

**Clifton Park Town Board Meeting Minutes
February 28, 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
Mark Heggen, Comptroller
Jason Kemper, Director of Planning
Richard Kukuk, Superintendent of Highways
Michael O'Brien, Environmental Specialist
Michael Shahan, Town Administrator
Walter Smead, Assessor

MOTION by Councilman Paolucci, seconded by Councilman Roth, to approve the minutes of the February 7 and 14, 2005 meetings as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Speckhard expressed his support of a memo from Barbara McHugh and Howard LaVine regarding the Computer Use Policy and hopes the Board will move ahead with it. He recommended the website and email addresses be printed on town letterhead.

Supervisor Barrett offered Resolution No. 34 in recognized Girls Scouts Week and welcomed Holly Smith representing members of Troop 882.

Resolution No. 34 of 2005, a resolution proclaiming the week of March 6 – 12, 2005 as Girl Scout Week.

Introduced by Supervisor Barrett, who moved its adoption, seconded by the entire Town Board.

WHEREAS, Saturday, March 12, 2005, marks the 93rd anniversary of Girl Scouts of the USA, founded by Juliette Gordon Low in 1912 in Savannah, Georgia, and

WHEREAS, throughout its long and distinguished history, Girl Scouting has inspired millions of girls and women with the highest ideals of character, conduct, and patriotism, and

WHEREAS, through Girl Scouting girls grow strong, gain self-confidence and leadership skills, and learn the lifelong lesson of contributing to their communities, and

WHEREAS, Girl Scouting takes an active role in increasing girls' awareness of the opportunities available to them today in math, science, sports, technology and other fields that can expand their horizons, and

WHEREAS, more than 3.8 million current Girl Scout members nationwide will be celebrating 93 years of this American tradition, with nearly 50 million women who are former Girl Scouts and living proof of the impact of this amazing movement; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park does hereby applaud the commitment Girl Scouting has made to America's girls and proudly proclaims the week of March 6 - 12, 2005 as Girl Scout Week.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC HEARING, 7:10 PM
TO CONSIDER CREATING THE CLIFTON PARK SEWER DISTRICT NO. 1

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on February 16, 2005.

Supervisor Barrett introduced members of the CK Sanitary Systems Committee in attendance. He explained with the abandonment of the sewer system, it is now necessary to form a taxing district and assured residents the town will provide the best service at the best possible price. Environmental Specialist O'Brien has posted Frequently Asked Questions on the town website and is preparing an RFP for operation and maintenance of the system. The Supervisor noted there is a lot of long range planning to be done and expressed appreciation to Mr. O'Brien for his work with the system.

The public hearing was opened for comments from the audience at 7:25 p.m.

Darrell Harp, Rolling Brook Drive and member of the Committee, said the formation of the district will give an opportunity to make sense out of the sewer systems within town, as well as a chance to study and move forward to put the correct system in place to service the community for years and years to come. He stated it is being handled in an excellent way. Mr. Harp said the Committee is very important as it is necessary to determine if the rate structure is proper, if the facilities adequate, and what the needs are. He reported \$130,000 in management fees and \$90,000 in taxes will be saved and customers will not be paying sales tax. He urged the Board to approve the district.

Supervisor Barrett said the question has been asked as to why there was sales tax on the January sewer bill. He said he doesn't think sales tax should be on the bill but was left on, on the advice of the Town Attorney, to protect the town. He does, however, expect it to be rebated in the next bill.

Glenn Valle, Hillside Drive, member of the Committee, President of Country Knolls Civic Association, stated he, and the residents of Country Knolls, support the creation of the sewer district. He commended all involved with the sewer district for the work done since the abandonment, noting the creation of the district is a necessary step.

Supervisor Barrett said the town is being proactive by planning and setting aside money for future improvements that are going to be needed to be done with this aging system. He stated if at all possible, any leftover money will go back to the rate payers.

Nancy Bellamy, Eastside Drive, recommended having required grease traps for the new hotels and restaurants.

