

Clifton Park Town Board Meeting Minutes

April 7, 2003

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
Deputy Town Clerk Brobston

Absent: Town Clerk O'Donnell

Also Present: Town Attorney Trainor
Louis Gerard, Superintendent of Highways
Michael Shahan, Town Administrator

MOTION by Councilman Paolucci, seconded by Councilman Roth, to approve the minutes of the March 10 and 17, 2003 meetings 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 announced the Not So Common Players production of "The Queen of Hearts", a story of Old Clifton Park, will be presented April 11, 12 and 13, 2003 in commemoration of the town's 175th Anniversary.

The Supervisor expressed appreciation to all involved with the Support the Troops Rally held on March 29, 2003 and noted the rally was several thousand strong. He read an email from Specialist Matt Romano of the 101st Airborne acknowledging the gratitude of the troops for the support of the residents of Clifton Park and people from around the capital district.

Supervisor introduced Valerie Doane who, together with Kathleen Kruk, presented the town with a scrapbook/photo album of the rally created to express their gratitude to and support of the troops and their families.

Councilman Paolucci referred to a memo from David Miller and Jim Romano, Co-Chairs of the Open Space Committee to the Town Board dated March 4, 2003, attached, and asked if donations to the Open Space fund are tax deductible. Town Attorney Trainor said the town has the authority to accept monetary and land donations for this purpose but research is needed as to whether or not donors can take this as a tax deduction.

PUBLIC HEARING, 7:10 PM

TO CONSIDER THE ESTABLISHMENT OF THE APPLETON ROAD WATER DISTRICT NO. 1 AS AN EXTENSION OF THE REXFORD WATER DISTRICT

The Deputy Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on March 24, 2003.

The public hearing was opened for comments from the audience.

Mina Sun, Grooms Road, physician and new resident in the proposed water district, said there is a public health problem with a lot of peoples' well water. She stated there is e.coli in her well water and stressed the importance for people to test their well water.

George Peterson, Riverview Road, expressed appreciation for the Rally. He read a prepared statement from the Rexford Water District No. 2 Study Committee in support of the application, attached. Supervisor Barrett noted the proposed district would be getting their water from the Town of Glenville via the Rexford Water District.

Joe Krawiecki, Appleton Road, not against the proposed district but is against the cost. He said by spreading the cost over 25 years he will pay \$17,000 more than if it could be paid off all at once and asked if a town wide system has been looked at. He stated he cannot afford the costs of the district.

Ed Dearstyne, Grooms Road, said he lives a quarter of a mile back from the road and has plenty of water and doesn't need to be in the district. He noted a petition requesting exclusion from the district was submitted to the town in November 2002 by four of the five residents in the proposed district. (clerk's note: residing on a portion of Grooms Road east of Appleton Road) He said he estimates it could cost him \$30,000 to \$40,000 to bring water to his residence, plus the other expenses. Mr. Dearstyne said he feels the e.coli contamination is from the horse farm.

Supervisor Barrett stated there will be no decision on this issue tonight and ultimately the decision will be in the hands of the people who live in the district via a vote.

Stephen Szymr, Appleton Road, wants water but the cost of a district is prohibitive. He

said water will be coming to the proposed development at Windover Park and there are also plans to bring water down Route 146 which will bring it closer to the Appleton Road area.

Supervisor Barrett explained when water and sewer lines are extended to a new development, the developer pays for the extensions which then go into the cost of the house. He said many residents on Appleton Road have asked the town to research getting water and this is the reason for this public hearing. The Supervisor said there are things happening that could end up with a source of water closer to the Appleton Road area.

Jack McDonald, Town Engineer, said under Town Law the only way money can be expended is under a special district formation and noted meetings have been held with the Appleton Road/Grooms Road residents for over two years. This request is coming from the property owners and the Town Board is acting as facilitators. Mr. McDonald reviewed what the cost of the project involves. He said an informational meeting was held and costs reviewed, survey conducted and over 50 percent of the property owners and over 50 percent of the assessments were in favor of the district. Based on that the Town Board authorized the preparation of the Map, Plan and Report. Mr. McDonald noted if this is approved, it will then be subject to permissive referendum. Councilman Speckhard has directed that loans and grants be applied for and because of the prices it may be possible to qualify for subsidized loans. People who don't hook up in the districts will pay their share of debt service but no usage or operation and maintenance fees though they would always have the right to hook in. Mr. McDonald said residents would have the benefit of fire hydrants and with the formation of the district there would be a better rating of fire insurance. It was noted property values should go up with the formation of the district.

