

Clifton Park Town Board Meeting Minutes

May 3, 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

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

Also Present: Town Attorney Trainor
Louis W. Gerard, Superintendent of Highways
Jason Kemper, Director of Planning
Barbara McHugh, Director of Community Development
Michael O'Brien, Environmental Specialist
Michael Shahan, Town Administrator
Walter Smead, Assessor

MOTION by Councilman Roth, seconded by Councilwoman Walowit, to approve the minutes of the April 12, 2004 meeting as presented.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

MOTION CARRIED

Councilman Paolucci arrived at 7:03 p.m.

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Roth announced the Not So Common Players will present "Rockin the Nite Away" on May 14th and 15th and the Clifton Park Community Chorus will be perform their spring concert on May 22nd.

PRESENTATION TO THE BOARD

Environmental Specialist Michael O'Brien presented the Stormwater Management 2003 Report, stating it is available for review and comment during the next two weeks and then will be submitted to the DEC. He reported all municipal storm sewers in an urbanized area are required to have a SPDES permit and to be up to standard by 2008. Mr. O'Brien said a Stormwater Management Committee will be formed.

Mr. O'Brien reviewed historic aspects of the riverfront in the town. He noted the town owns 24.8 acres of property known as the Jacobsen property and of ten miles of riverfront, the town owns less than $\frac{3}{4}$ of a mile. Mr. O'Brien reported 785 acres are owned by the state (the Vischer Ferry Nature Preserve) but the town has management rights. He said many boats go by the town with no where to stop. He said the upkeep of trails in the Preserve is a huge job. Mr. O'Brien noted there is no public boat access, no oversight committee to plan for riverfront maintenance and improvements, and no real commitment between the Towns of Clifton Park, Halfmoon, Glenville or Colonie to come up with a plan. He stated it is important to establish a riverfront oversight committee and to develop a long-term plan necessary to direct our resources and development effectively. There is a need to communicate better with surrounding riverfront communities, sharing ideas and long-term goals and to increase the town's presence on the riverfront with maintenance, security and access. Mr. O'Brien said he is working with the Vischer Ferry Fire Department regarding access issues. He said discussions are underway with the state regarding the property the town owns and the access road going to it, noting it is segmented between the state and the town. He reported the Shenendehowa Rowing Club is interested in helping out with the waterfront and the potential of their having access to the river. He reported the recommendations are to approve a riverfront oversight committee to identify any immediate improvements that would be needed to be budgeted in 2005 as well as to draft a long-term riverfront plan for review by the Town Board. Mr. O'Brien said a survey of the town's property on the river is budgeted and will be done in 2004. He stated maintenance of the Preserve, as well as the riverfront is of the utmost importance.

Supervisor Barrett, noting that the Vischer Ferry Fire Department is responsible for water safety in that area, said they are in need of another access to the river. He said there is a problem with sediment in the river.

Regarding the resolution on the agenda this evening concerning Maxwell Drive South Extension, the Supervisor stated he would like to see the town appropriate money in the proper manner for this public/private project. He explained the proposed extension of Maxwell Drive South will be directly across from Maxwell Drive and will connect with Southside Drive.

Director of Planning Jason Kemper displayed a 2001 aerial photo and gave an overview of the proposed extension. DCG Development and Windsor Development had plans in 2001 for projects in the area but former Planning Board Chairman O'Brien asked that a

town road be built to access the Public Safety Building as right now the only access is through an easement from DCG Development. He continued in 2002 the school district became involved and asked to have access to vacant land owned by the school district. Mr. Kemper said this road will help the traffic flow in the Exit 9 area. He said Exit 9 GEIS fees have been collected and will be used towards the project. He explained the town will be responsible for the improvements within the Rt. 146 DOT right-of-way and road construction on the town property, all of the road will be built to specifications and deeded over to the town.

Supervisor Barrett said the Exit 9 GEIS called for a road of this type to go to Wall Street, as well as to Clifton Park Center Road was not supported. He expressed appreciation to the developers for putting off their plans until a plan could be developed that would extend Maxwell Drive.

Mr. Kemper reviewed the land transfer that will give the town land by the Public Safety Building in exchange for town land adjacent to DCG property.

Supervisor Barrett said any future GEIS fees should be designated to the extension of the road and he feels over time the GEIS fees will cover the town's cost of the road.

Supervisor Barrett read a letter, attached, from School Superintendent McClure, dated May 3, 2004, expressing appreciation for the town's willingness to work with the school district as they prepared to meet the challenges of a growing student population. The Supervisor stated this road will provide access to school owned property.

