

Clifton Park Town Board Meeting Minutes

July 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
Supervisor Barrett
Town Clerk O'Donnell

Absent: Councilwoman Walowit

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

It was noted Councilwoman Walowit was absent due to the death of her father.

MOTION by Councilman Roth, seconded by Councilman Speckhard, to approve the minutes of the July 7, 2003 meeting as presented.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett thanked all involved in the International Soccer Tournament.

Councilman Roth reported applications for two grants have been submitted regarding

open space acquisitions; one to New York State Parks, Recreation and Historic Preservation for the Dwaaskill Land and Water Conservation Fund in the amount of \$350,000 and one to Saratoga County for the purchase of the VanVranken property in the amount of \$40,000. He said another is to be submitted shortly for \$50,000 also having to do with the Dwaaskill.

With regard to CK Sanitary Systems, Councilman Roth said he has met with Jim Mitchell, representative of the Company, and has asked for an outline of plans for years 3, 4 and 5 and an estimated cost. He said information is being requested regarding grinder pumps to make sure these are being kept up to date.

Supervisor Barrett announced a Blood Drive will be held in the Town Hall on August 13, 2003.

PRESENTATION TO THE BOARD

Holly Taft, Staff Ciampino & Company, P.C., presented the audit of Arena Management Group, LLC as of August 31, 2002, attached. She explained the difference between a compilation and an audit. A compilation consists of putting information supplied by the client into proper financial statement form without expressing any assurances whatsoever on the information supplied while an audit includes examining on a test basis evidence supporting the amounts and disclosures in the financial statement and also includes assessing accounting principles being used, significant estimates made by management and the overall financial presentation. Councilman Roth reported there is an agreement for the next three years that the Arena Management LLC audit will be done by Roback, Ferraro and Pehl, CPAs. Marvin and Company will also review findings.

PUBLIC HEARING, 7:10 PM TO CONSIDER A LOCAL LAW AMENDING THE COMPREHENSIVE PLAN OF THE TOWN OF CLIFTON PARK

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on July 11, 2003.

Councilman Speckhard explained the Comprehensive Plan is a little over eight years old and is successor to the Master Plan but is more fluid. It reflects the sentiments, opinions, views, and ideas in the community and is not written in stone. He said the Open Space Plan is incorporated in the Comprehensive Plan. Councilman Speckhard stated the Comprehensive Plan is not legally binding but is a document of significant judicial importance. It legally justifies actions of the Town Board and can be used in court cases to defend actions taken by the Board. It is a statement of long term goals and strategies for achieving those goals. Councilman Speckhard noted the removal from the Plan of a regional police force and town wide sewer district. With regard to the police force, that no longer seems to be a dominant view or goal of the community, however, this could change. With regard to the town wide sewer district, Councilman Speckhard does not want this to be understood as a reduction of the commitment of the town to providing

sewer services for the residents of the town but that the long-term goal at this time is more in terms of a county sewer system rather than a town system. He continued, water is an issue that continues to accelerate in the Comprehensive Plan, extending it into the west. There are four relatively new commitments in the Plan 1) to expand existing and develop new opportunities for water front access, recreational enjoyment and scenic appreciation along the Mohawk River; 2) protect Clifton Park's rich heritage by preserving and protecting the historic resources in the town; 3) recognize the arts and other cultural and entertainment events as being vital to the quality of life of town residents and to develop year long indoor facilities devoted to artistic, cultural and educational events; and 4) participation in e-government by encouraging and expanding town electronic services to town residents and encouraging public participation in town business.

Director of Planning Kemper reviewed the process of updating the Plan, and noted members of the update committee.

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

Laura Thompson, member of Arts and Culture Citizens Advisory Committee read comments in support, attached.

Frank Berlin, Main St. Jonesville, expressed appreciation to the Board for adoption of the Open Space Plan. He recommended taking the land by the library and YMCA and making it a pedestrian friendly center of town with an arts center, town hall, and shops.

Al North, Carlton Road, would like to see a goal added to the Plan that specifically states respect for individual property rights and reiterates the Board stance of willing buyer/willing seller.