Mr. Dearstyne questioned the accuracy of the survey.

Dennis Quinn, Appleton Road, spoke in favor of the district.

Mr. McDonald said if mains get extended further north on Appleton Road these residents would become part of the district and would have to pay into the debt service and rates would go down as more people are involved.

Dick Piwko, Grooms Road, spoke in opposition to the district and asked the Town Board not to establish the district as it is much too expensive, estimating his costs at approximately \$30,000. He said given a little more time there will be lower cost options available to make this more attractive in the future for those who may want it. He doesn't believe the proposed district, as drawn, is equitable.

Supervisor Barrett said he doesn't see any action being taken this month.

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 8:20 p.m.

Resolution No. 67 of 2003, a resolution setting a public hearing to consider Local Law No. _____ of 2003, a local law amending Section 208-109 C of the Town of Clifton Park Zoning Code, regarding zoning use variances in the L-C Zone.

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

WHEREAS, on January 13, 2003, Local Law No. 1 of 2003 adopted an Interim Application Procedure with regard to construction within a Town Land Conservation Zone, in order to review the Town's L-C Zoning Law for possible modifications, and

WHEREAS, the office of the Town Attorney has recommended that the Town Board consider the changes to Town Code Section 208-109 C proposed in the attachment hereto, and

WHEREAS, the Town Board wishes to obtain comments from the public regarding the proposed code changes; now, therefore, be it

RESOLVED, that a public hearing be held at 7:10 p.m. on Monday April 14, 2003, in One Town Hall Plaza, Clifton Park; and be it further

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

Councilman Speckhard said none of this would apply to an L-C zone that is part of a PUD. Mr. Trainor said that is correct as the review is already built in the PUD process.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 68 of 2003, a resolution authorizing three Court Clerks to attend a seminar in preparation to take the Notary Public exam.

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

WHEREAS, Carol O'Brien, Judy Lamb and Connie Brown have requested authorization to attend a seminar on Saturday May 10, 2003 in preparation for the Notary Public exam, and

WHEREAS, obtaining their Notary Public Office will confer a benefit to the Town; now, therefore, be it

RESOLVED, that authorization is given to Carol O'Brien, Judy Lamb and Connie Brown to attend the Notary Public seminar on May 10, 2003 at Hudson Valley Community College, at a cost not to exceed \$110.00 per person, to be paid from A-01110-00001 (Justice-Training/Conferences).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 69 of 2003, a resolution authorizing the Highway Superintendent to attend the 2003 Highway School in Ithaca, N.Y.

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

WHEREAS, Louis Gerard, Highway Superintendent, has requested that he be authorized to attend a Highway School in Ithaca, N.Y. June 2-4, 2003, at a cost not to exceed \$675, 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 2-4, 2003, at a cost not to exceed \$675.00, to be paid from A05010-00001 (Highway Admin.-Training & Conference).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 70 of 2003, a resolution authorizing a member of the Clifton Park Trails Advisory Committee to attend the International Trails and Greenways Conference.

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

WHEREAS, the Trails Advisory Committee has recommended that Gerald Burr be authorized to attend the International Trails and Greenways Conference to be held in Providence, Rhode Island, from June 26 – 29, 2003, and

WHEREAS, his attendance at this conference will confer a benefit upon and be in the best interest of the Town of Clifton Park; now, therefore, be it

RESOLVED, that Gerald Burr be authorized to attend the International Trails and Greenways Conference, June 26 – 29, 2003 in Providence, Rhode Island, at a cost not to exceed \$349.00 to be paid from A-7629-15 (Clifton Park Trails-Other Program Expenses) to be vouchered appropriately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 71 of 2003, a resolution authorizing attendance at a Business Writing and Grammar Skills Workshop.