Mr. Kemper thanked former Planning Board Chair O'Brien and current Chair Steve Bulger for the time and efforts put forth in this regard.

It was estimated approximately 15 additional parking spaces will be added by the Public Safety Building.

Supervisor Barrett reiterated this road will provide a much improved access to the Public Safety Building and the school will be able to use this road instead of Clifton Park Center or Moe Roads.

Highway Superintendent Gerard said initially he had approved the east west road (Southside Drive) to become a public road if the developer was going to upgrade the roadway to meet the town standards and to repave it. Mr. Kemper noted the road does meet town specifications but needs a top course.

Supervisor Barrett stated this is a solid plan and will help with overall traffic management in the Exit 9 area. He said the Town Board has made a concerted effort to keep high traffic retail in one area of town but it does need to be managed.

PUBLIC PRIVILEGE

No one wished to be heard.

Resolution No. 111 of 2004, a resolution awarding the bid for Application of Pavement Markings.

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

WHEREAS, bids were received and opened on April 15, 2004 for Application of Pavement Markings and Don's Sealcoating was the sole bidder, and

WHEREAS, the Highway Superintendent has recommended that the bid of Don's Sealcoating, Saratoga Springs, New York be accepted; now, therefore, be it

RESOLVED, that the bid for Application of Pavement Markings is hereby awarded to Don's Sealcoating per Exhibit A:

Exhibit A

ITEM AWARD TO

Application of Pavement Markings Don's Sealcoating

Letters @ \$20.00 each
Arrows @ \$65.00 each
8" Crosswalks LF @ \$1.25 each
4" Yellow Lines LF @ \$.35 each
4" White Lines LF @ \$1.25 each
(stop bars, dividing lines and edge lines)

and be it further

RESOLVED, that the Application of Pavement Markings be paid from DA05110-00215(Street Striping).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 112 of 2004, as resolution authorizing a stop sign to be installed at the intersection of Kashmiri Terrace and Evergreen Avenue.

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

WHEREAS, it has been brought to the attention of the Highway Superintendent that drivers are not observing proper driving habits at the "T" intersection at Kashmiri Terrace and Evergreen Avenue, and

WHEREAS, Louis Gerard, Highway Superintendent has recommended that a stop sign be installed at the intersection of Kashmiri Terrace and Evergreen Avenue for the safety of the traveling public; now, therefore, be it

RESOLVED, that the Highway Superintendent is hereby authorized to install a stop sign at the intersection of Kashmiri Terrace and Evergreen Avenue.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 113 of 2004, a resolution adopting Local Law No. 1 of 2004, a local law amending Chapter 125, Conservation Easement, Section 6, Procedure for granting easements, Section 8, Penalty for violation or cancellation, Section 9, Types of easements, and Section 12, Exceptions, as adopted by Local Law No. 12 of 1996.

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

WHEREAS, the Assessor has recommended that the Town Board consider amending Sections 6, 8, 9 and 12 of the Town Code regarding Chapter 125, Conservation Easement, and

WHEREAS, a public hearing was held on April 19, 2004 to obtain comment from the public; now, therefore, be it

RESOLVED, that Local Law No. 1 of 2004, a local law amending Chapter 125, Conservation Easement, Sections 6, 8, 9, and 12 as per the attached Exhibit A 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.

Supervisor Barrett explained the changes to the law are all geared to the farming community. He said it is necessary to act on this as there are only a few farms left and it is important to help farmers stay in business.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 114 of 2004, a resolution awarding a contract for two tree plantings at Locust Lane Park in the Clifton Knolls 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 Clifton Knolls Park District, for tree plantings in the Locust Lane Park, and

WHEREAS, the lowest conforming quote for the work to be done was presented by Plant A Tree for \$1600; now, therefore, be it

RESOLVED, that the Town Board acting as Commissioners of the Clifton Knolls Park District hereby awards the contract to Plant A Tree, Ballston Lake, for two tree plantings at the Locust Lane Park, at a cost not to exceed \$1,600 to be paid from SP3-7131-24 (Clifton Knolls/Mill Creek Park District-Maintenance).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 115 of 2004, a resolution allocating \$192,500 from Undesignated, Unused Surplus to be used for Expenditures as indicated in Schedule A.

