

Clifton Park Town Board Meeting Minutes

April 12, 2004

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 by Eagle Scout David Post

Present: Councilman Speckhard
Councilman Roth
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Absent: Councilman Paolucci
Town Attorney Trainor

Also Present: Deputy Town Attorney Peller
Patricia Haffner, Director of Parks, Recreation and Community Affairs
Jason Kemper, Director of Planning
Barbara McHugh, Director of Community Development
Michael Shahan, Town Administrator

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Roth announced the Not So Common Players are presenting "Rockin the Nite Away" May 14th and 15th and the Clifton Park Community Chorus is performing May 22nd.

PRESENTATION TO THE BOARD

Joe Grasso, Clough, Harbour & Associates, updated the Board on the process of the GEIS for the Western Part of the Town. He reported after the Build-Out Analysis Presentation comments were received from the Town Board expressing concern with the impact of a full build out based on existing zoning. He said CHA has met with the Open Space Committee to discuss the build out analysis and how the GEIS may be an avenue to take some recommendations of the Open Space Plan and fold it into the implementation measures of the GEIS. CHA has given the Town Board implementation strategies to review regarding ways to deal with impacts and address the density that is allowed under existing zoning. Mr. Grasso said different build out scenarios have been received from the Town Board and run through CHA's building out model, including golf courses and conservation easements. Comments from the public will be taken into consideration, noting the public concerns seem to mirror Town Board concerns. He

recommended holding a public workshop within the first two weeks of May after which CHA will come back to the Town Board with a formal revised plan. Mr. Grasso stated this is on target to be completed this fall. (Clerk's note: It was decided to hold this workshop on May 12, 2004)

Councilman Speckhard noted the future extension of the water pipe to Rexford and the Corporate Commerce zone itself are not part of the GEIS study. He asked as the GEIS scenario is developed, to what extent should the impact of the water and Corporate Commerce zone be built into the GEIS as this could have some serious practical impacts on the study.

Mr. Grasso replied the provisions of municipal water affects the amount of density in a certain area so in the build out analysis it was assumed that all parcels zoned R-1 would get both municipal water and sewer; it was assumed any parcel zoned R-2 over 20 acres would have municipal water, not sewer; also assumed in R-3 anything over 20 acres would have municipal water. He continued in terms of Corporate Commerce, the effects of that zone will be realized when the traffic study is done and it is assumed the Corporate Commerce will be developed in accordance with the way it was envisioned when the Corporate Commerce GEIS was done.

Councilman Speckhard said the Comprehensive Plan, as well as the Open Space Plan, needs to be involved in the GEIS preparation.

Supervisor Barrett recognized Eagle Scout David Post who reported on his project of refurbishing and landscaping at the Mary Jane Row Dog Park, raising funds by holding a bottle drive and receiving donations from Curtis Lumber. He and his volunteers built two 8 foot picnic tables to be used at the Dog Park.

Paul Olund, Environmental Design Partnership, displayed a design for the proposed Moe Road Corner Park, located at the corner of Moe and Clifton Park Center Roads. The area be focused on is about 100 feet by 120 feet and would be a rest stop along the pathway. The area also includes a shallow pond that will be separated from the park area by a split rail fence. Eagle Scout Kevin Gonyeau will be involved in the preparation of the area and the sale of inscribed bricks for the area is also being considered. It was noted that it is important that the entire area be visible at night for security purposes.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 87 of 2004, a resolution changing the title of Assistant Town Attorney to Deputy Town Attorney.

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

WHEREAS, the Town Board created (3) three Assistant Town Attorney positions by Resolution No. 1 of 2000, and

WHEREAS, the New York State Department of Civil Service has requested that the title of these positions be amended to Deputy Town Attorney pursuant to Section 20.2 (a) of NYS Law; now, therefore, be it

RESOLVED, that the title of Assistant Town Attorney be changed to Deputy Town Attorney, pursuant to Section 20.2 (a) of Town Law.