Supervisor Barrett noted the town has 2000 acres of open space under the Conservation Easement program, in addition to land purchased over the last several years. He said purchases have been made through the general fund.

Councilman Roth reported a letter is on file regarding the VanVranken property of the willingness to sell the land.

Councilman Speckhard asked Mr. Kemper to integrate Mr. North's recommendation into the Plan.

Susan Burton, Riverview Road, Rexford, asked that the Open Space Plan not stop with the Comprehensive Plan. She said it is important to take the implementation steps that are in the Open Space Plan and proactively pursue the goals of the Plan. She emphasized the importance of making a local financial commitment, as well as the hiring of an Open Space Coordinator. Ms. Burton noted the importance of strengthening private and public partnerships.

Youseff Ballout, Torrero Drive, spoke in agreement with previous speakers and asked that the Comprehensive Plan be given the strength of the law rather than a vision and that the Open Space Plan be made part of the Comprehensive Plan. Mr. Ballout said the important aspect of open space is involving the developers as they are an integral part of the community. He recommended that the town have an architectural standard. He stressed the importance of a town center.

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 8:10 p.m.

**PUBLIC HEARING, 7:20 PM
TO CONSIDER THE CREATION OF THE MILLER ROAD WATER DISTRICT NO.
1**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on July 11, 2003.

John McDonald, John M. McDonald Engineering, reviewed the history of the proposed Miller Road Water District, noting the Town Board had received an informal petition about a year ago from several property owners in the area requesting public water. The total cost of the project is \$377,500. He reviewed the boundaries of Miller Road South and Miller Road North. He said the cost estimates were equal for both so they were merged into one district which will end up being a cost savings to the property owners. Mr. McDonald noted where the mains were located and where tie-ins would occur. He reported an informational meeting was held with property owners in November 2002 and survey forms were sent to all property owners explaining the preliminary costs. Upon the survey forms being returned to the town it was noted there was support for the project and at that time the Map, Plan and Report was prepared.

Supervisor Barrett explained the water lines that are in the area of the proposed district were brought in by developers when the subdivisions on Miller Road were built.

Mr. McDonald explained under town law a town cannot use general fund monies for a water or sewer district and the people who benefit from it have to pay for it, noting developers front the cost and that is passed on to the home buyer. He further explained when a district is formed, the debt service on the cost of the main is spread out among the property owners in the district and gets paid back over time. Mr. McDonald said if the district is established, there is a 30 day permissive referendum period from the time of the resolution establishing the district. The establishment of the district is also subject to State Audit and Control approval. If this approval is received, the Town Board would issue the Final Order on the formation of the water district and authorize the bonding for the project.

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

Mary Post, 461 Miller Road, asked if the survey responses are public information. It was noted they are part of the Map, Plan and Report and are public information. She said she built her home on what she could afford and the water district would be as if there was a \$25,000 lien on her home. Ms. Post said her water quality is fine. She spoke against the establishment of the water district.

Joe Bucciero, 517 Waite Road, speaking for his father who has property that bounds Miller Road. He explained this property only has 38 foot frontage on 511 Miller Road and has been told that this property cannot be accessed from Miller Road and, therefore, will not receive any benefit from this district. He said they would be willing to support the district if there could be access. Mr. Bucciero said there are property owners that have been included in the district calculations but will not get the benefit of the water. Supervisor Barrett recommended Mr. Bucciero call Mr. Kemper to discuss the issue. Mr. McDonald said Mr. Bucciero's property could be served with water.

Bob Jones, 504 Miller Road, asked if there was enough data and enough respondents to the survey to make a reasonable choice and if so what was the percentage of results. Mr. O'Brien said there were three people who never responded but based on the survey there were 9 noes and 12 yeses for Miller Road north and 13 yeses and 6 noes for the southern end of the district with one no response.

Dave Vanderzee stated he is very much in support of town water. He said he has been a resident of 508 Miller Road since 1986 and has poked six holes in the ground looking for water. He said he has a very minimal amount of water in good years but last year the supply was sorely inadequate and he had to bring water in by truck. He noted the plan calls for 13 fire hydrants and said this will reduce hazard and fire insurance due to closer vicinity to a water source. He suggested the reduction in fire insurance may make up some of the costs. Mr. Vanderzee said he assumes with any development of Mr. Riggi's property the costs would drop.