Supervisor Barrett said he wants to move forward with a grease trap program, including inspections.

Environmental Specialist O'Brien reported most new construction has grease traps installed, however, there are a few restaurants that are still operating without grease traps but this will be addressed.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one else wished to be heard. Supervisor Barrett declared the public hearing closed

at 7:35 p.m.

PUBLIC HEARING, 7:20 PM
TO CONSIDER A LOCAL LAW AMENDING CHAPTER 208
THE ZONING CODE OF THE TOWN OF CLIFTON PARK
ARTICLE II DEFINITIONS, ARTICLE IX LIGHT INDUSTRIAL DISTRICTS

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on February 21, 2005.

Supervisor Barrett explained the moratorium may need to be extended in order to consider comments made tonight. He said some definitions and certain allowable uses need to be tightened up.

Councilman Paolucci said some parts of the Code are gray in nature and uses have changed since the code was developed. He would like to see definitions clarified and uses be reviewed to see if they still fit. Councilman Paolucci stated zoning should be candled against the Comprehensive Plan to make sure there is still a fit. He spoke in favor of the proposed changes. He reviewed shaded and unshaded areas of the Light Industrial zone. Councilman Paolucci stated it is inappropriate to have a shaded area west of the Northway. He said the Comprehensive Plan says retail activity should be focused on the Route 9 and Exit 9 corridor. He questioned uses allowed on one side of Route 9 but not the other and feels both sides should be handled the same way. He questioned whether mobile home parks and accessory buildings should be a special use or an allowed use. Mr. Trainor will look into that issue. On the west side of I 87, the Comprehensive Plan shows uses of a less intensive nature than uses on the east side. Councilman Paolucci recommended extending moratorium as more time is needed to review proposed changes.

Councilman Roth said it is very important to be sensitive to environmental issues that exist in the Wood Road corridor. He agreed with Councilman Paolucci regarding uses being the same on both sides of Route 9. He said he would like to see mobile home parks eliminated from zoning as they are usually owned by absentee owners who don't take much interest in the area. He believes all of the Light Industrial zone west of the Northway should be unshaded and doesn't believe there should be any special uses at all in that area. He would like to see as much of the vegetation as possible on Ushers Road area maintained. He recommended eliminating exit curb cuts. He offered the suggestion of changing zoning west of the Northway to Corporate Commerce.

Councilman Speckhard said mobile home parks should be left in zoning as an option.

Councilwoman Walowit recommended extending the moratorium.

Town Administrator Shahan said it was his understanding that provision for mobile home parks had to be in zoning.

Supervisor Barrett said this Board has taken a stand against high density housing, noting

apartments houses that have come before the Town Board and have been reviewed with due diligence. He said the Town Board has been very proactive on zoning issues.

The public hearing was opened for comments from the audience at 8:03 p.m.

Ray Seymour, Nadler Road, member of the Friends of Clifton Park Open Space, read a prepared statement from the Friends of Clifton Park Open Space, dated February 17, 2005, attached.

James Ruhl, Wooddale Drive, read a prepared statement, attached.

Director of Planning Kemper explained the process of an Environmental Impact Study. He reported in discussions with Environmental Commission Chairman Marino, a lot of the items that Mr. Ruhl has mentioned that the ECC has recommended were not at all at the suggestion of Mr. Marino. He reviewed some changes that could happen that could bring more coordination between the ECC and the Planning Board but by no means were those to increase the capacity of the ECC relating to Planning Board matters.

Glenn Valle, Hillside Drive, President of the Country Knolls Civic Association, said a good incremental step has been taken. He said all retail uses should be removed. He further stated the words Industrial and Ushers Road don't belong together, however, Corporate Commerce does fit in with the existing use. Mr. Valle stated most importantly existing special use criteria does have a factor that takes in the overall character of the community. He also pointed out Country Knolls residences that are located very close to the Northway. He supported extension of the moratorium.

