

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

**July 6, 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 Speckhard  
Councilman Roth  
Councilwoman Walowit  
Supervisor Barrett  
Town Clerk O'Donnell

Absent: Councilman Paolucci

Also Present: Town Attorney Trainor  
Michael Shahan, Town Administrator  
Walter Smead, Assessor

MOTION by Councilman Roth, seconded by Councilman Speckhard, to approve the minutes of the June 21, 2004 meeting as presented.

### **ROLL CALL VOTE**

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

Noes: None

Absent: Councilman Paolucci

### **MOTION CARRIED**

### **ANNOUNCEMENTS AND COMMUNICATIONS**

Supervisor Barrett thanked Pat Haffner, Director of Parks, Recreation and Community Affairs and Mike Handerman, Supervisor of Buildings of Grounds and staff for their work in making the 4th of July celebration so successful. The Supervisor expressed concern with cars parked in neighboring developments and the problems that resulted. He explained the parking problems were due to the fact that no parking was allowed in the back of the Common. He said an alternative must be found such as shuttle buses from the mall.

Supervisor Barrett commended Pat Haffner and Pat Price, Director of the Full Day Day Camp, for their efforts in providing a well thought out and diversified program.

#### PRESENTATION

Presentation was given by members of the Board of the Clifton Park Halfmoon Library and Architect for the proposed project.

Resolution No. 197 of 2004, a resolution appointing Donald Baker to permanent status as Animal Control Officer per Civil Service certification.

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

WHEREAS, Donald Baker, 230 Lapp Road, Clifton Park, was provisionally appointed to the position of Animal Control Officer for the Town of Clifton Park, and

WHEREAS, Donald Baker successfully passed the Civil Service Exam for the position of Animal Control Officer and was certified as a permanent employee on June 23, 2004; now, therefore, be it

RESOLVED, that Donald Baker, 230 Lapp Road, Clifton Park, is hereby appointed to permanent status as Animal Control Officer for the Town of Clifton Park per Civil Service certification as of June 23, 2004.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

#### DECLARED ADOPTED

Resolution No. 198 of 2004, a resolution authorizing the Town Supervisor to accept the Draft Design Report for the Vischer Ferry, Ushers Road and Longkill Road Rehabilitation Project submitted by Clough, Harbour and Associates.

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

WHEREAS, a public hearing was conducted on June 17, 2002, and

WHEREAS, everyone was given an opportunity to be heard, and

WHEREAS, approval of the Draft Design Report marks the completion of preliminary engineering and advances the project to more detailed and final engineering review, where the Town will have an additional opportunity to accept the final design prior to construction; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to accept the Draft Design Report for the Vischer Ferry Road, Ushers Road and Longkill Road Rehabilitation Project attached hereto as prepared by Clough, Harbour and Associates.

Supervisor Barrett stated even though the cost is less, this revised plan will do more to help traffic than the original project and improvements will be made for pedestrian access as well. It was noted this project is 95 percent federally and state funded.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

#### DECLARED ADOPTED

Resolution No. 199 of 2004, a resolution requesting that Saratoga County transfer ownership of a portion of Longkill Road to the Town of Clifton Park.

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

WHEREAS, the Town of Clifton Park has proposed construction plans for the rehabilitation of Longkill Road, also known as County Road 82, between the Main Street/Hatlee Road intersection and Longkill Park as shown on the attached map, and

WHEREAS, the implementation of the Town's construction plans would involve improvements to Longkill Road (County Road 82), such as curbing and sidewalks within eight feet of the edge of the pavement, which are not within the standards of the Saratoga County Department of Public Works, and

WHEREAS, pursuant to NYS Highway Law section 115-b, the Town may request that the County transfer ownership and maintenance responsibility for the affected portion of Longkill Road (County Road 82) to the Town; now, therefore, be it

RESOLVED, that the Town of Clifton Park hereby requests that the County of Saratoga remove from the County road system, and transfer ownership and maintenance

jurisdiction of, the portion of Longkill Road (County Road 82) between the Main Street/Hatlee Road Intersection and the Town's boundary north of Longkill Park pursuant to NYS Highway Law section 115-b, and be it further

RESOLVED, that the Town Supervisor be authorized and directed to sign any and all agreements and documents needed to effectuate such transfer on behalf of the Town.