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

WHEREAS, the Town of Clifton Park has realized surplus funds for the calendar year ending December 31, 2003, and

WHEREAS, the Town Board desires to allocate some of this surplus for the Expenditure requests listed in Schedule A, some of which were discussed as part of the 2004 budget and were to be considered based upon the December 31, 2003 audit results; now, therefore, be it

RESOLVED, that the Town Comptroller is hereby authorized to allocate \$192,500 of the 2003 Undesignated Unused Surplus Funds for the Expenditures indicated on Schedule A.

Councilman Roth reviewed the items, particularly the MacElroy Park Nature Trail at Veterans' Park. He said this could be a great area for an Eagle Scout project. He noted there are two parts to this proposed project – the original trail and the new area off of MacElroy Road. He said it is important to do the original trail at this time. Councilwoman Walowit said there are 1875 linear feet in the original layout and 3000 linear feet of additional land for trails, which would be the same as the Kinns Road Park. It was noted there will be no macadam. Councilman Paolucci said there should be a comprehensive plan for the area before moving ahead with a trail. Supervisor Barrett said he doesn't want to spend a lot of money on trails in the new property and then later decide a different use for the area. He agrees a plan should be developed. Supervisor Barrett said his main concern is future ball fields and parking. Councilman Paolucci would like to see funds set aside for future development. It was noted this will hold up plans for the new trail but not the old. Councilman Paolucci said he doesn't think all the items should be lumped together. Supervisor of Buildings and Grounds, Michael Handerhan review upgrades planned for the Locust Lane Clubhouse and surrounding area. Councilman Paolucci questioned if the money for the riverfront is for a study or actual development. Councilman Paolucci recommended having a program for purchasing vehicles. Councilman Roth said the Grooms Tavern still needs inside work in order to make it usable for town meetings and events. He noted over \$300,000 has been put into the project, not including in-kind services.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Roth,

Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Schedule A

Expenditures requested as part of 2004 budget.

1. Emergency Generator and Bathroom (Public Safety Building) \$40,000
2. Riverfront Development 20,000
3. Clifton Common Fence 12,500
4. Locust Lane Clubhouse and Storage Building 17,000
5. McElroy Road Nature Trail (Veterans Park) 50,000
6. Building Department Vehicle 21,000
7. Voting Machine 7,000
8. Grooms Tavern (Matching Only) 25,000
\$192,500

Resolution No. 116 of 2004, a resolution authorizing the Town Receiver of Taxes & Assessments attendance at the Tax Collecting Officer's Seminar.

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

WHEREAS, Lorraine Varley, Receiver of Taxes & Assessments, has requested permission to attend the New York State Association of Town's Tax Collector's Seminar to be held in Grand Island, New York on June 13-16, 2004 at a cost of \$650, and

WHEREAS, the amount has been budgeted for 2004 in budget line item A-1330-1 (Tax Collector Travel & Conferences) and her attendance at the Seminar would provide a benefit to the Town citizens; now, therefore, be it

RESOLVED, that Lorraine Varley is authorized to attend the Tax Collecting Officer's Seminar in Grand Island, New York from June 13-16, 2004 at a cost not to exceed \$650 to be appropriately vouchered and the Comptroller is authorized to pay the same from

budget line item A-1330-1 (Tax Collector Travel & Conferences).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 117 of 2004, a resolution appointing John Esposito to permanent status as Security Officer per Civil Service certification.

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

WHEREAS, John Esposito, 18 Guilder Place, Ballston Lake, was provisionally appointed to the position of Security Officer for the Town of Clifton Park, and

WHEREAS, John Esposito, successfully passed the Civil Service Exam for the position of Security Officer and was certified as a permanent employee on April 20, 2004; now, therefore, be it

RESOLVED, that John Esposito, 18 Guilder Place, Ballston Lake, is hereby appointed to permanent status as a Security Officer for the Town of Clifton Park per Civil Service Certification as of April 20, 2004.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 118 of 2004, a resolution appointing William Cassidy to permanent status as Security Officer per Civil Service certification.

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

WHEREAS, William Cassidy, 2560 Route 9, Malta, was provisionally appointed to the position of Security Officer for the Town of Clifton Park, and

WHEREAS, William Cassidy successfully passed the Civil Service Exam for the position of Security Officer and was certified as a permanent employee on April 20, 2004; now, therefore, be it

RESOLVED, that William Cassidy, 2560 Route 9, Malta is hereby appointed to permanent status as a Security Officer for the Town of Clifton Park per Civil Service Certification as of April 20, 2004.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 119 of 2004, a resolution authorizing attendance at a course being offered for Pool Operators.

