

Clifton Park Town Board Meeting Minutes

September 2, 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
Jason Kemper, Director of Planning
Barbara McHugh, Director of Community Development
Michael Shahan, Town Administrator

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Roth gave a Special Collection Day update and encouraged sign ups.

Supervisor Barrett displayed the stamp cancellation that will be available at Grooms Tavern during Farm Fest.

Councilman Paolucci reported an Informational Meeting will be held on September 22nd at 7:00 p.m. with regard to the plans to rehabilitate Ushers Road and part of Longkill Road.

PUBLIC HEARING, 7:10 PM TO CONSIDER A LOCAL LAW CREATING THE B4A ZONE AND CHANGING THE ZONING ON A CERTAIN PORTION OF ROUTE 9 FROM B3 TO B4A

Supervisor Barrett noted Director of Building and Zoning Clemens and ZBA Chairman Kelley will not be in attendance for this public hearing as they are at the Zoning Board meeting. However, in discussion with them they said their comments from the public hearing held February 24, 2003 still hold true.

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on

August 22, 2003.

Councilman Roth said he was approached several months ago by Mr. Kelley who indicated that many projects coming forward in the referenced area had to go through the Zoning Board due to restrictions in the B3 zone. Mr. Kelley asked that the Town Board consider changing the zoning in that area so as to be more business friendly. Councilman Roth said the town depends heavily on business and retail as part of the town tax structure.

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

Peter Hoffman, Farm to Market Road and Route 9, said he is very much in favor of the town's effort to move forward on this project. He said he has been a taxpayer in the Route 9 corridor for 38 years and feels this is the most positive effort to move forward with solid growth that has been lacking in that area.

Jim Cassidy, D & G Auto Parts, Route 9, spoke in favor of this legislation stating he has been in this family business for 30 years and has not seen a lot of growth in the area.

Randy Gifford, Giffy's Barbeque, spoke in favor of the legislation, noting it will help all the businesses along Route 9 and will bring positive growth.

Bruce Tanski, Clifton Park, said he is just north of the zone and would like to see this passed but would also like to see the zone extended to Kinns Road as most of that property is commercial. Mr. Tanski said even though he lives on Route 9 he would still like to see this passed as it is necessary to have good positive growth and a good tax base in order to have ambulance, fire department and police that is needed.

Ostoja Vucetic, owner of Clifton Park Golf Range on Route 9, said he agrees with the previous speakers, noting this is a good opportunity.

Chuck Hoffman, owner of Oak Brook Commons, Route 9, spoke in favor of the zoning change. He said the Route 9 corridor is the largest uninterrupted 4-lane highway and has the largest unutilized capacity for increased traffic in the town. Since the 1980s the only new business in the area has been a day care center and a storage facility. Mr. Hoffman said businesses have been put at an extreme disadvantage with the restrictions of the B3 zone and many businesses have gone to the Clifton Park Center corridor or to the Town of Halfmoon.

Michael Nahl, owner of properties on Route 9 in the proposed area, reported a number of years ago he invested over a million dollars in the old Ponderosa property that had gone bankrupt and today it is a pediatric clinic. He said he will never get much of a return on the investment but does take a good deal of pride in having upgraded an area that was deteriorating and brought a service to the community. Mr. Nahl said at the previous public hearing he heard positive comments and was shocked when it didn't pass. Having another property next to the pediatric clinic, he had begun making plans which wouldn't

have been affected by the B3 zoning but he perceived a lack of appreciation by the Town Board for the role of business people who put their money and hard work at risk to try to create something of value to give something back to the community and tabled any plans for that second property. He spoke in favor of the proposed zoning change.

Supervisor Barrett noted the town has been working very hard to bring businesses into the Route 9/146 business area.

Peter Aust, President and CEO of the Southern Saratoga Chamber of Commerce, speaking on behalf of the Chamber members read a resolution in favor the B4A district, attached.

Susan Hoffman, owner of Wits End Boutique located on Route 9 for 29 years, expressed appreciation to the Town Board for considering the zoning change, noting the importance of bringing new business into the area.

Wayne Beale, Kinns Road, owner of Rusty Nail and property on Biette Road, spoke in favor of the zoning change and urged the Board to pass the legislation.

David Triller, owner of The Only Guitar Shop, said his business has been located on Route 9 for 27 years. He said he has seen businesses leave Route 9 but no new business has come in and it is important that there be new growth. Mr. Triller said this zoning change is good for the Route 9 area and for Clifton Park.