Donna Jones, 504 Miller Road resident since 1974 whose property abuts a good deal of wet lands, said \$25,000 is a huge amount of money for people who don't want the water. Regarding fire, there is a pond on her property so she is close to a water source. She suggested the project needs to be reworked and perhaps separate the north area from the south. Ms. Jones said the three people abstaining have considerable properties and suggested approaching them to see what they want. She said this amount of money is not easy to absorb and asked the Board to reconsider and take another look at this issue. She spoke favorably of the Comprehensive Plan.

Mr. McDonald explained the debt service charge is \$768 per year, or \$65 per month, for the typical single family home. He said the north and south areas were merged in order to save costs.

James Carroll, 11 year resident of the southern area of 337 Miller Road, spoke in favor of the water district and is looking for the project to move forward expeditiously. He said there is overwhelming support for the district in the southern area and appears to be

support in the northern part. Mr. Carroll said benefits include a reduction in homeowners' insurance, better quality of water, increase in property values and tax deductions. He compared the cost of \$65 per month for quality water to that of a cable bill. Mr. Carroll noted if any of the vacant parcels are subdivided and twenty more units are built, that would still part of the district and costs would be distributed accordingly.

Tim Sankowski, 518 Miller Road – northern end, spoke in favor of the water district, noting his wife's family has lived on Miller Road for fifty years and there have always been water problems. He asked for the Town Board's support in bringing water to the area.

Norman Goldman, London Square Drive, said if the value of a home or property increases because of this improvement but the owner doesn't want to sell, then it doesn't help very much. Mr. Goldman said \$700 per year is a lot of money for a lot of people.

Dorothy Callendar, 294 Miller Road has owned the property for over 30 years, has dug six wells and has no water. Any water she does get is from a 30 foot well that was originally on the Klingbeil farm. She said she has to bring in a truck load of water every three weeks for almost \$300. Ms. Callendar said she is 6/10s of a mile from the last fire hydrant on Settler's Hill. She said it has paid for water, laundromats, and suffered humiliation of not having company because the toilet can't be flushed. She uses downspouts and barrels that are running over to bring every drop of rain to seep down into the well. She said she defies anyone who has not had to live in those kinds of conditions, regardless of income, to tell her that that is an American way. Ms. Callendar said her name is Hillmann on the tax records. Ms. Callendar said for all the paved roads and every house that is built, a place for rain to get to the aquifer is taken away. She said she lost her pond 20 years ago due to drainage when a new home was built behind her and expressed concern about fire.

Environmental Specialist O'Brien said there is a great deal of effort put into storm water management when subdivisions are designed.

Paul Klein, 463 Miller Road, asked what the law says regarding the distance from the property line before one can hook into the existing main. He asked if the boundaries can be explored and why certain properties were "carved out". Mr. Klein said if this passes the people who don't want the district will still be included whether they want to or not and will be burdened by the cost. Mr. Klein is not in favor of the district.

Mr. McDonald responded typically the main should be in front of the house. There is no legal requirement as to distance. He said the Board is looking for the greater good and making it fair to everyone. Mr. McDonald explained the people who were "carved" out of the district do not have frontage on the main or have an agreement to have Clifton Park Water Authority Water.

Mark Hebert, 343 Miller Road – southern area, spoke in favor of the water district.

Mr. McDonald explained an 8 inch main is a standard distribution size main but Clifton Park Water Authority may go to a larger main at no cost to the district.

It was noted Grooms Tavern is part of the proposed district.

Everyone was given an opportunity to speak in favor of or against the proposed establishment of the Miller Road Water District No. 1 and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 9:30 p.m.

REPORTS

Town Administrator Shahan noted the success of the 4th of July event but said he will recommend that the back road be closed next year due to the fireworks and in the interest of safety.