Lynn Miller Lachman, Birch Hill Road, thanked the Town Board for setting the moratorium and revisiting the Ushers Road issue. She reviewed past projects proposed for the Ushers Road area that she considers "noxious issues". She supported changing the zoning to Corporate Commerce. She asked the Board to look at uses that would protect the environmentally sensitive area along the Northway.

Lynn Jackson, Swan Street, Save the Pine Bush, Inc., began to read a prepared statement at which time Councilman Paolucci said Ms. Jackson was welcome to speak at public privilege but didn't think her prepared comments were appropriate for the public hearing. Ms. Jackson said in order to zone this land correctly, the Town Board must understand what it means when construction is allowed on sites on endangered species. Councilman Paolucci responded it is not a site of endangered species but a site where the possible food for that endangered species exists and as he understands it the species hasn't been found on that site in several years. Supervisor Barrett told Ms. Jackson she is welcome to speak at public privilege.

John Wilcock, Sheridan Ave, Albany, member of Save the Pine Bush and the Sierra Club, suggested eliminating Industrial or Corporate Commerce zoning in the area as this type of zoning harms the environment.

Supervisor Barrett stated it makes sense for this type of zoning to be near a major thoroughfare.

Lucy Clark, Cayuga Road, Niskayuna, member of Save the Pine Bush, stated potential habitat is very much an issue of zoning. She read a prepared statement, attached.

Anne Sombor, Cayuga Road, Niskayuna, member of Save the Pine Bush, read a prepared statement, attached.

Bill Koebbeman, Riverview Road, expressed concern with the type of research and development that could come into the area and agreed that the moratorium should be extended. He feels comments regarding endangered species are relevant. He questioned why the 74 acres of state forest land on English Road is zoned Light Industrial and recommended zoning the parcel conservation overlay.

Mr. Kemper responded the state forest land is the same as the Vischer Ferry Preserve or Kinns Road Park explaining there is base zoning with Land Conservation as an overlay zone.

Ray Seymour explained in the mid '90s the state submitted a proposal to sell the state forest land and if this ever happened, there would be no protection for this land.

Supervisor Barrett asked Mr. Kemper to research the issue with the state.

Frank Berlin, Main Street, Jonesville, spoke in favor of extending the moratorium.

Jerry McCormick, Torrey Pines, expressed concern about permitted uses along Van Patten Drive that were adopted in 1996 and spoke in support of extending the moratorium. He said he proposed the town develop a park on Van Patten Drive.

Pam Marshall, Fairlawn Court, read a prepared statement, attached.

Bill Engleman, PartridgePlateau, read a prepared statement, attached.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 9:15 p.m.

MOTION by Supervisor Barrett, seconded by Councilman Paolucci, to recess for four minutes. Motion unanimously carried.

Meeting resumed at 9:20 p.m.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 35 of 2005, a resolution honoring the memory of Louis W. Gerard.

Introduced by Supervisor Barrett, who moved its adoption, seconded by the entire Town Board.

WHEREAS, Louis W. Gerard, Town of Clifton Park Superintendent of Highways from 1978 to 2005, died on January 31, 2005; and

WHEREAS, Mr. Gerard's work ethic, professionalism, knowledge and innovative ideas made the Town of Clifton Park Highway Department one of the best in New York State as reflected in being one of the first in the region to use Doppler radar to keep tract of the weather and recognized nationwide for having one of the first covered salt buildings for a community of our size, and

WHEREAS, Mr. Gerard was actively involved in general community programs and a strong supporter of Shenendehowa athletics, notably basketball and football; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park and the community as a whole expresses both sorrow at the loss of Mr. Gerard and sympathy to the family and pauses in its deliberations to honor his memory.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 36 of 2005, a resolution authorizing Change Order No. 1 for the replacement of the roof and additional fasteners for the Highway Department storage building.