Councilman Paolucci questioned the reference to Section 208-90 in the proposed legislation as there is no Section 208-90. Town Attorney Trainor said there is a reference in the code that Section 208-90 has been reserved, therefore, there is no restriction in Section 208-90. He said his understanding is that it was the Board's intent to make this legislation as close to B4 as what currently exists with the exception of restriction on retail. The 30,000 square foot restriction regards retail establishments as defined in the definition section the Zoning Code.

Director of Zoning Kemper said according to the Assessor's office, there are 4 residences in the area, though they may be used as businesses.

Councilman Paolucci asked how the 30,000 square feet number was reached. It was noted the number comes in between the Parkwood Restaurant at approximately 10,000+ square feet and Clifton Park Storage at 39,500 square feet. Supervisor Barrett said this is a good mix of what would be allowed in the zone and keeping the character of the neighborhood. Councilman Paolucci questioned other activities that would be permitted in the B4A zone when we are looking for retail. Mr. Trainor said he doesn't believe the intent is to restrict the zone to just retail growth but to make the legislation as close to the actual uses currently in the area.

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 7:45 p.m.

The Town Board recessed at 7:45 p.m. and resumed at 7:50 p.m.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

With regard to the resolution on tonight's agenda concerning the "Welcome to Clifton Park" sign at the Exit 10 south ramp of I-87, Town Administrator Shahan reported DOT is requiring a break away guard rail at a cost of \$1000. This would bring the total cost to \$2500. Councilman Paolucci said the planned trail on Ushers Road is in the same area. It was decided to review the plans before erecting the sign. The resolution was not considered.

Resolution No. 212 of 2003, a resolution in connection with a block party to be held in the Country Knolls Subdivision.

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

WHEREAS, the residents of the Country Knolls Subdivision wish to conduct a block party within the subdivision on September 13, 2003 and have requested permission to use Tanglewood Drive 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 Tanglewood Drive for their party activities, but must not block off the street and make sure emergency vehicles can gain access to the street 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, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 213 of 2003, a resolution in connection with a block party to be held in

the Peacock Glen Subdivision.

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

WHEREAS, the residents of the Peacock Glen Subdivision wish to conduct a block party within the subdivision on September 13, 2003 (rain date September 20th) and have requested permission to use Mallard Drive 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 Mallard Drive for their party activities, but must not block off the street and make sure emergency vehicles can gain access to the street 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, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 214 of 2003, a resolution in connection with a block party to be held in the Dutch Meadows Subdivision.

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

WHEREAS, the residents of the Dutch Meadows subdivision wish to conduct a block party within the subdivision on September 6, 2003 and have requested permission to use Windmill 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 Windmill Court for their party activities, but must not block off the street and make sure emergency vehicles can gain access to the street 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, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 215 of 2003, a resolution authorizing the Receiver of Taxes to attend a training course at New Horizons Computer Learning Center in Albany on September 17, 2003.

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

WHEREAS, the Receiver of Taxes, Lorraine Varley, wishes to attend an Excel 2000 Training Course, September 17, 2003 at New Horizon Computer Learning Center in Albany, and

WHEREAS, the Receiver of Taxes attendance at this seminar will confer a benefit upon the Town and its residents; now, therefore, be it

RESOLVED, that Lorraine Varley, Receiver of Taxes, is hereby authorized to attend the Excel 2000 Training Course, September 17, 2003 at New Horizon Computer Learning Center in Albany, at a cost of \$76 to be budgeted from A1330-1 (Tax Collector-Conferences).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 216 of 2003, a resolution authorizing the Director of Community Development to attend the annual Government Technology Conference in Albany on September 15 and 17, 2003.

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

Paolucci.

WHEREAS, it is the intention of the Clifton Park Town Board to have Barbara McHugh, Director of Community Development, attend a one day training session and one "Briefing Session" at the annual government Technology Conference in Albany, September 15 and 17, 2003 in order to improve E government & Services and information technology management, and

WHEREAS, Barbara McHugh, Director of Community Development's attendance at this seminar will confer a benefit upon the Town and its residents; now, therefore, be it

RESOLVED, that the Director of Community Development is hereby authorized to attend the Technology Conference in Albany, September 15 and 17, 2003 at a cost of \$240.00 to be budgeted from A-8989-01 (Training and Conferences).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 217 of 2003, a resolution waiving the Building Department fees of \$510.00 for the planned and approved renovations to Congregation Beth Shalom.