This change is required by Saratoga County Personnel Department.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 88 of 2004, a resolution authorizing the hiring of summer staff for the Parks, Recreation and Community Affairs office.

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

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, 22 Ashley Drive, Ballston Lake, be rehired as a summer office staff member; now, therefore, be it

RESOLVED, that the Director of Parks, Recreation and Community Affairs is hereby authorized to rehire Kristin Bini, 22 Ashley Drive, Ballston Lake, as a part-time summer office staff member at Grade 1, Step 1, \$10.19 per hour, from May 3, 2004 to August 29, 2004, to be paid from A7021-E4000 (Parks & Recreation-Part-time staff).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 89 of 2004 a resolution hiring Christine R. Mason to advertise and promote summer 2004 programs for the Department of Parks, Recreation and Community Affairs.

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

WHEREAS, the Director of Parks, Recreation and Community Affairs has identified a need to sub-contract for the advertising and promotion of the 2004 Town of Clifton Park Summer Programs, and

WHEREAS, the Director of Parks, Recreation and Community Affairs recommends that Christine R. Mason be retained to promote the Summer Recreation/ Pools Program, the Fourth of July event, and the Performing Arts Series; now, therefore, be it

RESOLVED, that authorization is hereby given to hire Christine R. Mason to assist the Department of Parks, Recreation and Community Affairs by promoting the Summer Recreation/ Pools Program, the Fourth of July event, and the Performing Arts Series, effective May 3, 2004 at an amount not to exceed \$1750, to be budgeted from A-7021-15 (Parks and Rec. Admin.- other contractual).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 90 of 2004, a resolution authorizing appointments to the 2004 Project Adventure Staff as recommended per Schedule A, and authorizing the hiring of a Director for Project Adventure.

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

WHEREAS, it is necessary that the Project Adventure Staff and Director be appointed to

conduct the 2004 Project Adventure Program within the Department of Parks, Recreation and Community Affairs; now, therefore, be it

RESOLVED, that the individuals on the annexed Schedule A are appointed to said positions at the salary amounts listed, effective April 23, 2004 through November 13, 2004, to be paid from A-7621-E2360 (Project Adventure Instructors) and that Larry Rorick, 34 Guilder Place, Ballston Lake, be appointed as Director of the Project Adventure Program at \$27.71 per hour, to be paid from A7621-E2350 (Project Adventure Coordinator).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 91 of 2004, a resolution authorizing the hiring of Summer Recreation Directors, Pool Managers and a Health Director for the 2004 Season.

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 Summer Recreation Directors, Pool Managers, and a Health Director, and

WHEREAS, staff needs to be in place for the 2004 Summer Recreation Programs to commence when pools open; now, therefore, be it

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

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 92 of 2004, a resolution adopting a revised Town of Clifton Park Recreational Facility Use Policy.

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

WHEREAS, the Town Board previously adopted written policies for use of Town facilities by Town residents, Town based not for profit groups and businesses, and

WHEREAS, these policies have been revised due to increased requests for use of Town facilities; now, therefore, be it

RESOLVED, that the Town of Clifton Park Recreational Facility Use Policy as revised, a copy of which is attached hereto as schedule "A" is hereby adopted.

Supervisor Barrett explained the changes came about due to an increasing amount of requests for use of the Clifton Common for some very large events. He said he is not completely comfortable with decisions being made by the Supervisor's office and would prefer decisions be made by the Town Board when and if the need arises in the future. He noted it is important to have disclaimers in the policy. Councilman Speckhard noted that the title of "Supervisor" of Parks and Recreation in the policy should be corrected to "Director".

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 93 of 2004, a resolution authorizing Change Order No. 1 for the Senior Center Contract No. 2.

