

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

**April 21, 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  
Town Clerk O'Donnell

Also Present: Town Attorney Trainor  
Louis Gerard, Superintendent of Highways  
Mark Heggen, Comptroller  
Jason Kemper, Director of Planning  
Michael O'Brien, Environmental Specialist  
Michael Shahan, Town Administrator

MOTION by Councilman Roth, seconded by Councilwoman Walowit, to approve the minutes of the April 7, 2003 meeting as presented.

### **ROLL CALL VOTE**

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

Noes: None

### **MOTION CARRIED**

### **ANNOUNCEMENTS AND COMMUNICATIONS**

Daniel Clements, Tekakwitha Court, presented a framed photo of the American flag to the Town Board in thanks for the rally in support of the troops.

### **PUBLIC HEARING, 7:10 P.M. TO CONSIDER ESTABLISHING THE MEADOW ESTATES PARK DISTRICT**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on April 10, 2003.

Supervisor Barrett said a public hearing on a wider scope park district was held in the Fall of 2000 but this public hearing is just on Meadow Estates. He said a number of months ago he received a map of the subdivision with many signatures of people who wanted the park district issue looked at. He said it appears the average cost at its highest point is \$13.00 per year and this is strictly for mowing services. Supervisor Barrett reviewed the various sizes and scopes of park districts, noting park districts do provide for local control.

Councilman Speckhard asked if the park district is established, do residents know they will need to form a committee and submit a yearly budget.

Supervisor Barrett said he has been told by residents of Meadow Estates that all they want right now is to have the common areas mowed.

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

Pete O'Connor, Michelle Drive, spoke against the creation of a park district. He said there is nothing in the description of who owns the multi-use path and bridges. He said several developments use the bike path and the town should be responsible for its upkeep. Mr. O'Connor questioned why parcel 271.-5-24.111 is excluded from the district. (Clerk's note: this is town property).

Supervisor Barrett said this is strictly up to the residents. Town Attorney Trainor explained the petition process. Supervisor Barrett explained the multi-use path is not included in the maintenance cost because the path and associated costs that go along with the path will be picked up by the town and is not the responsibility of the park district.

Mr. O'Connor said this needs to be stated somewhere as nobody knows that right now and the multi-use path is the major concern.

Supervisor Barrett suggested if the park district is adopted, an addendum be added to the resolution that the town is responsible for the multi-use path.

Mr. O'Connor said that will allay 95 percent of the concerns.

Supervisor Barrett said he will send a letter to everyone in the neighborhood mentioning that the trails are not included.

Councilman Speckhard recommended mentioning in the Supervisor's letter to the residents that even though the trail is owned and operated by the town, that the future is up to the residents of the park district and they can add anything they want to within the framework of what is legitimate in a park district. He said to imply that five or ten years from now mowing is going to be the only thing paid for may or may not be accurate and the residents should be aware that they are now taking over basically recreational open space kind of planning within the park district.

Discussion ensued as to whether or not park districts are open to non-residents of a park district. Councilman Speckhard explained technically park districts are only open to park district residents unless the district has borrowed federal or state money. He said traditionally park districts have let themselves be open to non-residents.

Supervisor Barrett noted that the Town Board acts as Commissioners of the various park districts but has always taken the stance that the park district decides for themselves what they would like to do.

Councilman Paolucci read from the Meadow Estates Park District Report that states "The Town's multi-use path travels south through the center of the subdivision".

Margaret Catellier, Royal Oak Drive, said though the Evergreen Estates subdivision is not in a park district, residents use the Clifton Gardens Park District.

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 7:40 p.m.

**PUBLIC HEARING, 7:20 PM  
TO CONSIDER A LOCAL LAW AMENDING  
SECTION 208-109C OF THE ZONING CODE REGARDING USE VARIANCES IN  
THE LAND CONSERVATION ZONE**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on April 17, 2003.

Supervisor Barrett explained a public hearing was held on April 14, 2003 but due to a part of the local law being left out of the legal notice, it is necessary to hold a second public hearing. There was no comment at the April 14, 2003 public hearing.

The public hearing was opened for comments from the audience at 7:40 p.m.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 7:45 p.m.