Supervisor Barrett reported multi-use path/sidewalks will be added to Longkill Road to the park and since the county does not maintain sidewalks, the town is requesting to take over a portion of the road.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

#### DECLARED ADOPTED

Resolution No. 200 of 2004, a resolution amending the Town of Clifton Park Recreational Facility Use Policy.

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

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 amended, a copy of which is attached hereto as schedule "A" is hereby adopted.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

#### DECLARED ADOPTED

Resolution No. 201 of 2004, a resolution appointing Shaun C. Bertok, as a Code Enforcement Officer in the Department of Building and Development.

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

WHEREAS, a vacancy exists in the Department of Building and Development for a full time Code Enforcement Officer, and

WHEREAS, Donald Clemens, Director of Building and Development, has recommended that Shaun C. Bertok, 9C Rovanten Park, Ballston Lake, be hired for the position and the Town Board has considered the same; now, therefore, be it

RESOLVED, that Shaun C. Bertok, 9C Rovanten Park, Ballston Lake, is hereby appointed as Code Enforcement Officer in the Department of Building and Development at Grade 8, Step 1 of the salary matrix, to be paid from budget line A-03620-E0256 (Building-Employee) effective immediately.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

#### DECLARED ADOPTED

Resolution No. 202 of 2004, a resolution hiring summer help for the Clifton Gardens Park District.

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

WHEREAS, a need has been identified for summer help at the Clifton Gardens Park District to do weeding and light landscaping chores, and

WHEREAS, Morgan Smith, 2 Lilac Court, Clifton Park, has been recommended to be hired for this position; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Clifton Gardens Park District, hereby authorizes the summer hiring of Morgan Smith, 2 Lilac Court, Clifton Park, for the Clifton Gardens Park District at \$7.50 per hour, effective immediately, to be paid from SP2-7121-24 (Clifton Garden Park District Maintenance) for a maximum of

five hours per week.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

#### DECLARED ADOPTED

Resolution No. 203 of 2004, a resolution related to the hook up fees for new users of the Rexford Water District No. 2.

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

WHEREAS, the Town Board, as Commissioners of the Rexford Water District No. 2, received requests from property owners to connect into the facilities of the Rexford Water District No. 2, and

WHEREAS, the Town Board would like to establish a policy and hook up fee that is consistent and uniform for the Rexford Water District No. 2; now, therefore, be it

RESOLVED, that the Town Board establish the following hook up fee for new users:

1. For properties within the boundaries of the original water district, or legally formed extensions of the original water district that have been paying annual water charges to the Rexford Water District No. 2 shall be charged as follows:

A home existing on July 6, 2004 that has a demonstrated public health need: No Charge  
For a vacant parcel: \$1,000

2. For properties within a new extension of the original water district:

A home existing on July 6, 2004 that has a demonstrated public health need: \$ 500  
For a vacant parcel: \$2,000

3. For properties outside the boundaries of the original water district or legally formed extension of the district:

A home existing on July 6, 2004 that has a demonstrated public health need: \$ 500  
For a vacant parcel: \$2,000

MOTION BY Councilman Speckhard, seconded by Councilman Roth, to amend the resolution by changing language from “An existing home that has a demonstrated public health need” to “A home existing on July 6, 2004 that has a demonstrated public health need”.

ROLL CALL VOTE ON MOTION

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

Noes: None

Absent: Councilman Paolucci

MOTION CARRIED

ROLL CALL VOTE ON RESOLUTION

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 204 of 2004, a resolution approving an outside user hook-up to the Rexford Water District No. 2.