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

WHEREAS, Patricia Haffner, Director of Parks and Recreation & Community Affairs, has requested permission to have Pool Operator Brian Czerpak attend a course to update his Certification as a Pool Operator to be held in Syracuse, New York on May 1-2, 2004 at a cost of \$265, and

WHEREAS, the amount has been budgeted for 2004 in budget line item SP5-7151-15 (Training-Country Knolls Pool) and his attendance at the Seminar would provide a benefit to the Town citizens; now, therefore, be it

RESOLVED, that Brian Czerpak is authorized to attend the course offered by Pool Operation Management and the National Swimming Pool Foundation in Syracuse, New York from May 1-2, 2004 at a cost not to exceed \$265 to be appropriately vouchered and the Comptroller is authorized to pay the same from budget line item SP5-7151-15 (Training-Country Knolls Pool); and be it further

RESOLVED, that this authorization is retroactive to April 30, 2004.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Roth,

Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 120 of 2004, a resolution authorizing the Director of Community Development to attend a Seminar.

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

WHEREAS, Barbara McHugh, Director of Community Development, has requested permission to attend the New York State, Department of State Seminar on Quality Community and Smart Growth Concepts to be held in Albany, New York on May 25-26, 2004 at a cost of \$115, and

WHEREAS, the amount has been budgeted for 2004 in budget line item A-8989-01 (Travel & Conferences) and Ms. McHugh's attendance at the Seminar would provide a benefit to the Town citizens; now, therefore, be it

RESOLVED, that Barbara McHugh is authorized to attend the New York State, Department of State Seminar in Albany, New York from May 25-26, 2004 at a cost not to exceed \$115.00 to be appropriately vouchered and the Comptroller is authorized to pay the same from budget line item A-8989-01 (Travel & Conferences).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 121 of 2004, a resolution authorizing the Supervisor to sign an agreement with Retail Council Service Corporation, Global Payments and Charter One to accept credit card payments for Parks and Recreation & Community Affairs activities.

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

WHEREAS, the Supervisor has recommended the use of credit cards for activities in the Department of Parks and Recreation & Community Affairs; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to sign a contract with Retail Council, Global Payments and Charter One to accept credit card payments for activities in the Department of Parks and Recreation & Community Affairs; and be it further

RESOLVED, that the approximate cost of \$1,000.00 with printer/reader be paid from A-1620-4 (Town Hall Computer).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 122 of 2004, a resolution authorizing Change Order No. 1 for the Highway Storage Building, Contract No. 2-Electrical work.

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

WHEREAS, Resolution No. 271 of 2003 awarded Contract No. 2 to Brownell Electric Corp. for the Electrical Work for the Storage Building in an amount of \$20,700, and

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

WHEREAS, the Change Order is a decrease of \$1,617 for Electrical Work for the Highway Department Storage Building due to not using all of the allowance from the contract amount of \$20,700, arriving at a new contract amount of \$19,083; now, therefore, be it

RESOLVED, that Supervisor Barrett is hereby authorized to sign Change Order No. 1 dated March 29, 2004, to Brownell Electric Corp. for Contract No. 2, Electrical Work at the Highway Department Storage Building; and be it further

RESOLVED, that the decrease amount of \$1,617 be released from A-5132-200 (Highway Garage-Equipment).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Roth,

Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Speckhard
DECLARED ADOPTED

Resolution No. 123 of 2004, a resolution authorizing the Town Supervisor to sign an agreement for the construction of Maxwell Drive Extension.

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

WHEREAS, the Town of Clifton Park has found that there is a need to construct Maxwell Drive Extension to improve the traffic flow in the Exit 9 area, and

WHEREAS, the Town of Clifton Park, DCG Development, and Southside LLC will participate in the construction of Maxwell Drive Extension, and

WHEREAS, the signing of this agreement includes the construction of Maxwell Drive Extension as well as a land transfer, and

WHEREAS, Exit 9 GEIS mitigation fees paid by developers in the Exit 9 Area will be used to partially fund the project, and

WHEREAS, Exit 9 GEIS fees will continue to be collected in this area which will continue to offset the costs, and

WHEREAS, the construction of Maxwell Drive Extension was first identified in the Exit 9 GEIS Findings Statement which was adopted by the Planning Board on February 22, 1999, and

WHEREAS, DCG Development and Southside LLC have altered their original plans at the request of the Town to accommodate Maxwell Drive Extension, and

WHEREAS, the financial burden assessed to the developers for the construction of the road will provide a public benefit to the Town of Clifton Park; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign a contract for the construction of Maxwell Drive Extension.