Town Comptroller Heggen reported town auditors have been in and should be submitting a draft by the end of July. He reported revenues and expenditures are on target and sales tax is up by \$497,000 and \$700,000 above last year for the six months.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 178 of 2003, a resolution authorizing Change Order No. 2 for the Wooddale Drive Drainage Improvement Contract.

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

WHEREAS, during construction, stabilization of an eroding slope was required due to underground springs encountered, and

WHEREAS, Change Order No. 2 in the amount of \$4,940.00 was prepared and recommended for approval by McDonald Engineering to provide for the increase in contract price; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign and the Comptroller is authorized to pay, Change Order No. 2 dated May 29, 2003 with TKC General Engineering regarding the Wooddale Drive Drainage Improvement Contract in the amount of \$4,940.00.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit,

DECLARED ADOPTED

Resolution No. 179 of 2003, a resolution authorizing water rent rolls for Rexford Water District No. 2.

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

WHEREAS, the Town Comptroller has compiled the water rent rolls for the Rexford Water District No. 2 per the Exhibits attached hereto and the Town Board acts as the Commissioners for this district, and

WHEREAS, it is necessary to approve the water rent rolls so that the Town Comptroller may bill and collect money for water services in this district; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners for the Rexford Water District No. 2, hereby approve of the water rent rolls attached and the Comptroller is authorized to bill and collect money for water services in this district.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 180 of 2003, a resolution authorizing Change Order No. 2 to Contract No. 2 – Electrical work for the Dutch Meadows and Woodland Hills Sewer improvements.

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

WHEREAS, additional work outside of the scope of work was required to be performed during construction resulting in an overall increase in the project cost, and

WHEREAS, a Change Order was prepared by McDonald Engineering which provides the breakdown of individual item costs, and

WHEREAS, the Change Order results in an increase of \$6,033.08 for Dutch Meadows from the current contract amount of \$65,857.00 to arrive at a new contract amount of \$71,890.08; now, therefore, be it

RESOLVED, that Supervisor Barrett is hereby authorized to sign Change Order No. 2 dated June 27, 2003, to the Stilsing Electric Inc. contract for the Dutch Meadows & Woodland Hills Sewer Improvements.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 181 of 2003, a resolution approving payment of alarm system modifications for the Dutch Meadow Sewer District No. 1.

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

WHEREAS, the three pump stations in Dutch Meadows Sewer District No. 1 were required to have their alarm systems made compatible with the Saratoga County Sewer District's alarm system so that SCSD No. 1 would receive the radio alarm signals from those three stations directly, and

WHEREAS, General Control Systems Inc. has completed the work for \$2,424.00 and McDonald Engineering has found the work to be satisfactory and recommends payment of the invoice; now, therefore, be it

RESOLVED, that the Town Board, acting as the Commissioners of the Dutch Meadows Sewer District No. 1, hereby approve payment of \$2424.00 to General Control Systems Inc. for modifications requested by the Saratoga County Sewer District No. 1.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 182 of 2003, a resolution authorizing the Supervisor to enter into a

contract with Bast Hatfield for Phase IV of the Historic Grooms Tavern renovations.

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

WHEREAS, John G. Waite Associates. PLLC has recommended that Bast Hatfield be approved as the lowest responsible bidder for Phase IV of the Historic Grooms Tavern Renovation Project at a cost of \$91,321.00, and

WHEREAS, the Architect's fee of 12.5% of the contract sum or \$11,422 is now due; now, therefore, be it

RESOLVED, that the Supervisor be and hereby is authorized to sign a contract with Bast Hatfield for Phase IV of the Historic Grooms Tavern Renovation Project (Exterior Restoration and Structural Stabilization) at a cost not to exceed \$91,321.00 (\$80,000 from amounts designated from Resolution No. 19 of 2003; \$5660.50 from Friends of Historic Grooms Tavern, \$5660.50 matching funds from Resolution No. 93 of 2003 and \$11,422 from 1999 Designated Fund Park & Historic Land Acquisition), and be it further

RESOLVED, that the Comptroller be and hereby is authorized to pay John G. Waite Associates PLLC its fee of \$11,422 for Architectural and consulting services to be paid from 1999 Designated Fund Park & Historic Land Acquisition.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 183 of 2003, a resolution hiring an additional Water Safety Instructor for the Barney Road Pool "Learn to Swim" program.