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

WHEREAS, the Rexford Water District No. 2 has been approved by the New York State Comptroller’s Department of Audit and Control, and

WHEREAS, a request has been received by the Town Board, as Commissioners of the Rexford Water District No. 2, to approve an outside user hook-up per the attached agreement, and

WHEREAS, the said property is located outside the legal boundaries of the Water District, and water mains have been extended previously providing water main in front of each property, and

WHEREAS, the Rexford Water District Superintendent has reviewed and approved the application and has been advised that the Town of Glenville has no objection to the new

user, and

WHEREAS, the Chairman of the Rexford Advisory Committee has also reviewed this application and has no objection to allowing this new outside user connection, and

WHEREAS, the Water Superintendent will collect all appropriate fees as required by the Rules and Regulations of the Water District, and

WHEREAS, the Town Engineer has reviewed the location and has confirmed that there will be no detrimental impact on the water system; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Rexford Water District No. 2, hereby approves an outside user hook-up to the District's facilities by William Deery, for Tax Map No. 263-2-36, pursuant to the attached agreement and authorizes the Supervisor to sign the agreement on behalf of the Rexford Water District No. 2, and be it further

RESOLVED, that this approval for an outside-user hook-up by William Deery, 89 DuBois Lane, Rexford, is specifically conditioned upon participation as part of the Rexford Water District No. 2 once its boundaries are extended to encompass his property, and also upon adherence to the Town of Clifton Park's Policy for New Water Users, which Policy shall be incorporated by reference into the Outside User Agreement applicable to this property.

It was noted this residence is in dire need of water.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

#### DECLARED ADOPTED

Resolution No. 205 of 2004, a resolution approving an outside user hook-up to the Rexford Water District No. 2.

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

WHEREAS, the Rexford Water District No. 2 has been approved by the New York State Comptroller's Department of Audit and Control, and



WHEREAS, a request has been received by the Town Board, as Commissioners of the Rexford Water District No. 2, to approve an outside user hook-up per the attached agreement, and

WHEREAS, each property is located outside the legal boundaries of the Rexford Water District No. 2, and water mains have been extended previously providing water main in front of each property, and

WHEREAS, the Rexford Water District Superintendent has reviewed and approved each application and has been advised that the Town of Glenville has no objection to these new users, and

WHEREAS, the Chairman of the Rexford Advisory Committee has also reviewed these applications and has no objection to allowing these new outside user connections, and

WHEREAS, the Water Superintendent will collect all appropriate fees as required by the Rules and Regulations of the Water District, and

WHEREAS, the Town Engineer has reviewed the location and has confirmed that there will be no detrimental impact on the water system; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Rexford Water District No. 2, hereby approves outside user hook-ups to the District's facilities by Yates Lansing, for Tax Maps Nos. 282-1-65 and 282-1-66, pursuant to the attached agreement and authorizes the Supervisor to sign the agreement on behalf of the Rexford Water District No. 2, and be it further

RESOLVED, that this approval for an outside-user hook-up by Yates Lansing, Riverview Road, Rexford, is specifically conditioned upon participation as part of the Rexford Water District No. 2 once its boundaries are extended to encompass his property, and also upon adherence to the Town of Clifton Park's Policy for New Water Users, which Policy shall be incorporated by reference into the Outside User Agreement applicable to this property.

It was noted this is vacant land.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 206 of 2004, a resolution scheduling a public hearing regarding the establishment of the Rexford Water District No. 2 Extension No. 1.

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

WHEREAS, the Town Board of the Town of Clifton Park, Saratoga County, New York (the "Town") has caused a map, plan and report (the "Maps and Plans") to be prepared in a manner and detail as determined by the Town Board in connection with the proposed establishment and improvement of a water district in the Town to be known as Rexford Water District No.2 Extension No. 1 (the "District"), and

WHEREAS, the boundaries of the proposed District are set forth on Exhibit A attached hereto, and

WHEREAS, the Town proposes to acquire, construct and install a water supply and distribution system and related facilities in the District (the "Improvements"), including (a) construction and installation of water transmission mains and lines and related facilities, (b) acquisition of furnishings, equipment, machinery or apparatus required in connection therewith, and (c) acquisition of land or rights in land, all as more particularly described in the Maps and Plans, and

WHEREAS, the maximum amount proposed to be expended for the Improvements is \$50,000.00, and

WHEREAS, the cost of the proposed District to the typical property in the District is estimated to be approximately \$1.56 per \$1,000.00 of assessed value for operations and maintenance of the system, \$2.35 per thousand gallons of water usage or \$1,151.00 per year, and

