

**Clifton Park Town Board Meeting Minutes  
January 10, 2005**

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  
Jason Kemper, Director of Planning  
Michael Shahan, Town Administrator

**ANNOUNCEMENT AND COMMUNICATIONS**

Councilman Roth spoke in favor of supporting victims of the recent tsunami in south Asia noting he will bring a resolution forward this evening.

**PRESENTATION TO THE BOARD**

Gordon Nicholson, Environment Design Partnership, reviewed the PUD submitted by the Clifton Park Halfmoon Library for the proposed Moe Road location. The PUD consists of a 55,000 square foot building on 10.6 acres with approximately 55 percent green space. A left hand turn lane is proposed for the main site entrance and a traffic study to date indicates no other improvements required at the intersections at Clifton Park Center and Moe Roads, the school entrance and NYS Route 146 and Moe Road. Mr. Nicholson requested the Town Board consider sending this PUD application to the Planning Board.

Supervisor Barrett asked if any changes have been made to what was previously presented prior to the vote. Mr. Nicholson responded the plan is very close to what was originally presented other than the building is somewhat smaller.

The Supervisor stated he hopes for enhanced sewer service in that area.

Mr. Nicholson reported he is working with neighbors across the street from the property regarding location of the library driveway landscaping.

Councilman Roth questioned the amount of trips noted in the traffic study. Mr. Nicholson said the Planning Department has been provided with the traffic study and anticipates the town engineer will review the study. He said would be happy to have the traffic engineer attend the Town Board meeting when the public hearing is scheduled. Mr. Kemper said the study has been reviewed by town engineers, Clough, Harbour & Associates.

Councilman Speckhard questioned the ability to make a left hand turn from the library driveway and residents' driveways across from the property onto Moe Road.

Mr. Nicholson explained the increase in the size of the building from the existing building is to add more book, activity, computer, meeting and storage space. He said the architect will be at the public hearing.

#### PUBLIC PRIVILEGE

In response to a question from the floor regarding the library, Mr. Kemper said a PUD will give the Town Board more control and enforcement whereas a zoning change only would allow a site plan approval process by the Planning Board.

Resolution No. 4 of 2005, a resolution authorizing Philip Barrett, Sanford Roth, Lynda Walowit, Michael Shahan, Thomas Paolucci, Mark Heggen, James Trainor, Paul Pelagalli, Anita Daly and Robert Rybak to attend the Association of Towns Meeting.

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

WHEREAS, the New York State Association of Towns will be holding its annual meeting from February 20, to February 23, 2005 in New York City, consisting of seminars and other educational meetings, and attendance at those seminars and meetings would provide a public benefit to the Town; now, therefore, be it

RESOLVED, that the Comptroller is authorized to reimburse Philip Barrett, Sanford Roth, Lynda Walowit, Michael Shahan, Thomas Paolucci, Mark Heggen, James Trainor, Paul Pelagalli, Anita Daly and Robert Rybak for reasonable transportation and lodging after attending the New York State Association of Towns meeting in New York City from February 20-23, 2005, to be vouchered appropriately.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 5 of 2005, a resolution rescheduling the February 22, 2005 Town Board

Meeting to February 28, 2005.

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

WHEREAS, members of the Town Board will be attending the Association of Towns meeting in New York as scheduled for February 20-23, 2005, and

WHEREAS, the third Town Board meeting for the month of February is scheduled for February 22, 2005; now, therefore, be it

RESOLVED, that the Town Board meeting scheduled for February 22, 2005 is hereby rescheduled to February 28, 2005 in order to permit Town Board members and various Town Officials to attend the annual New York State Association of Towns meeting.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 6 of 2005, a resolution awarding the bid for Disposal of Solid Waste.

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

WHEREAS, it is necessary to contract for Transfer Station Solid Waste Disposal, and

WHEREAS, bids were received and opened on December 2, 2004 for Transfer Station Solid Waste Disposal, and

WHEREAS, County Waste, Clifton Park was the sole bidder at \$55.50 per ton for Contractor Hauling, estimated total bid based on 3,600 tons was \$199,800; now, therefore, be it

RESOLVED, that the bid of County Waste be accepted in the amount of \$55.50 per ton for Contractor Hauling, estimated total bid \$199,800, as budgeted from A-8160-13 (Transfer Station-Refuse).

#### ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 7 of 2005, a resolution accepting the Environmental Assessment Form for the SPOT Pedestrian Improvement at the intersection of NYS Route 146, NYS Route 146A and Vischer Ferry Road.

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

WHEREAS, a short Environmental Assessment Form regarding the SPOT Pedestrian Improvement at the intersection of NYS Route 146, NYS Route 146A and Vischer Ferry Road was prepared by Clough Harbour and Associates, and

WHEREAS, the Town of Clifton Park is the lead agency for SEQRA purposes; now, therefore, be it

RESOLVED, that the Town Board as lead agency hereby accepts the Environmental Assessment Form for the SPOT Pedestrian Improvement at the intersection of NYS Route 146, NYS Route 146A and Vischer Ferry Road prepared by Clough Harbour and Associates and finds the proposed action to be listed as a Type 2 action pursuant to SEQRA, and hereby issues a negative declaration regarding the same.

Councilman Paolucci reviewed the project, explaining the pedestrian walk will connect the trail planned for the west side of Vischer Ferry Road and the Sherwood Dawson Trail on Route 146A. Supervisor Barrett said this will give a connection from Kinns Road Park to the Clifton Common. Councilman Paolucci added this connection will link tens of thousands of residents with the center of the community.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 8 of 2005, a resolution authorizing the Supervisor to accept an amendment to the Final Design Report for the Vischer Ferry Road, Ushers Road and Longkill Road Rehabilitation project which adds a SPOT Pedestrian Improvement.

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

Councilwoman Walowit.

WHEREAS, the Final Design Report was accepted by the Town Board November 1, 2004, and

WHEREAS, approval of the Amended Final Design Report and the signing of the Design Approval Request Memo marks the completion of the New York State Department of Transportation's Preliminary Design Process, Phases I-IV and begins the Final Design process, Phases V and VI, and

WHEREAS, the acceptance of the Amended Final Design Report and the signing of the Design Approval Request Memo certifies that the project has been developed in conformance with the applicable environmental laws, design standards, and acceptable engineering and/or architectural practice, and

WHEREAS, this will also begin the necessary right-of-way appropriation process which is required to be commenced prior to letting of the project, and

WHEREAS, the Town, along with the New York State Department of Transportation and Saratoga County Department of Public Works, will have additional opportunity to accept the final design and contract documents prior to letting and construction; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to accept the Amended Final Design Report and sign the Design Approval Request Memo for the Vischer Ferry Road, Ushers Road and Longkill Road Rehabilitation project attached hereto, which adds a SPOT Pedestrian Improvement at the NYS Route 146, NYS Route 146A and Vischer Ferry Road intersection, at an additional cost of \$20,000.00, \$16,000.00 to be paid from CDTC and balance of \$4,000.00 to be paid from A3310-215 (Traffic Safety).

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 9 of 2005, a resolution authorizing the Supervisor to sign Changes Orders 1,2,3, and 4 for the Maxwell Drive Extension with William J. Keller and Sons, Inc.

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

WHEREAS, a contract for the construction of Maxwell Drive Extension was authorized

in the amount of \$445,000.00, and

WHEREAS, Change Order No.1 resulted in removing certain items from the contract and resulted in a decrease of \$50,000.00, and

WHEREAS, Change Order No.2 resulted in the moving of drainage structures and lowering of a culvert for an increase in the amount of \$7,581.00, and

WHEREAS, Change Order No.3 resulted in the addition of 390 ft. of 5 ft. wide sidewalk resulting in an increase of \$9,750.00, and

WHEREAS, Change Order No. 4 resulted in additional work being required in the NYSDOT right of way resulting in an increase of \$2,403.20, and

WHEREAS, the total of all change orders result in a net decrease in the original contract in the amount of \$30,265.80, and