**PUBLIC FORUM ON THE ADDENDUM TO THE OPEN SPACE PLAN**

Supervisor Barrett explained there were valid concerns raised at the first public hearing for the Open Space Plan and wanted to make sure they were addressed. He expressed appreciation to David Miller and James Romano and the Open Space Committee and their work and the Responsiveness Summary in answer to comments at the March 10, 2003 public hearing.

David Miller, Co-Chair of the Open Space Committee and Executive Director of Audubon said he thought many of the issues raised were concerns about specific elements or need of clarification. He stressed that the trails are conceptual in nature, participation in the Open Space Plan is strictly voluntary and that the Plan is a guide. He said the town does have the ability to accept donations of land and can be tax deductible and can accept donations for an open space fund as long as the purposes of that fund remain as when the fund began. He said such donations are tax deductible. Mr. Miller recommended adopting the Plan. In response to a question from the floor, Mr. Miller said if a resident did not want a trail through his property, the trail would then be routed around that property. He said the Committee does not believe for the purposes of open space that eminent domain should be used and this is stated clearly in the Open Space Plan.

Bill Mackesey, South Hollow Drive, member of the Open Space Committee, Park & Recreation Advisory Board, Trails Committee and Longkill 1 Park District, said the Open Space Plan is a concept. He reviewed the process of establishing trails. He stated trails are not to become bothersome or intrusive to the residents of town.

Supervisor Barrett said another public hearing will be held in May on the addendum to the Open Space Plan (Responsiveness Summary).

Mr. Miller quoted from the Plan “No trail will be included on any private land without the full consent and involvement of the private landowner”, therefore, no trail coming out of the Open Space Plan is going to be included on any private land without full consent and involvement of the private landowner. Mr. Miller reiterated it is a planning tool that then allows considerations into the future.

Mr. Mackesey reported the above comment is also included in the Trails Master Plan which was adopted by the Town Board in 1999. He emphasized the trails are only a small part of the Open Space Plan.

Supervisor Barrett stated the Open Space Plan was never looked at as a planning tool for trails as this has always been done through the Trails Committee.

Mr. Miller reiterated any trails shown in the Plan were strictly conceptual.

In response to a concern from the floor, Supervisor Barrett said he does not see a “Moe Road” type trail anywhere in the Van Vranken Road area.

Mr. Miller read in part from the Responsiveness Summary noting this distinguishes how different trails would be proposed for different parts of the town.

Abraham Blum, Parkland Court, asked whether or not the Town Board can decide to put a trail across somebody’s property regardless of what the owner wishes. Supervisor Barrett responded yes.

Councilman Paolucci said a number of years ago a Trails Committee was established to link communities within the town and that Trails Committee has proposed designs that have tried to design-out going on people's property, however, there are times, through engineering, when this can't be done. The town does have an eminent domain procedure but does not like to use this procedure. In the past, the Trails Committee gets people involved from the start. This Plan is not about eminent domain but about preserving certain resources and linking those resources. Councilman Paolucci said the Trails Committee will still recommend trails whether there is an Open Space Plan or not.

Supervisor Barrett said the Ushers Road Trail, a state and federal project, was supported by the Trails Committee but many people were against the plan and the town turned the project down, as well as the money associated with it from the state and federal governments.

Mr. Miller stated the Open Space Plan is designed to protect open space in the town and trails associated with the Open Space Plan were merely put in the Plan so residents would have an ability to connect from one open space area to another and is not core to the Open Space Plan. He said the Open Space Plan's goal over the next five years is to protect 1800 acres. Mr. Miller said the trails are a means for people to be connected to open spaces.

Councilman Speckhard said it has been stated the Plan has no legal obligations, the Town Board is not legally obligated to implement it or support it in anyway and yet we are on the process of adopting it as a culmination of ten to twelve years of efforts that have been reflected in the Comprehensive Plan. When the Open Space Plan is approved, the town is not taking upon itself any legal responsibilities but is taking on some ethical responsibilities saying we support it and are going to pursue it. It does not commit any future town board to do anything. He asked if the expectation of the Open Space Committee is that the Town Board is going to pursue the Plan. Mr. Miller responded yes. Councilman Speckhard then the Committee would expect that the Board would be actively involved in planning and decision making that would pursue, in a very concrete way, these specific goals. Mr. Miller agreed.