WHEREAS, the proposed method of financing the costs of the Improvements consists of the issuance of serial bonds and bond anticipation notes of the Town to mature in annual installments over a period not exceeding 25 years, payable in the first instance from assessments levied on real property in the proposed District, and

WHEREAS, the cost of acquiring, constructing and installing the District Improvements will be assessed among the properties in the District in proportion to the assessed value of each property, and

WHEREAS, usage, operation and maintenance fees will be charged in accordance with the Rexford Water District No. 2 standard fee schedule, and

WHEREAS, the Maps and Plans describing the foregoing, including a detailed explanation of how the estimated cost of the District to the typical property was computed, have been filed in the Town Clerk's office and are available for public

inspection during regular business hours; now, therefore, be it

RESOLVED that the Town Board will hold a public hearing to hear all persons interested in the establishment of the District and the proposed water system improvements, which public hearing shall be held in the Wood Memorial Room, Town Hall, One Town Hall Plaza, in the Town of Clifton Park on August 2, 2004 at 7:10 p.m., and be it further

RESOLVED, and ordered that the Town Clerk give notice of such hearing by publishing in the official Town newspaper a copy of this resolution and by posting a copy of this resolution on the Town's official sign-board not less than ten nor more than twenty days before such hearing.

#### LEGAL DESCRIPTION

Town of Clifton Park  
Rexford Water District #2  
Extension #1

ALL THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND, designated as Rexford Water District #2, Extension #1, on map entitled "Rexford Water District #2, Extension #1 Boundaries", dated March 19, 2004, as prepared by John M. McDonald Engineering, P.C., which District is comprised of the parcels shown on Town of Clifton Park, Saratoga County, New York Tax Map numbers 275 and 276 as prepared by L. Robert Kimbal Consulting, Ebensburg PA and digitally updated March 1, 2002 by the L. A. Group, being more particularly bounded and described as follows:

BEGINNING AT A POINT on the southerly bounds of the Grooms Road right-of-way, said point also being the northwest corner of parcel 275.-1-40.1, said point also being the northeast corner of parcel 270.-1-40.3 in the Town of Clifton Park, County of Saratoga, State of New York; and

PROCEEDING THENCE (in a clockwise direction around the proposed bounds) in an easterly direction along the northerly bounds of parcels 275.-1-40.1, 275.-1-40.2, 275.-1-39 and the southerly bounds of the Grooms Road right-of-way to the northwest corner of parcel 275.-1-38.2, said point also being the northeast corner of parcel 275.-1-39;

THENCE, in a northeasterly direction across the Grooms Road right-of-way to the southwest corner of parcel 275.-1-22.4, said point also being the southeast corner of parcel 275.-1-22.54, said point also being on the northerly bounds of the Grooms Road right-of-way;

THENCE, in a northerly direction along the westerly bounds of parcel 275.-1-22.4, and the easterly bounds of parcel 275.-1-22.54 to the northwest corner of parcel 275.-1-22.4, said point also being the northeast corner of parcel 275.-1-22.54;

THENCE, in an easterly direction along the northerly bounds of parcel 275.-1-22.4 and the southerly bounds of parcel 275.-1-19 to the northwest corner of parcel 275.-1-22.3,

said point also being the northeast corner of parcel 275.-1-22.4, said point also being on the southerly bounds of parcel 275.-1-19;

THENCE, in a southerly direction along the westerly bounds of parcels 275.-1-22.3 and 275.-1-22.21, and the easterly bounds of parcel 275.-1-22.4 to the northwest corner of parcel 275.-1-36, said point also being on the easterly bounds of parcel 275.-1-22.4, said point also being the southwest corner of parcel 275.-1-22.21;

THENCE, in an easterly direction along the northerly bounds of parcel 275.-1-36, and the southerly bounds of parcels 275.-1-22.21 to the northwest corner of parcel 275.-1-37, said point also being the northeast corner of parcel 275.-1-36, said point also being on the southerly bounds of parcel 275.-1-22.21;

THENCE, in a southerly direction along the westerly bounds of parcel 275.-1-37, and the easterly bounds of parcels 275.-1-36, to the southwest corner of parcel 275.-1-37, said point also being also being the southeast corner of parcel 275.-1-36, and on the northerly bounds of the Grooms Road right-of-way;