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

WHEREAS, a contract for electrical work at the Senior Center was authorized in an amount of \$7400 by the Town Board by Resolution No. 247 of 2003 on September 15, 2003, 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 a decrease of \$2000 for electrical work at the Senior Center from the current contract amount of \$7400 to arrive at a new contract amount of \$5400; now, therefore, be it

RESOLVED, that Supervisor Barrett is hereby authorized to sign Change Order No. 1 dated February 17, 2004, to Farina Electric, Inc. for Contract No. 2, electrical work at the Senior Center, and be it further

RESOLVED, that the decrease amount of \$2000 be released from A-1624-00200 (Senior Center-Equipment).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 94 of 2004, a resolution authorizing Change Order No. 1 to Contract No.1-General Construction for the Corporate Commerce Water and Sewer Project.

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

WHEREAS, a contract for general construction of the Corporate Commerce Water and Sewer Project was awarded to W.M. Schultz Construction by the Town Board by Resolution No. 261 of 2003 on October 14, 2003, and

WHEREAS, a Change Order was prepared by McDonald Engineering which provides the breakdown of costs for each item of additional work performed by the contractor, and

WHEREAS, the Change Order results in an increase of \$43,158.51 (\$40,425.66 in the water share and \$2,732.85 in the sewer share) from the current contract amount of \$553,318.60 to arrive at a new contract amount of \$596,477.11; now, therefore, be it

RESOLVED, that Supervisor Barrett is hereby authorized to sign Change Order No.1 dated March 17, 2004, to the W.M. Schultz Construction, Inc. contract for the Corporate Commerce Water and Sewer Project for an increase of \$43,158.51, to be paid from H21-

8340-200 (Corporate Commerce Sewer Capital Improvements-Contractual-Equipment), \$40,425.66 and H22-8111-200 (Corporate Commerce Water-Capital Projects-Transmission Distribution), \$2,732.85.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 95 of 2004, a resolution authorizing the Rexford Water Superintendent to purchase a 2004 Dodge Ram ¾ ton pick-up truck.

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

WHEREAS, Tom Ziobrowski, Rexford Water Superintendent, has identified a need for a new vehicle for use by the Water Districts, and

WHEREAS, the Superintendent has requested authorization to purchase a Model Year 2004 Dodge Ram pick-up under state contract as described in Schedule A; now, therefore, be it

RESOLVED, that Tom Ziobrowski is hereby authorized to purchase a Model Year 2004 Dodge Ram ¾ ton pick-up truck under State Contract Group PC 60922, from Albany Dodge, Albany NY, as described in Schedule A, at a cost not to exceed \$23,139.50 with funds to come from Rivercrest Water, FV-909 (Fund Balance), \$5500, Rivercrest Sewer, G-909 (Fund Balance), \$1500, Rexford Water, FX-8340-200 (Water Distribution Transportation Equipment) \$6000, and FX-8340-24, (Transportation and Distribution General Maintenance) \$10,139.50.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 96 of 2004, a resolution approving application for permission of the New York State Comptroller regarding formation of Miller Road South Water District No. 1 and construction of improvements to the District.

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

WHEREAS, the Town Board of the Town of Clifton Park, New York (the "Town") has authorized the establishment of Miller Road South Water District No. 1 (the "District") and the acquisition and construction of improvements to the District, subject to receipt of permission of the New York State Comptroller in accordance with Town Law Section 209-f and Part 85 of the New York State Comptroller's Regulations, and

WHEREAS, at the direction of the Town Board, the Town Supervisor has prepared an application for permission of the State Comptroller (the "Application") a copy of which is attached to this resolution; now, therefore, be it

RESOLVED by the Town Board of the Town of Clifton Park as follows:

1. The Town Board believes the contents of the Application to be accurate.
2. The Town Board has previously determined that the formation of the District and the acquisition, construction and installation of the proposed improvements thereto are in the public interest and will not constitute an undue burden on the property which will bear the cost thereof.
3. The real property to be assessed the cost of the proposed improvements will be benefited by the proposed improvements and no benefited property has been excluded.
4. This resolution is adopted in accordance with Section 85.3 of the New York State Comptroller's Regulations.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 97 of 2004, replacing a yield sign with a stop sign at the intersection of Waite Road and Miller Road.