Supervisor Barrett expressed appreciation to DCG Development and Windsor Development (Southside LLC) for working together to benefit the area and community as a whole, even though it cost them time and money. The town's share of the road is \$300,000-\$400,000.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Councilman Paolucci reported he has been contacted by residents of Parkside Trail regarding parking during soccer practices and games.

Supervisor Barrett said he has been contacted also regarding this situation and was unaware of the soccer schedule but it has now been changed. He noted, based on the schedules, there was not adequate parking in the lot and people were parking on the street.

Town Administrator Shahan said there are three soccer fields designed for the area but because the Shenendehowa facilities were not available for town soccer use this year, too many teams were scheduled for Parkside Trail soccer fields and games overlapped which resulted in 95 to 100 cars on the street and parking lot. As it stands now, only practice games are scheduled for four teams at a time. Mr. Shahan recommended no parking signs in the area.

Supervisor Barrett said the town should also approve schedules.

Councilman Paolucci wanted residents to know that the town does not have the power to reduce speed limits any lower than 30 miles per hour.

PUBLIC PRIVILEGE

Chris Lemire, Parkside Trail, spoke with regard to the parking situation on Parkside Trail. He expressed appreciation to Supervisor Barrett and Mr. Shahan for their assistance. He stated there is still a problem because of the configuration of land, noting the location of the parking lot being across the street from the fields is dangerous and even with four teams, cars are still parked on the street. He agreed with no parking signs. Mr. Lemire asked if the Park District could take over the soccer field and then Longkill I Park District could expand parking. He emphasized it is a dangerous situation for the residents of the street as well.

Supervisor Barrett a letter needs to be sent to participants that parking is a concern.

Mr. Shahan recommended giving town Security Officers the practice/game schedule.

John and Anthony Fortune, owners of two warehouses on Ushers Road and are looking to build a third. Mr. John Fortune said the Planning Board is requiring additional information costing thousands of dollars for the third warehouse but have said there are no guarantees that it can be built. Supervisor Barrett said this is a Planning Board issue not Town Board. Councilman Paolucci explained the Planning Board is the only body that can approve this project and it is their job to uphold the Code.

William Grimm, Terrace Court, asked that the town enact a local law to regulate the amount of business activity that can be conducted on sidewalks in front of or adjacent to a store. He stated his rights are being infringed upon by not being able to walk on the sidewalk. He expressed concern about having to walk in the parking lot, as well as emergency vehicle access. Mr. Grimm recommended directing part of the undesignated surplus of funds for property tax relief.

Gary Olsen, partner in Olsen Whitney, LLP., said he has submitted a proposal for an affordable senior housing project in the area between Mooney Way and Plank Road on Maxwell Drive to the town. He said he went to homes in the area of the proposed project to let residents know there is a concept plan and that he was looking for suggestions. He apologized if this caused any problems and stated he did not tell residents this plan had Town Board approval. He would like, with the Town Board's approval, to continue canvassing the neighborhoods to show the design of the project.

Youssef Ballout, Torrero Drive, spoke with regard to the Maxwell Drive extension stating in 1997/98 approximately 80 letters opposed the project and believes the opposition still exists.

Mr. Kemper explained the town's share of the extension is for work within the DOT right-of-way on Route 146 and a portion of the road to be constructed on town property. The developers' share is \$275,000 to \$350,000.

Mr. Ballout feels the cost of the project should be borne by the developers and not the taxpayers. He doesn't believe the GEIS mitigation fees were meant to support development in that area but to protect and beautify the area. In addition, he stated the developers should not be given any breaks.

Supervisor Barrett responded the developers are not receiving any breaks as this projected has not only cost them financially but also in time. Regarding the DCG Development proposed senior housing, he said the age limitation of 55 years and older to live in the senior housing is a weighty restriction and cuts down on the customer base. The Supervisor said he is completely comfortable with this partnership for the betterment of the community and the school district is very thankful as well. It was noted the developers put off their earlier plans, thereby costing them time and money, and joined with the town in this partnership.

Councilman Paolucci stated basically, with the collection of GEIS fees, the developers are paying for the road.

MOTION by Councilman Paolucci, 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 9:40 p.m.

Patricia O'Donnell
Town Clerk