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

WHEREAS, Congregation Beth Shalom, Clifton Park Center Road, Clifton Park, New York, has submitted plans to the Town Building Department for renovations and improvements of its facility, and

WHEREAS, the Building Department has determined the fees for this renovation to be \$510.00, and

WHEREAS, Congregation Beth Shalom is a not for profit organization serving the Town of Clifton Park and its surrounding area, and

WHEREAS, the Town has waived Building Department fees in the past for not for profit religious organizations; now, therefore, be it

RESOLVED, that the Town Board waive the building department fees for Congregation Beth Shalom in the amount of \$510.00.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 218 of 2003, a resolution appointing Louis Pasquarell to permanent status as Code Enforcement Officer per Civil Service certification.

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

WHEREAS, Louis Pasquarell, 475 Vischer Ferry Road, Clifton Park, NY, was provisionally appointed to the position of Code Enforcement Officer in the Clifton Park Building Department, and

WHEREAS, Louis Pasquarell, successfully passed the Civil Service Exam for the position of Code Enforcement Officer and was certified as a permanent employee on August 19, 2003; now, therefore, be it

RESOLVED, that Louis Pasquarell, 475 Vischer Ferry Road, Clifton Park, NY, is appointed to permanent status as a Code Enforcement Officer in the Clifton Park Building Department per Civil Service Certification as of August 19, 2003.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 219 of 2003, a resolution appointing Wade Schoenborn, to permanent status as Code Enforcement Officer per Civil Service certification.

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

WHEREAS, Wade Schoenborn, 703 Swaggertown Road, Scotia, NY, was provisionally appointed to the position of Code Enforcement Officer in the Clifton Park Building Department, and

WHEREAS, Wade Schoenborn, successfully passed the Civil Service Exam for the position of Code Enforcement Officer and was certified as a permanent employee on August 19, 2003; now, therefore, be it

RESOLVED, that Wade Schoenborn, 703 Swaggertown Road, Scotia, NY, is appointed to permanent status as a Code Enforcement Officer in the Clifton Park Building Department per Civil Service Certification as of August 19, 2003.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 220 of 2003, a resolution waiving the Building Department fees of \$890.00 for the Clifton Park Water Authority's proposed administrative office building.

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

WHEREAS, the Clifton Park Water Authority has submitted plans to the Town Building Department for an administrative office building, and

WHEREAS, the Building Department has determined the fees for this proposed administrative office building to be \$890.00, and

WHEREAS, the Clifton Park Water Authority is a quasi government agency serving the Town of Clifton Park, and

WHEREAS, the town has waived Building Department fees in the past for quasi government agencies; now, therefore, be it

RESOLVED, that the Town Board waive the Building Department fees for the Clifton Park Water Authority in the amount of \$890.00.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 221 of 2003, a resolution in connection with a block party to be held in the Wishing Well Estates Subdivision.

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

WHEREAS, the residents of the Wishing Well Estates Subdivision wish to conduct a block party within the subdivision on September 6, 2003 (rain date September 7) and have requested permission to use the northern part of Wishing Well Lane 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 the northern part of Wishing Well Lane for their party activities, but must not block off the street and make sure emergency vehicles can gain access to the street 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, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 222 of 2003, a resolution authorizing the Accounts Payable Clerk to attend a one day seminar "How to Manage & Organize Accounts Payable" on October 23, 2003.

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

WHEREAS, the Accounts Payable Clerk, Shari Washer, wishes to attend a one day seminar "How to Manage & Organize Accounts Payable", October 23, 2003 in Albany, and

WHEREAS, the Accounts Payable Clerk's attendance at this seminar will confer a benefit upon the Town and its residents; now, therefore, be it

RESOLVED, that Shari Washer, Accounts Payable Clerk, is hereby authorized to attend the "How to Manager & Organize Accounts Payable" one day seminar, October 23, 2003 in Albany, at a cost of \$249 to be budgeted from A-1351-1 (Comptroller – Travel & Conferences).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 223 of 2003, a resolution setting a Public Hearing to consider Local Law No. ___ of 2003, a Local Law imposing a moratorium on development in the Western part of the Town in order to complete a Generic Environmental Impact Study.