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

WHEREAS, Patricia Haffner, Director of Parks, Recreation and Community Affairs has recommended that Kathy Boni be authorized to attend the Business Writings and Grammar Skills Workshop to be held at the Hilton in Albany, New York, June 11-12, 2003, and

WHEREAS, her attendance at this conference will confer a benefit upon and be in the best interest of the Town of Clifton Park; now, therefore, be it

RESOLVED, that Kathy Boni is authorized to attend the National Seminars Group's Business Writing and Grammar Skills Workshop, June 11-12, 2003 in Albany, New York, at a cost not to exceed \$395.00 to be paid from A-7021-1 (Parks & Recreation Admin.-Training & Conference), to be vouchered appropriately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 72 of 2003, a resolution authorizing the construction of two Sherwood Forest entrance signs and two limestone planters.

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

WHEREAS, quotes were solicited for entrance signs to Sherwood Forest and for the construction of two limestone planters, and

WHEREAS, the lowest conforming quote was received from Vital Signs in the amount of \$7,450.00; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Sherwood Forest Park District, hereby awards to Vital Signs the contract in the amount of \$7,450.00 to be budgeted from SP8-7125-200 (Sherwood Forest-Capital Improvement).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 73 of 2003, a resolution authorizing the hiring of a summer worker for the Buildings and Grounds Department.

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

WHEREAS, a need exists for summer workers in the Buildings and Grounds Department, and

WHEREAS, Michael Handerhan, Buildings and Grounds Supervisor, has recommended that Robert Kasky, 12 Garrison Lane, Ballston Lake, be hired to fill this position, now, therefore, be it

RESOLVED, that Robert Kasky, 12 Garrison Lane, Ballston Lake, be hired as summer staff for the Buildings and Grounds Department, at \$7.50 per hour, to be budgeted from A7110- E4000 (Buildings & Grounds-Part time labor, seasonal), to begin April 8, 2003.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 74 of 2003, a resolution authorizing a hiring for mowing services for Clifton Knolls/Mill Creek Park District.

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

WHEREAS, quotes were received by Michael Handerhan, Director of Buildings and Grounds for lawn mowing services for the Clifton Knolls/Mill Creek Park District, and

WHEREAS, the lowest conforming quote for the work to be done is Staucet's Landscaping in an amount not to exceed \$4,820.00 for the season; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Clifton Knolls/Mill Creek Park District, hereby authorizes Michael Handerhan, Director of Buildings and Grounds to hire Staucet's Landscaping for mowing services for Clifton Knolls/Mill Creek Park District from Spring to Fall 2003, at a cost not to exceed \$4,820.00 to be budgeted from SP3-7131-15 (Clifton Knolls-Other contractual).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 75 of 2003, a resolution accepting a proposal for a filter replacement for the Country Knolls Pool.

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

WHEREAS, bids were received for a filter replacement for the Country Knolls Pool, and

WHEREAS, the lowest conforming bid for replacement of the filter is Professional Diving Services in the amount of \$11,788.80, and

WHEREAS, Michael Handerhan, Director of Buildings and Grounds, has recommended that the bid of Professional Diving Services be accepted; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Longkill I Park District, hereby authorizes Michael Handerhan, Director of Buildings and Grounds, to accept the bid of Professional Diving Services for replacement of the filter for the Country Knolls Pool in an amount not to exceed \$11,788.00, to be budgeted from SP5-7151-200 (Country Knolls-Capital Improvement).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 76 of 2003, a resolution accepting a proposal for removal of the old filter system at the Country Knolls Pool.

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

WHEREAS, quotes were received to remove the old filter system at the Country Knolls Pool, and

WHEREAS, the lowest conforming quote for removal of the old filter system is Cristo Demolition in the amount of \$8,400.00, and

WHEREAS, Michael Handerhan, Director of Buildings and Grounds has recommended that the quote of Cristo Demolition be accepted; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Longkill I Park District, hereby authorizes Michael Handerhan, Director of Buildings and Grounds, to accept the quote of Cristo Demolition for removal of the old filter system at the Country Knolls Pool in an amount not to exceed \$8,400.00, to be budgeted from SP5-7151-200 (Country Knolls-Capital Improvement).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 77 of 2003, a resolution regarding bids for materials and services used by the Highway Department.