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

WHEREAS, Resolution No. 173 of 2004 awarded a public works contract to Bast Hatfield for the reconstruction of the Highway Building storage roof in an amount of \$16,320, 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 net increase of \$15,538 including \$4,218 for the additional work for the Highway Department Storage Building, arriving at a new contract amount of \$20,538, amounts to come from \$16, 320, previously approved by Resolution No. 173 of 2004, less Allowance No.1 in the amount of \$5,000; now, therefore, be it

RESOLVED, that Supervisor Barrett is hereby authorized to sign Change Order No. 1 with Bast Hatfield for Contract No. 1, for additional work for the Highway Department Storage Building.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 37 of 2004 a resolution hiring Christine R. Mason to advertise and promote summer 2005 programs for the Department of Parks, Recreation and Community Affairs.

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

WHEREAS, the Director of Parks, Recreation and Community Affairs has identified a need to sub-contract for the advertising and promotion of the 2005 Town of Clifton Park Summer Programs, and

WHEREAS, the Director of Parks, Recreation and Community Affairs recommends that Christine R. Mason, 897 Randall Rd., Niskayuna, 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, 897 Randall Rd., Niskayuna, 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 March 28, 2005 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 Paolucci, Councilman Speckhard, Councilman Roth, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 38 of 2005, a resolution authorizing the promotion of two Laborers to the position of MEO in the Highway Department.

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

WHEREAS, openings exist in the Highway Department for the position of MEO, and

WHEREAS, Laborers John DeSimone and Kieran Lynch have successfully met all of the requirements, and

WHEREAS, Richard Kukuk, Highway Superintendent, recommends that John DeSimone and Kieran Lynch be promoted to fill these positions; now, therefore, be it

RESOLVED, that effective March 6, 2005, John DeSimone and Kieran Lynch are hereby promoted to the position of MEO at Grade 5, Step 1 in the Highway Department, to be paid from DA05110-E1500 (Highway Construction – MEO) and DA05142-E1500 (Highway Snow Removal – MEO).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 39 of 2005, a resolution authorizing the appointment of a Laborer in the Highway Department.

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

WHEREAS, an opening exists in the Highway Department for the position of Laborer, and

WHEREAS, Richard Kukuk, Highway Superintendent, recommends that Daniel Fowler, 25 Garnsey Road, Rexford, be hired to fill this position; now, therefore, be it

RESOLVED, that effective immediately, Daniel Fowler, 25 Garnsey Road, Rexford, is hereby appointed to the position of Laborer in the Highway Department, at Grade 4, Step 1, to be budgeted from DA05110-E3000 (Highway Construction-Laborer) and DA05142-

E3000 (Highway Snow Removal – Laborer).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 40 of 2005, a resolution authorizing the implementation, and funding in the first instance 100 % of the federal aid-eligible costs, of a transportation federal-aid project, to fully fund the local share of federal-aid eligible and ineligible project costs, and appropriating funds therefore.

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

WHEREAS, a Project for the Route 146/Sherwood Dawson Trail Spot Improvement Project, Town of Clifton Park, P.I.N. 1757.02 (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds, and

WHEREAS, the Town of Clifton Park desires to advance the above project by making a commitment of 100% of the federal and non-federal share of the costs of Construction; now, therefore, the Town Board, duly convened does hereby

RESOLVE, that the Town Board hereby approves the above-subject Project, and it is hereby further

RESOLVED, that the Town Board hereby authorizes the Town of Clifton Park to pay in the first instance 100% of the federal and non-federal share of the cost of Construction work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$20,000(Twenty thousand dollars and no cents) is hereby appropriated from A-7629-15 (Trails-Other contractual) and made available to cover the cost of participation in the above phase of the Project, and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the Project exceeds the amount appropriated above, the Town Board of the Town of Clifton Park shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Town Supervisor of the Town of Clifton Park be and is hereby

authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the Town of Clifton Park with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid-eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

This will allow intersection improvements at Routes 146 and 146A for the connection of the proposed Vischer Ferry Trail and the Dawson Trail.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 41 of 2005, a resolution setting a public hearing to consider adoption of Local Law No. _____ of 2005, a local law amending various Chapters of the Town Code as they relate to Penalties for Violations of the Town Code.