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

WHEREAS, the Town of Clifton Park has entered upon a review of that portion of the Town located generally west of Vischer Ferry Road, Rt. 146A, Main Street and Hatlee Road and such other and further property which is identified through the Generic Environmental Impact Study (GEIS), and

WHEREAS, the Town of Clifton Park is aware that the area described above is currently rural in nature, and

WHEREAS, the Town of Clifton Park is aware that the aforementioned area will be receiving improvements in the form of both water and sewer improvements, and

WHEREAS, the Town of Clifton Park has identified the area that will be affected by these improvements but is currently unable to determine the cumulative environmental impact thereof, and

WHEREAS, the Town of Clifton Park is concerned about the possible deleterious effects of complete and total build out of the aforementioned area without proper regulation to ensure the safety and well being of the citizens of Clifton Park, and

WHEREAS, the Town of Clifton Park Planning Board passed a resolution on August 12, 2003 requesting the Town Board to do a Generic Environmental Impact Study for the Western portion of Clifton Park, and

WHEREAS, the Town of Clifton Park is cognizant that it may be necessary to modify the current Zoning Ordinances of the Town to adequately address these impacts, and

WHEREAS, the Town of Clifton Park realizes whenever there is a potential for a change in the zoning and amendments to the Zoning Ordinance there is a “race for diligence”, and

WHEREAS, the Town of Clifton Park is cognizant that any projects which have previously been submitted to the Clifton Park Planning Board, are actively being pursued, and have received at least preliminary approval, and issued a negative declaration under the State Environment Quality Review Act before the moratorium becomes effective shall not be effected by the proposed and or potentially necessary amendments to the Zoning Ordinance and should therefore be exempted from the moratorium, and

WHEREAS, the Town of Clifton Park has determined that minor subdivisions (those involving the creation of no more than 4 new principal building lots) shall not cause deleterious effects and/or effect the safety and well being of the citizens of Clifton Park and should therefore be exempted from the proposed moratorium, and

WHEREAS, the Town of Clifton Park has determined that minor additions or construction (i.e. those with a ground disturbance less than 5,000 S.F.) shall not cause deleterious effects and/or effect the safety and well being of the citizens of Clifton Park and should therefore be exempted from the proposed moratorium, and

WHEREAS, the Town of Clifton Park wishes to maintain the status quo pending the determination by the engineers and the determination of the Town Board of the proposed and or potential necessary amendments to the Zoning Ordinance; now, therefore, be it

RESOLVED, as follows:

1. That a Public Hearing shall be held on September 15, 2003 at 7:10 p.m. in the Wood Memorial Room of Town Hall, One Town Hall Plaza, Clifton Park, NY to consider and publicly discuss the proposed moratorium on development of the aforementioned properties pending a determination of the Town Board.
2. That such moratorium shall exist until either the completion of the GEIS and the enactment of enabling legislation or for one year whichever is the shorter with the Town Board reserving the right to extend the moratorium for an additional six (6) months if necessary without an additional Public Hearing.
3. That such moratorium shall be contingent upon the review and approval of the language contained therein by the Saratoga County Planning Board.

Supervisor Barrett said he is not completely comfortable philosophically with the proposal but doesn't think the Board has much of a choice. Supervisor Barrett noted notices will be sent to the 2037 affected properties. He said this only affects people who are looking to subdivide property with a major building project and this is a proactive planning step. It is hoped a decision will be made by the beginning of October.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 224 of 2003, a resolution authorizing the Director of Planning to attend the American Planning Association – New York Upstate Chapter Conference October 23 - 24, 2003.

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

WHEREAS, the American Planning Association – New York Upstate Chapter Conference will be held in Saratoga Springs, October 23-24, 2003, and

WHEREAS, Jason Kemper, Director of Planning, for the Town of Clifton Park, has requested authorization to attend this conference, and

WHEREAS, Mr. Kemper's 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 Jason Kemper, Director of Planning, for the Town of Clifton Park, is hereby authorized to attend the American Planning Association – New York Upstate Chapter Conference with a cost not to exceed \$135.00 as budgeted to be paid from A-8021-1 (Planning-Training and Conference).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 225 of 2003, a resolution authorizing the Director of Planning to attend the Northeast Arc Users Group Conference from November 2-5, 2003.

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

WHEREAS, the Northeast Arc Users Group Conference will be held in Rhode Island from November 2-5, 2003, and

WHEREAS, Jason Kemper, Director of Planning for the Town of Clifton Park, has requested authorization to attend this conference, and

WHEREAS, Mr. Kemper's 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 Jason Kemper, Director of Planning for the Town of Clifton Park, is hereby authorized to attend the Northeast Arc Users Group Conference at a cost not to exceed \$700 as budgeted to be paid from A-8021-1 (Planning-Training and Conference).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 226 of 2003, a resolution authorizing the Comptroller to transfer \$381,991 of highway funds into various highway accounts.

