to be paid from A-3120 (Law Enforcement).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 112 of 2002, a resolution appointing a representative, as well as alternate representatives to the Emergency Services Advisory Board.

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

WHEREAS, David Bowen, Chairman of the Emergency Services Advisory Board, has identified a need for Alternate Representatives to the Emergency Services Advisory Board; now, therefore, be it

RESOLVED, that the following be appointed as alternates with terms to expire December 31, 2004:

Alternate Fire District
James Ryan Clifton Park Fire District
Gary Maursky Jonesville Fire District
Charles Goody Rexford Fire District
Shawn Brimhall West Crescent Fire District

and be it further

RESOLVED, that Richard Shakerley be appointed to replace his father, Richard Shakerley, as a representative from the West Crescent Fire District, term to expire December 31, 2002.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 113 of 2002, a resolution awarding the bid for the control of aquatic vegetation in the Clifton Knolls ponds.

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

WHEREAS, bids were solicited for the above referenced contract, and

WHEREAS, the lowest responsible bidder for this contract is Aquatic Control Technology, Inc. in the amount of \$17,750 for the treatment of the three ponds, and

WHEREAS, the Environmental Specialist has reviewed the bid and has recommended to the Town Supervisor that the bid of Aquatic Control Technology be accepted; now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced bid to Aquatic Control Technology in the amount of \$17,750 to be budgeted from SP3-7131-15 (Clifton Knolls-other expenditures).

Environmental Specialist O'Brien noted the Par Del Rio pond is being added this year.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 114 of 2002, a resolution amending the boundaries of the Sherwood Forest Park District to include the Emerson and Falcon Ridge Subdivisions.

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

WHEREAS, a public hearing was properly noticed and held on April 8, 2002 to consider amending the boundaries of the Sherwood Forest Park District to include the Emerson and Falcon Ridge Subdivisions, and

WHEREAS, everyone was given the opportunity to speak in favor or against the proposed amending of the Sherwood Forest Park District and no one wished to be heard;

now, therefore, be it

RESOLVED, that the boundaries of the Sherwood Forest Park District be amended to include the Emerson and Falcon Ridge Subdivisions per the attached boundary description, and be it further

RESOLVED, that the proposed method of financing the cost of said service is by taxes levied against the real property located within the district, and be it further

RESOLVED, that the Town Clerk cause a notice of adoption of this resolution to be published and posted in accordance with Town Law # 206(4), and be it further

RESOLVED, that this resolution is adopted subject to a permissive referendum

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 115 of 2002, a resolution authorizing a modification to the agreement with Behan Planning Associates for additional services in preparing the Clifton Park Open Space Plan.

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

WHEREAS, the Town Board previously approved an agreement for the services rendered by Behan Planning Associates to the Town's Open Space Committee, and

WHEREAS, the Open Space Committee is requesting a modification to the original agreement to provide for funding up to \$30,000 for additional services made necessary by increased citizen input and greater detail to be incorporated into the open space plan; now, therefore, be it

RESOLVED, that the agreement with Behan Planning Associates, LLC for services provided to the Open Space Committee be modified to provide for funding an additional \$30,000 of services (to be paid from unallocated funds) to complete the Town's Open Space Plan.

Supervisor Barrett said this is a continuation of the open space plan. Mr. Kemper explained this is necessary due to the large number of survey responses and the amount of citizen input that needs to be incorporated into the plan.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 116 of 2002, a resolution authorizing the hiring of Summer Recreation Directors and Pool Staff.

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

WHEREAS, Patricia Haffner the Director of Parks, Recreation and Community Affairs has identified a need for Summer Recreation Directors and Pool Managers, and

WHEREAS, staff needs to be in place for Summer Recreation Programs to commence when pools open; now, therefore, be it

RESOLVED, that the Director of Parks, Recreation and Community Affairs is hereby authorized to hire Summer Recreation Directors and Pool Managers as per attached Schedule A.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 117 of 2002, a resolution allowing for the indemnification of the Town Justices as it relates to the Clifton Park Youth Court.

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

WHEREAS, the Town Board created a Youth Court for the Town of Clifton Park, by Resolution No. 238 of 2001, adopted September 4, 2001, and

WHEREAS, the Honorable James F. Hughes, Clifton Park Town Justice, and the Honorable Robert A. Rybak, Clifton Park Town Justice are desirous to participate in the

Youth Court program by referring cases in conjunction with recommendations received by the Honorable James A. Murphy, Saratoga County District Attorney, and

WHEREAS, as there is no section of the Clifton Park Town Code, the New York State Penal Code or the New York State Criminal Procedure Law which codifies a Youth Court Program or specifically grants a referral to and participation power to a town justice, and

WHEREAS, the Town of Clifton Park has already insured the actions of the Town Justices, as they relate to their official duties in the Town Court, by the purchase of a Public Officials liability insurance policy which remains in full force and effect; now, therefore, be it

RESOLVED, that the Town of Clifton Park hereby agrees to indemnify the Honorable James F. Hughes, Clifton Park Town Justice, and the Honorable Robert A. Rybak, Clifton Park Town Justice for any acts relating to their official duties in the referral of cases and/or their participation in the Clifton Park Youth Court Program.