WHEREAS, the Change Order results in a decrease of \$30,265.80 for the Maxwell Drive Extension Project from the current contract amount of \$445,000.00 to arrive at a new contract amount of \$414,734.20; now, therefore, be it

RESOLVED, that Supervisor Barrett is hereby authorized to sign Change Order No. 1, Change Order No. 2, Change Order No. 3, and Change Order No. 4, William J. Keller and Sons Construction Corporation for the construction of Maxwell Drive Extension, decreasing the contract by \$30,265.80 and releasing the amount from A-5112-200 (Highway Permanent Improvements-Equipment).

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 10 of 2005, a resolution referring the Clifton Park-Halfmoon Public Library Planned Unit Development District Application to the Planning Board for review and comment.

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

WHEREAS, application has been made to the Town Board for the proposed Clifton Park-Halfmoon Public Library Planned Unit Development District, and

WHEREAS, the Town Code requires a review of all PUD applications by the Planning Board; now, therefore, be it

RESOLVED, that the Clifton Park-Halfmoon Public Library Planned Unit Development District application is hereby referred to the Town Planning Board for review and comment and that the Planning Board report back to the Town Board within 60 days.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 11 of 2005, a resolution authorizing all Planning Board members, Planning Board Secretary, Planning Board Attorney and Director of Planning, to attend the Saratoga County Planning and Zoning Conference on January 27, 2005.

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

WHEREAS, the Saratoga County Planning and Zoning Conference will be held in Saratoga Springs, N.Y. on January 27, 2005, and

WHEREAS, all Planning Board members, the Planning Board Secretary, Planning Board Attorney and Director of Planning have requested authorization to attend this conference, and

WHEREAS, the Planning Board'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 the Planning Board members, Planning Board Secretary, Planning Board Attorney and Director of Planning for the Town of Clifton Park be authorized to attend the Saratoga County Planning and Zoning Conference at a total cost not to exceed \$250.00 for all attendees, to be paid from A-8020-015 (Planning Board-Planning Operations) as budgeted.

#### ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 12 of 2005, a resolution authorizing the Town Supervisor to sign an agreement with the Saratoga County Sheriff's Department for Specialized Law Enforcement Services.

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

WHEREAS, the Town of Clifton Park has found it to be effective and efficient to obtain law enforcement services within the Town through the Saratoga County Sheriff's Department, and

WHEREAS, the Town of Clifton Park wishes to contract for Specialized Law Enforcement Services per the attached agreement; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign a contract with the Saratoga County Sheriff's Department whereby the Sheriff's Department shall provide Specialized Law Enforcement Services within the Town of Clifton Park for a one (1) year period from January 1, 2005 through December 31, 2005, for a sum not to exceed \$177,592.00, amount to be provided from the 2005 budget.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 13 of 2005, a resolution authorizing the Town Supervisor to sign an agreement with the Saratoga County Sheriff's Department for additional Specialized Law Enforcement Services.

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

WHEREAS, the Town of Clifton Park has found it to be effective and efficient to obtain law enforcement services within the Town through the Saratoga County Sheriff's Department, and

WHEREAS, the Town of Clifton Park wishes to contract for additional Specialized Law Enforcement Services per the attached agreement; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign a contract with the



Saratoga County Sheriff's Department whereby the Sheriff's Department shall provide additional Specialized Law Enforcement Services within the Town of Clifton Park for a one (1) year period from January 1, 2005 through December 31, 2005, for a sum not to exceed \$162,000.00, amount to be provided from the 2005 budget.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 14 of 2005, a resolution authorizing the Town Supervisor to sign an agreement along with the Town of Halfmoon, for additional law enforcement services with the Saratoga County Sheriff's Department.