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

WHEREAS, the Town Board is considering amending various Chapters of the Town Code relating to Penalties for Violations of the Town Code, and

WHEREAS, the Town Board wishes to solicit the comments of the Town's citizens regarding the proposed changes; now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled for March 7, 2005, at 7:10 PM in the Wood Memorial Room, One Town Hall Plaza, Clifton Park to consider the adoption of Local Law No. _____ of 2005, a local law amending various Chapters of the Town Code regarding Penalties for Violations of the Town Code, as per the attached Exhibit A and the Town Clerk is directed to publish notice of the same.

Councilman Speckhard said there are some very fundamental questions that need to be

addressed before a public hearing can be set and asked that this resolution be brought back at the March 14, 2005 meeting. He expressed concern with the prison penalties being proposed.

MOTION TO TABLE by Councilman Speckhard, seconded by Councilman Paolucci.

ROLL CALL VOTE ON MOTION TO TABLE

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

Noes: None

MOTION CARRIED

Resolution No. 42 of 2005 a resolution setting a public hearing to consider the adoption of Local Law No. _____ of 2005, a local law providing for the creation of a planned unit development district to be known as the Clifton Park-Halfmoon Public Library Planned Unit Development District and amending Local Law No. 10 of 1996 and the Clifton Park Zoning Map.

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

WHEREAS, the Clifton Park-Halfmoon Public Library PUD application was previously referred to the Planning Board for its consideration; and

WHEREAS, the Planning Board has recommended that the proposed PUD be approved in accordance with the Planning Board's letter attached hereto as Exhibit A; now therefore be it

RESOLVED, that a public hearing be set for March 7, 2005 in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York at 7:10 pm to consider the adoption of Local Law No. ____ of 2005, a local law relating to the Clifton Park-Halfmoon Public Library Planned Unit Development District and amending Local Law No. 10 of 1996 and the Clifton Park Zoning Map as described in Exhibit A, and the Town Clerk is directed to publish notice of same.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 43 of 2005, a resolution authorizing the Comptroller and Assistant Comptroller to attend the NYS GFOA Special Training Seminar and Annual Conference.

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

WHEREAS, Comptroller Mark Heggen has requested authorization to attend the NYS GFOA Special Training Seminar and Conference, along with Assistant Comptroller Denise Burrall, to be held in Albany, NY, from April 6 - 8, 2005, and

WHEREAS, attendance at this conference by the Comptroller and Assistant Comptroller will confer a benefit upon and be in the best interest of the Town of Clifton Park; now, therefore, be it

RESOLVED, that Comptroller Mark Heggen and Assistant Comptroller Denise Burrall are hereby authorized to attend the NYS GFOA Special Training Seminar and Conference, April 6 - 8, 2005 in Albany, NY, at a cost not to exceed \$320 per person, to be paid from A-1315-1 (Comptroller-travel and conference) as budgeted.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 44 of 2005, a resolution accepting a conveyance of the following streets and easements.

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

WHEREAS, as a condition of approval of the Oaks Subdivision Phase V 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

Northgate Court, Highland Oaks, Bevswood Oaks, DCG Development Co.
West Wind Way, Madison Way, Sundial Place
Storm Water Management Easement
20 foot wide utility easement between lots No. 8 & 10 Highland Oaks
20 foot wide utility easement between lots No. 7 & 9 West Wind Way
20 foot wide utility easement between lots No. 5 & 7 Bevswood Oaks

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 Northgate Court at its southerly intersection of Avenue of the Oaks, on Highland Oaks at its southerly intersection of Avenue of the Oaks, on Bevswood Oaks at its southerly intersection of Avenue of the Oaks, on West Wind Way at its northerly intersection of Avenue of the Oaks, on Madison Way at its northerly intersection of Avenue of the Oaks, and on Sundial Place at its northerly intersection of Avenue of the Oaks, as required by the Planning Board and 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. 45 of 2005, a resolution authorizing the Town Supervisor to convey a

section of a sewer line formerly owned by C.K. Sanitary Systems, Inc. to the Saratoga County Sewer District No.1.