Roxanne Yager, Riverwind Drive, Rexford, said she hopes the Nature Preserve part of the Plan succeeds and even expands. She asked when the Plan is adopted, when household taxation would begin. Supervisor Barrett responded there is no plan for any household taxation. Ms. Yager asked if the Plan is adopted and is not successful what can legally happen to the Open Space money, e.g. can it be used for development or what future Town Boards see fit. Councilman Paolucci responded that the Open Space fund cannot be used for anything else unless there is a referendum and can only be used for open space purposes. Town Attorney Trainor agreed. A discussion ensued as to whether or not a referendum is required to spend designated Capital Reserve funds on open space. Ms. Yager recommended donating Preserve land to the Nature Conservancy in order to preserve it. Councilman Speckhard explained that New York State owns the Preserve and has turn over a great deal of it to the Town. Town Comptroller Heggen explained the difference between the Capital Reserve Fund and a Board designated fund.

Norman Goldman, London Square Apts., suggested the addendum be at the beginning of the Plan rather than the end with a statement that says “this Plan and the Response Addendum are advisory to the Town Board and in no way restrict the powers of the Town Board in carrying out what it sees fit as an Open Space Plan”.

Allen North, Carlton Road, said if the Open Space Plan needs to be funded, it needs to be funded as a separate line item that the taxpayers have a right to vote on. He said in any proposed zoning change, homeowners need to be notified directly by registered letter and recommended a more participatory manner be used for implementation of the Open Space Plan. He questioned the Board’s power regarding eminent domain. Mr. Trainor replied there is quite an evidentiary showing that a municipality has to make in order to condemn property by eminent domain. Mr. Miller said the intent of the Plan is to continue with outreach and public participation.

Councilman Speckhard noted a number of years ago the town had a state grant to build a trail down Moe Road from Grooms to Crescent Road, one homeowner did not want it and the grant was turned down.

Supervisor Barrett asked for any comments on the Open Space Plan be submitted within the next week or so.

The Public Forum closed at 8:53 p.m.

Town Administrator Shahan said notifications of proposed changes to certain parcels are mailed to homeowners. He reported sound meters are in vehicles and town officers will be responding to any requests to enforce the noise ordinance. He noted the importance of communication between the school and town in any emergency. He recommended residents have a power fail phone in the event of power failure. Mr. Shahan reported there has been great response from the NYS Troopers and Sheriff’s Department.

Town Comptroller Heggen stated the Annual Report to the Comptroller’s Office is being prepared for submission by May 1, 2003. He reviewed information regarding the town’s retirement costs. It was noted at this time the town is approximately \$350,000 ahead of last year’s figures in sales tax dollars. Mr. Heggen said with the April payment to the county the town has satisfied its commitment for returning the \$1 million.

#### PUBLIC PRIVILEGE ON RESOLUTIONS

Resolution No. 86 of 2003, a resolution adopting Local Law No. 2 of 2003, a local law amending Section 208-109 C of the Town of Clifton Park Zoning Code.

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

WHEREAS, since the enactment of the 1990 L-C Zoning Law in Clifton Park there has

been substantial growth in the requests for Zoning variances within or near L-C Zones/District, and

WHEREAS, changes have been recommended to the Town's current ordinance, and

WHEREAS, the Town wishes to implement, revise or replace one or more laws to more effectively protect the health, safety, and welfare of the community, to assure the orderly development in the community, including but not limited to the development of procedures governing the filing of an application, and for reviewing and analyzing an application, and for granting a permit to construct and use facilities or structures within or containing Land Conservation Zones/Districts, and

WHEREAS, on April 14, 2003 and April 21, 2003 public hearings were conducted to obtain comment from the public; now, therefore, be it

RESOLVED, that Local Law No. 2 of 2003, a Local Law amending Section 208-109 C of the Town of Clifton Park Zoning Code regarding zoning use variances is hereby adopted, and be it further

RESOLVED, that the Town Clerk file said local law with the New York State Department of State as required by law; and be it further

RESOLVED, that this local law shall take effect upon its filing at the New York State Department of State but shall also be immediately effective upon a person or entity personally served with a copy before then.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 87 of 2003, a resolution authorizing a hiring for landscaping services for Wyncrest Park District.