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

WHEREAS, the Town of Clifton Park along with the Town of Halfmoon has found it to be effective and efficient to obtain law enforcement services within the Towns through the Saratoga County Sheriff's Department, and

WHEREAS, the Town of Clifton Park wishes to contract for additional law enforcement within the two Towns, per the attached agreement; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign a contract with the Saratoga County Sheriff's Department whereby the Sheriff's Department shall provide additional law enforcement services for the Towns of Clifton Park and Halfmoon for a one (1) year period from January 1, 2005 through December 31, 2005, for a sum not to exceed \$81,000, amount to be provided from the 2005 budget.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 15 of 2005, a resolution authorizing the Supervisor to sign an arrangement letter with Kevin P. Hedley, MS, CPA to prepare US Corporate Tax Returns for CK Sanitary Systems, Inc.

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

WHEREAS, on December 1, 2004 CK Sanitary Systems, Inc. abandoned the Sewer Company to the Town of Clifton Park, and

WHEREAS, it is necessary to prepare 2004 federal and state income tax returns for CK Sanitary Systems Inc., and

WHEREAS, an acceptable proposal for the preparation of the 2004 tax returns has been submitted by Kevin M. Hedley, MS, CPA; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby authorizes the Supervisor to sign an arrangement letter with Kevin M. Hedley, MS, CPA to prepare two tax returns in an amount not to exceed \$2,500 to be paid from CK Sanitary Systems, Inc.

Councilman Paolucci noted that though the town is operating the system, the costs will stay with CK Sanitary.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 16 of 2005, a resolution accepting a conveyance of the following streets and easements.

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

WHEREAS, as a condition of approval of Countryman Estates North Subdivision Phases I and II of the Town of Clifton Park Planning Board required that the developer convey roads and easements to the Town of Clifton Park, and

WHEREAS, a Bond has been provided to the Town Planning Department as security for the contractor to complete all remaining punch list items; now, therefore, be it

RESOLVED, that the Town Board accepts the conveyance of the following streets and easements briefly described as follows:

Street Name of Owner

Equestrian Way Amedore Homes, Inc.

Portion of Liberty Way

Morgan Court

Patriot Circle

Sorrel Court

Drainage Utility Easement through Lot #2 Equestrian Way

Stormwater Drainage Utility Easement through Lot #1  
and Lot 3# Equestrian Way

Stormwater Drainage Utility Easement within Lot #6  
Equestrian Way

Stormwater Drainage Utility Easement through Lot #7,  
Future Phase III, Lot #17 and Lot #19 Equestrian Way

Stormwater Drainage Utility Easement through Lot #24  
Equestrian Way

Stormwater Drainage Utility Easement through Class B  
Passive Open Space

Stormwater Drainage Utility Easement through Lot #10  
and Lot #12 Patriot Circle, and Lot #46 and Lot #48  
Liberty Way

Stormwater Drainage Utility Easement through Lot #5  
and Lot #7 Morgan Court

10 Foot Widening of the West Side of Lapp Road

10 Foot Strip along West Side of Lapp Road

Portion of Moe Road and Liberty Way

Portion of Southeast side of Patriot Circle

and be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt of an approval by the Town Attorney, Highway Superintendent and Town Engineer of all necessary documents, provision of a title report which is acceptable to the Town Attorney, and upon payment of all taxes and assessments, and be it further

RESOLVED, that there be appended to the within resolution a copy of the recorded conveyance after it has been returned from the Saratoga County Clerk, and be it further

RESOLVED, that in accordance with the provisions of section 171 of the Highway Law of the State of New York, consent be and the same hereby is given to the Superintendent of Highways of the Town of Clifton Park make an Order laying out the aforescribed Town Highways, said Town Highways to consist of the lands described in the aforesaid deeds(s), and be it further

RESOLVED, that the Town Superintendent of Highways be and he is hereby authorized to post a thirty (30) miles per hour speed limit for the herein described highway(s), together with all necessary regulatory signs; and be it further

RESOLVED, that the Town Board hereby authorizes the installation of a stop sign on Equestrian Way at its westerly intersection of Liberty Way, on Equestrian Way at its easterly intersection of Lapp Road, on Liberty Way at its southerly intersection of Thoroughbred Way, on Morgan Court at its easterly intersection of Liberty Way, on Patriot Circle at its northerly intersection of Equestrian Way, and on Sorrel Court at its northwesterly intersection of Equestrian Way, as required by the Planning Board and Town Highway Superintendent for proper traffic control.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 17 of 2005, a resolution rescinding a portion of Resolution No. 299 of 2004 regarding the placement of a stop sign on Fairhill Road in the Summerhill Subdivision.