Supervisor Barrett said this is at the request of the Town Justices.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth
Councilwoman Walowit, Supervisor Barrett
Noes: None

DECLARED ADOPTED

Resolution No. 118 of 2002, a resolution authorizing a hiring for mowing services for Park Lane Estates (Stoney Creek II Park District).

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

WHEREAS, quotes were received by the Town Board as Commissioners of the Stoney Creek II Park District for lawn mowing services at Park Lane Estates, and

WHEREAS, the lowest conforming quote for the work to be done is Staucet's Landscaping in an amount not to exceed \$6,225 for the season; now, therefore, be it

RESOLVED, that the Town Board acting as Commissioners of the Stoney Creek II Park District hereby authorizes Michael Handerman, Director of Buildings and Grounds to hire Staucet's Landscaping for mowing services at Park Lane Estates (Stoney Creek II Park District) at a cost not to exceed \$6,225 for the season to be budgeted from SPO-7120-24 (Park Lane Contractual-Maintenance).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 119 of 2002, a resolution adopting Local Law No. 5 of 2002, a Local Law establishing the Van Patten Golf Course PUD and amending Local Law No. 10 of 1996.

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

WHEREAS, a Public Hearing was held on February 25, 2002, to consider the adoption of a local law amending the Van Patten Golf Course PUD at which time public comments were obtained, and

WHEREAS, a second Public Hearing was held on May 6, 2002 at which time public comments were obtained, and

WHEREAS, the Town Board has determined that certain use and activity restrictions are appropriate for the PUD which were incorporated into the Local Law before the second public hearing; now, therefore, be it

RESOLVED, that Local Law No. 5 of 2002, a Local Law establishing the Van Patten Golf Course PUD and amending Local Law No. 10 of 1996 be adopted with the conditions and restrictions contained in said Local Law.

Mr. Kemper explained in the list of comments from the first public hearing there was mention of Lot No. 5 and the emergency road and that it would not be used as an entrance to Lot No. 5. He said his concern was Lot No. 5 is outside of the PUD boundary, and he questions whether the Town Board can regulate what can happen on Lot No. 5 with the regulations that were meant to be within the PUD boundary. He continued, if and when anything does come in for Lot No. 5, there be an emergency access road out to that point and then the designated road to service those residential houses but this road could not be used as an entrance to the golf course. Supervisor Barrett said if the reference to Lot No. 5 is removed the road will still be an emergency road only and gated. He stated he doesn't want this to be challenged because of reference to Lot No. 5, which is outside the PUD boundary. The Supervisor said the restrictions preclude the road from any access to Lot No. 5 as it is a gated emergency road. Mr. Trainor said this is valid concern and recommended leaving reference to Lot No. 5 out of the legislation as it is outside of the PUD. Mr. Kemper said the road is outside of the PUD from the edge of the PUD boundary through the R -1 zone and through Lot No. 5.

MOTION by Councilman Speckhard, seconded by Councilwoman Walowit, to amend the proposed Local Law by removing reference to Lot No. 5 from the restrictions.

ROLL CALL VOTE ON AMENDMENT

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

Noes: None

DECLARED ADOPTED

ROLL CALL VOTE ON RESOLUTION AS AMENDED

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Norman Goldman, London Square Drive, reiterated his questions regarding the amount of usable acreage in the adult use business zone, claiming his calculations show less than 70 acres. He asked the Board to indicate what might be incorrect in his calculations. He asked for an update regarding the new bridge the county is planning to build next year to replace the current one at Roberts Lane.

Councilman Paolucci responded these concerns were addressed in the public hearing. He said he thinks Mr. Goldman's comments, when speaking about the zone not being adequate, are strictly based on acreage, but this designated area was picked because all possible adverse impacts would be minimized in this area of town. Councilman Paolucci said he stated on numerous occasions that Clifton Park would be best served by interpreting the subjective acreage test as was noted in the Supreme Court Renton case by attempting to set aside approximately ten percent of the town's available commercial acreage for this zone. He continued, he came up with this goal by applying two standards - the Crystal standard and the Alexander standard, municipal laws that were tested and upheld at higher courts. Councilman Paolucci said it is still his determination that the town has met the goal of forming a zone that does contain close to ten percent of available commercial acreage and believes there is sufficient area to set aside to meet any legal challenges based upon the two precedents. He stated a range was discussed and the town is in that range and that the two year process undertaken was far and above what was required to meet any legal challenges, tests or standards. Councilman Paolucci explained sophisticated, computerized models were used to estimate the amount of acreage and believes after buffering there is sufficient acreage.

MOTION by Councilman Paolucci, 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 9:25 p.m.

Patricia O'Donnell
Town Clerk