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

WHEREAS, as a condition of approval of the Fairway Woods subdivision the Town of Clifton Park Planning Board is requiring that a section of the sewer line, formerly owned by C.K. Sanitary Systems, Inc., be conveyed to the Saratoga County Sewer District No. 1, and

WHEREAS, the section in question is an intervening section of sewer facilities consisting of approximately 4100 feet of 12” PVC sewer line and twelve concrete manholes, located between the Fairway Woods Subdivision and a sewer line owned by Saratoga County Sewer District No.1 easterly of Carlton Road, and

WHEREAS, a Bond has been provided to the Town Planning Department as security for the contractor to complete all remaining punch list items, and

WHEREAS, at the request of Saratoga County Sewer District No. 1, C. K. Sanitary Systems, Inc. made certain improvements to said intervening sewer facilities in order to bring said line into conformance with Saratoga County Sewer District No. 1’s technical and engineering standards, and

WHEREAS, in order to guarantee that said improvements were completed, Robert Van Patten, Jr. former President of C. K. Sanitary Systems, Inc. has executed a Guaranty Agreement with the Saratoga County Sewer District No. 1 to reimburse the costs of any and all repairs that may be necessary to said intervening sewer facilities at no cost to the Town of Clifton Park; now, therefore, be it

RESOLVED, that a section of sewer line described as follows be conveyed to the Saratoga County Sewer District No. 1:

Section of sewer line entitled “C.K. Sanitary Systems, Inc., Carlton Road 12” Gravity Sewer;
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.

Supervisor Barrett stated he is uncomfortable with this resolution and needs to see a copy of the Guaranty Agreement and is concerned about future guarantees.

MOTION TO TABLE by Councilman Speckhard, seconded by Councilman Paolucci.

ROLL CALL VOTE ON MOTION TO TABLE

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

Noes: None

MOTION CARRIED

Resolution No. 46 of 2005, a resolution allocating funds to be used to provide input to the White House Conference on Aging.

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

WHEREAS, the Town of Clifton Park has been selected by the White House Conference on Aging as one of one hundred representatives to provide input to the White House Conference on Aging, and

WHEREAS, the Town of Clifton Park recognizes that it's over 55 population grew by 20% from 1990 and is a vital and important segment of our community, and

WHEREAS, to meet the commitment of sponsoring "Town Meetings", highlighting the needs of an aging population by collecting information through mail surveys, presenting expert speakers on aging issues and hosting several events, it is necessary to allocate funds for this purpose; now, therefore, be it

RESOLVED, that \$15,000 be allocated from the Contingency Fund with a transfer to A-6772-00160 (Senior Services – White House Conference on Aging) to gather information in order to provide input to the White House Conference on Aging.

Councilman Paolucci explained the town has been offered the opportunity to provide the White House with some direction on issues on aging. The event will be held Sunday, June 12, 2005. Most of the funds will go toward a town wide survey on aging.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 47 of 2005, a resolution changing the use of five parcels of land from Municipal and Water Authority use to Highway use for the Traffic Improvement Project to widen Ushers Road, Longkill Road and Vischer Ferry Road.

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

WHEREAS, the Town of Clifton Park is involved with a Traffic Improvement Project to widen Ushers Road, Longkill Road and Vischer Ferry Road, and

WHEREAS, the Town of Clifton Park is the current owner of five parcels of land that will be affected by the project, and

WHEREAS, the five affected parcels are currently being used for Municipal and Clifton Park Water Authority use, and

WHEREAS, it is necessary to change said use to Highway use for the purpose of widening said roads; now, therefore, be it

RESOLVED, that the use of the following parcels:

Map No. Parcel No.