THENCE, in a southwesterly direction across the Grooms Road right-of-way, to the northeast corner of parcel 275.-1-38.1, said point also being also being the northwest corner of parcel 275.-1-50, and on the southerly bounds of the Grooms Road right-of-way;

THENCE, in a southerly direction along the easterly bounds of parcels 275.-1-38.1 and 275.-1-38.2, and the westerly bounds of parcels 275.-1-50 and 276.-1-47.1, to the southeast corner of parcel 275.-1-38.2, said point also being a westerly corner of parcel 276.-1-47.1, said point also being a northerly corner of parcel 275.-1-73;

THENCE, in a southwesterly direction along the southerly bounds of parcels 275.-1-38.2 and 275.-1-39, and the northerly bounds of parcels 275.-1-70, 275.-1-71, and 275.-1-73, to a southerly corner of parcel 275.-1-39, said point also being also being the northwest corner of parcel 275.-1-70, and on the easterly bounds of parcel 275.-1-90;

THENCE, in a northwesterly direction along the southerly bounds of parcel 275.-1-39, and the easterly bounds of parcel 275.-1-90 to a southerly corner of parcel 275.-1-40.3, said point also being on the easterly bounds of parcel 275.-1-90, said point also being the southwest corner of parcel 275.-1-39;

THENCE, in a northeasterly direction along the southerly bounds of parcel 275.-1-40.3, and the westerly bounds of parcel 275.-1-39, to the southeast corner of parcel 275.-1-40.2, said point also being a westerly corner of parcel 275.-1-39, said point also being a northerly corner of parcel 275.-1-40.3;

THENCE, in a northwesterly direction along the easterly bounds of parcel 275.-1-40.3, and the westerly bounds of parcel 275.-1-40.2, to the southwest corner of parcel 275.-1-40.2, said point also being an easterly corner of parcel 275.-1-40.3;

THENCE, in a northeasterly direction along the westerly bounds of parcels 275.-1-40.1 and 275.-1-40.2, and the easterly bounds of parcel 275.-1-40.3, to an easterly corner of parcel 275.-1-40.3, said point also being a westerly corner of parcel 275.-1-40.1;

THENCE, in a westerly direction along the northerly bounds of parcel 275.-1-40.3, and the southerly bounds of parcel 275.-1-40.1, to a northerly corner of parcel 275.-1-40.3, said point also being a westerly corner of parcel of parcel 275.-1-40.1;

THENCE, in a northerly direction along the westerly bounds of parcel 275.-1-40.1, and the easterly bounds of parcel 275.-1-40.3 to the northwest corner of parcel 275.-1-40.1, and the northeast corner of parcel 275.-1-40.3, and on the southerly bounds of the Grooms Road right-of-way, to the point and place of beginning;

Supervisor Barrett said there is 100 percent support for this extension.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

#### DECLARED ADOPTED

Resolution No. 207 of 2004, a resolution authorizing the expenditure of \$435 to change the Welcome to Clifton Park sign to read Welcome to “Town of Clifton Park”.

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

WHEREAS, it has been suggested by community resident Norman Goldman to consider an addition to the Welcome to Clifton Park signs to properly read “Town of Clifton Park”, and

WHEREAS, a quote was received from Vital Sign, 77 Mohawk Street, Cohoes, as attached in the amount of \$145 each; now, therefore, be it

RESOLVED, that Michael Handerhan, Buildings and Grounds Supervisor is hereby authorized to expend \$435 to add the words “Town of” to the three (3) Welcome signs for Clifton Park, to be paid from A-8560-24 (Community Development-General Maintenance).

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

PUBLIC PRIVILEGE

Norman Goldman, London Square Drive, speaking with regard to properties in the western part of town, said some people may be planning on using their acreage for retirement purposes and rezoning may affect these plans. He expressed concern that there may be security issues with the berm surrounding the Moe Road Park. He further noted that library tax can be a burden to some residents.

MOTION by Councilwoman Walowit, 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 8:50 p.m.

Patricia O'Donnell  
Town Clerk