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

WHEREAS, the Highway Superintendent has recommended the transfer of \$381,991 from the following highway accounts:

Undesignated fund balance Acct. DA00909 \$ 300,991
Tractor/mower Acct. DA05130-002221 36,000
MEO Acct. DA5110-E1500 45,000
and

WHEREAS, the Highway Superintendent has recommended the transfer of the \$381,991 from the above accounts be transferred into the accounts hereafter listed; now, therefore, be it

RESOLVED, that the Comptroller is authorized to transfer \$381,991 from the above listed highway accounts into the accounts listed below:

DA05110-00030 Paving \$ 321,502
DA05110-074 Overtime 5,000
DA05110-00210 Materials & Supplies 15,489

DA05130-00024 Repairs & Maintenance 10,000
DA05142-074 Overtime 10,000
DA05142-00138 Salt 20,000

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 227 of 2003, a resolution awarding the bid for the former Round Lake Reservoir Dam Repair.

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

WHEREAS, on August 14, 2003 bids were received for the above referenced contract, and

WHEREAS, the lowest responsible bidder for the former Round Lake Reservoir Dam Repair is Sparks Excavating, Inc. in the amount of \$18,680, and

WHEREAS, per a letter from McDonald Engineering dated August 15, 2003, McDonald Engineering has reviewed the bids and has recommended that Sparks Excavating, Inc. be accepted as the lowest responsible bidder; now, therefore, be it

RESOLVED, that the Town hereby accepts and awards the above referenced bid in the amount of \$18,680 to Sparks Excavating, Inc. to be paid from the following accounts \$16,692 from contingency and \$1,988 from A-1620-200 (Town Hall-Equipment) with a transfer to A-7100-200 (Country Knolls Reservoir-Equipment).

Supervisor Barrett explained if the Board doesn't act to repair the dam, the reservoir will drain. He said the property was purchased to save it from being developed and noted there is abundant wildlife in the area. Councilman Speckhard thanked Environmental Specialist O'Brien for his awareness of the situation. Councilman Paolucci explained there is stand pipe in the middle of the reservoir that regulates its height and it is prone to being clogged.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 228 of 2003, a resolution awarding the bid for the Clifton Country Road Improvements.

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

WHEREAS, on August 28, 2003, bids were received for the above referenced contract, and

WHEREAS, the lowest responsible bidder for the Clifton Country Road Improvements is HMA Contracting Corp. in the amount of \$68,998.50, and

WHEREAS, as per letter from McDonald Engineering, dated August 29, 2003, McDonald Engineering has reviewed the bids and has recommended to the Town Supervisor that HMA Contracting Corp. be accepted as the lowest responsible bidder; now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced bid in the amount of \$68,998.50 to HMA Contracting Corporation, with amounts to be transferred from Highway Designated for Capital Improvements to DA-5110-24 (Highway-General Repairs, Highway-General Maintenance).

Supervisor Barrett explained this is the road that leads into Shoppers World and will connect with improvements being made by the state on the Exit 9W south ramp which will improve the stacking of cars.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 229 of 2003, a resolution hiring Clough, Harbour & Associates LLP to conduct a GEIS in the western part of Town.

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

WHEREAS, The Town Board wishes to assess the potential cumulative environmental

impacts of a total build out of the western part of the Town before such development is undertaken, and

WHEREAS, the Town Board has received a proposal from Clough, Harbour & Associates LLP to conduct a Generic Environmental Impact Study (GEIS) regarding the western part of Town for that purpose; now, therefore, be it

RESOLVED, that the Supervisor be authorized to contract with Clough, Harbour & Associates LLP to conduct a GEIS to assess the potential cumulative environmental impacts of development in the western part of Town in an amount not to exceed \$250,000 as outlined in Exhibit A attached hereto, with amounts to be transferred from Undesignated Fund Balance (A-909) to Engineering (A-1440-135).

Supervisor Barrett said this price is approximate and he is hoping it will be lower due the town's advancements in mapping capabilities. Councilman Speckhard said it is important to keep in mind that all of this is at the initiative of the Open Space Plan.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Darren McGee, 470 Moe Road, speaking with regard to the proposed zoning change on Moe Road, asked if the traffic study will be for a full 24 hour period and if an Environmental Impact Statement will be done. Mr. Kemper responded an EIS is not required. The application before the Board is a Type 1 Action under SEQRA. Mr. McGee said that a Type A Classified Stream crosses the property. Mr. Kemper responded all development is proposed away from the stream and its associated buffer. Issues regarding grading, planting, parking and infrastructure connections will be finalized during site plan approval.

Scott Earl, Sandlewood Drive, owner of County Waste, expressed appreciation for the town's special collection day and presented a check in the amount of \$5000 to support the event.

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

Motion carried at 8:55 p.m.

Patricia O'Donnell
Town Clerk