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

WHEREAS, it is necessary that additional staff be hired to operate the Town of Clifton Park "Learn to Swim" program and the Parks and Recreation Department has recommended we hire Virginia Kollak, 22 Firestone Lane, Clifton Park, for this position; now, therefore, be it

RESOLVED, that Virginia Kollak, 22 Firestone Lane, Clifton Park, shall be hired as a Water Safety Instructor, effective June 30, 2003 at the rate of \$9.00 per hour to be budgeted from A-7310-E4575 (Summer Rec.-WSI Lifeguards).

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 184 of 2003, a resolution authorizing the installation of a street light at the entrances to the Wishing Well Subdivision.

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

WHEREAS, the Wishing Well subdivision was previously approved by the Town of Clifton Park Planning Board, and

WHEREAS, the installation of a street light is warranted at both entrances to the Wishing Well Subdivision; now, therefore, be it

RESOLVED, that authorization is hereby granted for the installation of a street light at the entrance to the Wishing Well Subdivision at the Vischer Ferry Road and Four Leaf Manor intersection, and the Grooms Road and Wishing Well Lane intersection in the Town of Clifton Park; and be it further

RESOLVED, that said street lights shall be charged to the Town of Clifton Park Lighting District No. 1, and a copy of this authorization shall be forwarded to the Niagara Mohawk Power Corporation.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 185 of 2003, a resolution in connection with a block party to be held in The Oaks Subdivision.

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

WHEREAS, the residents of The Oaks Subdivision wish to conduct a block party within the subdivision on August 16th (rain date August 17th) and have requested permission to use Bramblewood Court for their party activities; now, therefore, be it

RESOLVED, that the residents, with the approval and advice of the Town Highway Superintendent, have permission to use Bramblewood Court for their party activities, but must not block off the street and make sure emergency vehicles can gain access to the court if needed, and be it further

RESOLVED, that the residents shall be responsible for all clean-up activities on Town property or on the street Right-of-Way resulting from the social activity; and be it further

RESOLVED, that a copy of this resolution be sent to the applicable fire department, the Ambulance Corps., the Sheriff's Department and the State Police.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 186 of 2003, a resolution authorizing Louis Gerard to attend Town Superintendents of Highways Conference.

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

WHEREAS, Louis Gerard, Highway Superintendent, has requested authorization to attend the Annual Conference of the NYS Association of Town Superintendents of Highway, in Ellenville, NY, September 23rd - 26th, and

WHEREAS, Louis Gerard's attendance at this Conference would confer a benefit to the Town; now, therefore, be it

RESOLVED, that Louis Gerard is hereby authorized to attend the Annual Conference of the NYS Association of Town Superintendents of Highway, in Ellenville, NY, September 23rd – 26th, 2003, at a cost not to exceed \$550.00 to be paid from budget line item A05010-00001 (Training/Conference).

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 187 of 2003, a resolution authorizing the Town Environmental Specialist to apply for a Local Waterfront Revitalization Program Grant.

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

WHEREAS, the Town Environmental Specialist wishes to apply for a 50/50 matching grant from the NYS Environmental Protection Fund's Local Waterfront Revitalization Program for interpretive signage at the Vischer Ferry Nature and Historic Preserve; now, therefore, be it

RESOLVED, that the Town Environmental Specialist may apply for a Local Waterfront Revitalization Program Grant not to exceed \$6,000.00 with matching funds from A-8560-090 (Community Beautification).

Councilman Speckhard explained this particular kind of sign will also become part of the Mohawk Trail Byway.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

PUBLIC PRIVILEGE

Bev Czub, Miller Road, said real estate people often tell clients water and sewer are coming in a particular area and this could be part of the confusion.

Norman Goldman, London Square Drive, read a prepared statement, attached regarding the arena audit.

Councilman Speckhard responded he understands Mr. Goldman's frustration but the delay is no conspiracy.

MOTION by Councilman Roth, 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 10:00 p.m.

Patricia O'Donnell
Town Clerk