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

WHEREAS, traffic has increased at the intersection of Waite Road and Miller Road, and

WHEREAS, Louis Gerard, Highway Superintendent, has recommended that the yield sign at the intersection of Waite Road and Miller Road be replaced with a stop sign; now, therefore, be it

RESOLVED, that the Highway Superintendent is hereby authorized to replace the yield sign at the intersection of Waite Road and Miller Road with a stop sign.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 98 of 2004, a resolution allocating \$25,000 from Unreserved Fund Balance for a park at the intersection of Moe and Clifton Park Center Roads.

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

WHEREAS, the Town wishes to construct a park at the southeastern corner of the intersection of Moe and Clifton Park Center Roads, and

WHEREAS, the construction of the park will confer a benefit to all residents of the Town of Clifton Park, and

WHEREAS, the park will serve as an attractive rest stop for walkers and cyclists using the Moe Road Multi- Use Path; now, therefore, be it

RESOLVED, that \$25,000 be transferred from A-909 (Unreserved Fund Balance) to A-8560-200 (Community Enhancement-Equipment) for the design and construction of a park at the southeastern corner of the intersection of Moe and Clifton Park Center Roads.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 99 of 2004, a resolution appointing a recording secretary to the Town of Clifton Park's Citizen Corps Council and Community Emergency Response Team Program.

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

WHEREAS, a need exists for a secretary to the Town's Citizen Corps Council and Community Emergency Response Team Program to record minutes of meetings and distribution of the same, and

WHEREAS, the Citizen Corp Council recommends that Margy Kasky, 12 Garrison Lane, Ballston Lake, be appointed as recording secretary to the Citizen Corp Council and Community Emergency Response Team Program; now, therefore, be it

RESOLVED, that Margy Kasky, 12 Garrison Lane, Ballston Lake, be appointed as recording secretary to the Citizen Corp Council at a rate not to exceed \$35.00 per meeting, to be paid from Community Emergency Response Team Grant Funds, A-8761-E4000 (Community Emergency Response Team Grant-Staff Salary).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

PUBLIC PRIVILEGE

Susan Burton, Riverview Road, read a letter from the Friends of Clifton Park Open Space to the Town Board dated April 8, 2004, attached. She displayed a map with overlays of specific areas.

Norman Goldman, London Square Drive, asked that wetlands be included in the GEIS.

Mr. Kemper stated the proposed DEC wetlands directly correlate with national wetlands inventory established by US Fish and Wildlife Service. He said all DEC wetlands are not included in the study, however, NWI wetlands are included and, therefore, the proposed DEC wetlands were considered.

Mr. Goldman stated it would be fairer if the cost of the impact were shared among all of the tax payers in the town rather than just the future property owners in the GEIS area because the benefit is to the town as a whole.

Councilman Speckhard stated the town has committed \$600,000 up front with the cost paid by town and to be repaid by the users.

With regard to the recommendation from the Friends of Clifton Park Open Space that water not be extended to the western part of town, Councilman Speckhard asked if there had been any appraisal as to what the water needs are in the western part of town. A member of the Friends of Clifton Park Open Space replied a study hasn't been done but was recommended in order to keep the growth back. Councilman Speckhard said the FOCPOS are weighing two things – the open space values against the need for water for the people in the western part of town. Councilman Speckhard said there is no intention to extend the sewer beyond the Corporate Commerce zone. The extension of water would serve existing residences that need water. Councilman Speckhard noted the state grant money was only to bring water up to the Corporate Commerce zone and not the extension.

Bill Koebberman, Riverview Road, said the mitigation fee is very fair as it is based on who creates the environmental impact.

Youssef Ballout, Torrero Drive, stated grant money is public money. He said the entire town should be one water district coterminous with town boundaries. He believes all taxpayers should bear the cost of bringing water to residents. Mr. Ballout spoke in favor of the proposed Conservation Easement legislation and recommended a 500 foot buffer between farmland and residential land.

Scott Underhill, Swan Drive, expressed concern with the number of children in classes, speaking particularly of the Tesago School, and asked that this be part of the GEIS.

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

Motion carried at 9:00 p.m.

Patricia O'Donnell
Town Clerk