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

WHEREAS, quotes were received by the Town Board, as Commissioners of the Wyncrest Park District, for landscaping services for Wyncrest Park District, and

WHEREAS, the lowest conforming quote for the work to be done is Staucet's Landscaping in an amount not to exceed \$1,775 for the season; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Wyncrest Park District, hereby authorizes Michael Handerhan, Director of Buildings and Grounds to hire Staucet's Landscaping for landscaping services for Wyncrest Park District for the Spring to Fall 2003 Season at a cost not to exceed \$1,775 to be budgeted from SP11-7140 (Wyncrest Park District-General Maintenance).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 88 of 2003, a resolution authorizing the hiring of summer staff for Parks, Recreation and Community Affairs.

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

WHEREAS, an additional staff member is required to staff the office of Parks, Recreation and Community Affairs during the summer months, and

WHEREAS, the Director of Parks, Recreation and Community Affairs has recommended that Kristen Bini, be hired as a summer office staff member; now, therefore, be it

RESOLVED, that the Director of Parks, Recreation and Community Affairs is hereby authorized to hire Kristin Bini, 22 Ashley Drive, Ballston Lake, as a part-time summer office staff member at Grade 1, Step 1, from May 12, 2003 to August 29, 2003, to be budgeted from A7021-E4000 (Parks & Recreation-Part-time staff).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 89 of 2003, a resolution authorizing the hiring of a Site Director at the Locust Lane day camp site.

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



Walowit.

WHEREAS, Patricia Haffner, the Director of Parks, Recreation and Community Affairs, has identified a need for a Site Director at the Locust Lane day camp site, and

WHEREAS, Patricia Haffner has recommended that Mark Thompson be hired to fill the open position of Site Director at the Locust Lane day camp site; now, therefore, be it

RESOLVED, that the Director of Parks, Recreation and Community Affairs is hereby authorized to hire Mark Thompson, 10 B Maclyn Meadows, Ballston Lake, at a salary of \$3,300 for the season, per the Summer Recreation Matrix.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 90 of 2003, a resolution authorizing the Comptroller to attend the Government Finance Officers Association (GFOA) Annual Conference.

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

WHEREAS, Comptroller Mark Heggen has requested that he be authorized to attend a four day conference to be held in New York City on May 18 – 21, 2003; at a cost not to exceed \$1,000, and

WHEREAS, his attendance at the conference would provide a benefit to the Town; now, therefore, be it

RESOLVED, that Mark Heggen is hereby authorized to attend a four day GFOA Conference in New York City on May 18 – 21, 2003 at a cost not to exceed \$1,000 to be budgeted from A-1315-1 (Comptroller-Training/Conferences).

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 91 of 2003, a resolution authorizing Assistant Town Attorney Joel Peller to attend the Albany Conference on State and Federal Personnel Laws.

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

WHEREAS, Assistant Town Attorney Joel Peller has requested that he be authorized to attend a one day conference to be held at the Crowne Plaza in Albany, New York on June 20, 2003, at a cost not to exceed \$235, and

WHEREAS, his attendance at the conference would provide a benefit to the Town; now, therefore, be it

RESOLVED, that Joel Peller is hereby authorized to attend the Albany Conference on State and Federal Personnel Laws at the Crowne Plaza in Albany, New York on June 20, 2003, at a cost not to exceed \$235 to be budgeted from A1010-026 (Legislative-Labor Negotiations).

**ROLL CALL VOTE**

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

Noes: None

**DECLARED ADOPTED**

**PUBLIC PRIVILEGE**

Abraham Blum, Parkland Court, expressed concern with the traffic and traffic pattern at the Route 146 – Clifton Country Road area near Shoppers World and asked if the situation is being studied. It was noted changes are planned for this summer

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

Motion carried at 9:35 p.m.

Patricia O'Donnell  
Town Clerk