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

WHEREAS, on December 6, 2004, by Resolution No. 299 of 2004, the Town Board authorized the installation of a stop sign on Fairhill Road at its easterly intersection of

Waverly Place, and

WHEREAS, at the request of Highway Superintendent Louis Gerard, McDonald Engineering, P.C. reviewed the need for the stop sign and determined that the stop sign was not necessary as it disrupts the flow of traffic on Fairhill Road; now, therefore, be it

RESOLVED, that the last resolve of Resolution No. 299 of 2004 regarding the placement of a stop sign on Fairhill Road in Summerhill Subdivision be rescinded.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 18 of 2005, a resolution to establish a town account to accept contributions from residents of the Town of Clifton Park, or any other community, to aid the victims of the earthquake and tsunami disaster in Asia.

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

WHEREAS, it appears that 160,000 plus fatalities will result from this disaster and the possibility of secondary deaths from hunger or disease could push this toll much higher without a steady supply of aid to the region, and

WHEREAS, the Town of Clifton Park will accept contributions payable to "TOCP Tsunami Relief Fund", deposited to a separate account, and

WHEREAS, the Town of Clifton Park would agree to match all contributions up to \$5000 to show the community its commitment to this effort, and

WHEREAS, the following each thirty-day period for the next ninety (90) days, a check equal to all contributions for each thirty-day period will be processed and made payable to one of the following agencies - American Red Cross, Lutheran World Relief, Unicef, and a complete list of contributors will accompany the payment to the agency as designated; now, therefore, be it

RESOLVED, that the Town Comptroller will assign an account number for accepting contributions to the "TOCP Tsunami Relief Fund".

Supervisor Barrett expressed concern with using town monies to match contributions. Councilman Roth said he included matching monies to encourage people to donate. He

explained after some research he chose the three agencies because 92 percent of their funds go directly to relief efforts. Councilman Speckhard reported in 1993, the Town of Clifton Park assisted a town affected by Mississippi River flooding and it is much more effective to give to a specific town. Councilman Speckhard would like to see the town match funds received. Supervisor Barrett agreed with setting up a fund to receive private funds but questioned the legality of the town offering matching funds Councilwoman Walowit asked if it would be possible to remove language in the resolution regarding matching funds. Town Attorney Trainor will review the legality of matching funds.

MOTION BY Councilman Paolucci, seconded by Councilwoman Walowit to table the Resolution.

#### ROLL CALL VOTE ON MOTION TO TABLE

Ayes: Councilman Paolucci, Councilwoman Walowit, Supervisor Barrett

Noes: Councilman Speckhard, Councilman Roth

MOTION CARRIED 3 to 2 vote

Director of Planning Kemper responded to comments of speakers (attached to the January 3, 2005 Town Board minutes) regarding Karner Blue habitats. Mr. Kemper's comments are attached.

Councilman Speckhard said the response should be that the Town of Clifton Park enforces the state law.

#### PUBLIC PRIVILEGE

Bob Gauvreau, Oakwood Blvd, agreed with tabling the tsunami relief resolution, with matching funds if legal, and with the three agencies chosen.

Norman Goldman, London Square Drive, said the tsunami relief resolution should have been adopted this evening. He questioned when the "Town of" wording is going to be added to the Welcome to Clifton Park signs. Mr. Shahan will look into it. Mr. Goldman stated the library does not belong in an R-1 zone.

Councilman Paolucci announced the Town of Clifton Park has been designated to conduct an Official White House Conference on Aging event on June 8, 2005 after which recommendations will be forwarded to the President and Congress.

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 9:05 p.m.

Patricia O'Donnell  
Town Clerk