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

WHEREAS, bids were received for certain materials and services used by the Highway Department, and

WHEREAS, the Highway Superintendent has requested that the lowest conforming bids received be awarded; now, therefore, be it

RESOLVED, that the following bids for materials and services be awarded to:

- 1) Asphalt Concrete Paving, 6F, 7F, Dense Binder –Delivered in Place-awarded to Town Construction
- 2) Asphalt Concrete Paving-Curbing Mix-F.O.B.- awarded to Palette Stone & Pompa Bros.
- 3) Crushed Stone, F.O.B. Plant & Delivered- awarded to Pompa Bros., Callanan Industries, R.J. Valente.
F. O. B. only, awarded to Palette Stone
- 4) Limestone, F.O.B. Plant & Delivered-awarded to Pompa Bros. & Callanan Industries
Delivered Only – awarded to R.J. Valente
F.O.B. Only – awarded to Palette Stone
- 5) Catch Basin Cleaning & Storm Sewer Line Cleaning, awarded to Cardona & Sons
- 6) Application of Pavement Markings, awarded to Atlantic Paving

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 78 of 2003, a resolution calling for a public hearing to consider establishing the Meadow Estates Park District.

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

WHEREAS, a map, plan and report relating to the proposed creation of the Meadow Estates Park District has been prepared by John M. McDonald Engineering, P.C., in such manner and in such detail as has been determined by the Town Board, has been filed with the Town Clerk of the Town of Clifton Park, in accordance with Article 12-A of the Town Law, and

WHEREAS, a description of the boundaries of the proposed district set forth in Exhibit "A" hereof, and

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

WHEREAS, the proposed method of financing the cost of said service is by taxes levied again the real property located within the district after March 17, 2003; now, therefore, be it

RESOLVED, that a public hearing be held by the Town Board of the Town of Clifton on April 21, 2003 at 7:10 p.m. in the Wood Memorial Room, 1 Town Hall Plaza, Clifton Park, to consider said map, plan and report of the proposed creation of the Meadow Estates Park District and to hear all persons interested therein and to take such action thereon as required.

Supervisor Barrett said residents in Meadows Estates are requesting a park district. He said at the most this will be an average of \$13.00 per residence. It was noted this will cover mowing and if residents choose to have other things done, expenses could go up. Councilman Speckhard said the trail and the bridge belong to the town and are not part of the park district.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 79 of 2003, a resolution setting a Public Forum to consider the Responsiveness Summary of the March 10, 2003 Public Hearing on the Clifton Park Open Space Plan.

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

WHEREAS, the Town Board has received an Open Space Plan prepared by Behan Planning Associates, LLC with the Town of Clifton Park Open Space Committee, and

WHEREAS, a public hearing was held on March 10, 2003 at 7:15 p.m. to consider the Open Space Plan, and

WHEREAS, comments were received from the public, and

WHEREAS, the Town Board wishes to schedule a Public Forum to consider the Responsiveness Summary on the March 10, 2003 Public Hearing on the Open Space Plan prepared by Dave Miller and Jim Romano (Open Space Co-Chairs); now, therefore, be it

RESOLVED, that a Public Forum to consider proposed Responsiveness Summary of the March 10, 2003 Public Hearing on the Clifton Park Open Space Plan is hereby set for April 21, 2003 at 7:20 p.m. in the Wood Memorial Room at One Town Hall Plaza, Clifton Park.

Supervisor Barrett said it appears that all concerns are acknowledged in the April 4th Responsiveness Summary.

MOTION BY Councilman Speckhard, seconded by Councilwoman Walowit to amend the wording of the resolution to read public forum instead of public hearing.

ROLL CALL VOTE ON MOTION

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

Noes: None

MOTION CARRIED

ROLL CALL VOTE ON AMENDED RESOLUTION

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

John Sutridge, Clifton Knolls, complained about confiscation of Clifton Knolls\Mill Creek Civic Association signs that were advertising scholarships and the Association's annual meeting. He said it is his understanding that signs were taken and destroyed by the town. Mr. Shahen stated

they were taken as they violate the town Sign Law. Mr. Sutridge said he is disappointed that the Civic Association wasn't contacted first before signs were removed. He asked for an exemption to the Sign Law, noting the signs are a way of communication. Mr. Shahen is to check on the disposition of the signs. Mr. Sutridge said it is his understanding a complaint was made regarding the signs.

Jim Baisley, Barkwood Lane, expressed appreciation to the Town of Clifton Park for the time and energy spent on the great Support the Troops Rally.

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

Motion carried at 9:07 p.m.

Patricia O'Donnell
Town Clerk