3 3

5 5, 6, 7

6 8, 9

8 11, 35

19 22

be changed from Municipal and Clifton Park Water Authority use to Highway use for inclusion in the Traffic Improvement Project to widen Ushers Road, Longkill Road, and Vischer Ferry Road.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 48 of 2005, a resolution approving application for permission of the New York State Comptroller regarding formation of Blue Barns Road Water District No. 1 and construction of improvements to the District.

Introduced by Councilman Paolucci, 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 Blue Barns Road 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.

Councilman Speckhard said it is anticipated that this will eventually be hooked into the Rexford Water District when it dissolves into the town-wide Water Authority.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 49 of 2005, a resolution establishing Town of Clifton Park Sewer District No. 1.

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

WHEREAS, in connection with the establishment of the Town of Clifton Park Sewer District No. 1 (the "District") in the Town of Clifton Park, New York (the "Town"), pursuant to Article 12-A of the Town Law, the Town Board caused a map, plan and

report relating the proposed District to be prepared by John M. McDonald Engineering, P.C., a competent engineer licensed by the State of New York, in the manner and detail required by the Town Board, and a copy of the map, plan and report have been filed with the Town Clerk in accordance with the requirements of Article 12-A of the Town Law; and

WHEREAS, on February 7, 2005, a resolution was adopted by the Town Board reciting the filing of the map, plan and report, the boundaries of the proposed District, the cost of the District to the typical property, the fact that the map, plan and report are on file in the Town Clerk's office for public inspection, and all other matters required by law to be stated; and

WHEREAS, the resolution called a public hearing to be held on February 28, 2005 to hear all persons interested in this matter and to take action as required by law; and

WHEREAS, the resolution was published and posted as required by law; and

WHEREAS, a public hearing on the matter was held by the Town Board on February 28, 2005 and the matter was fully discussed and all interested persons were heard.

NOW, THEREFORE, the Town Board of the Town of Clifton Park hereby determines that:

1. The notice of hearing was published and posted as required by law, and is otherwise sufficient.
2. All the property and property owners within the proposed District are benefited thereby.
3. All the property and property owners benefited are included within the limits of the proposed District.
4. The establishment of this District is in the public interest.

IT IS FURTHER DETERMINED AND RESOLVED that the District, as set forth in the map, plan and report is hereby approved.

IT IS FURTHER RESOLVED that this District shall be known as the Town of Clifton Park Sewer District No. 1 in the Town of Clifton Park and shall be bounded and described as set forth on Exhibit A attached hereto, consisting of the properties previously served by C.K. Sanitary Sewer System.

IT IS FURTHER RESOLVED that no immediate improvements to the Sewer System are anticipated at this time.

IT IS FURTHER RESOLVED that this resolution is subject to permissive referendum as

provided in Town Law Section 209-e, in the manner provided in Article 7 of the Town Law, and is not subject to the approval of the State Department of Audit and Control in accordance with Town Law Section 209-f.

Councilman Speckhard asked if this will eventually become part of the Saratoga County Sewer District. Supervisor Barrett said this is difficult to say at this time. He said County Sewer District standards have been met when improvements have been made in other districts. The Supervisor expressed appreciation to the Saratoga County Sewer District for their assistance.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED:

Resolution No. 50 of 2005, a resolution adopting Local Law No. 1 of 2005, a Local Law extending the moratorium on approvals in the Light Industrial Zone.

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

WHEREAS, Local Law No. 3 of 2004, imposing a moratorium on approvals in the Light Industrial Zone, was adopted by Resolution No. 308 of 2004 on December 6, 2004, and

WHEREAS, the Local Law provided for a 90 day moratorium extendable by the Town Board without a further public hearing; now, therefore, be it

RESOLVED, that Local Law No. 1 of 2005, a Local Law extending the current moratorium on approvals in the Light Industrial Zone is hereby adopted as per Exhibit A.

EXHIBIT A

LOCAL LAW NO. 1 OF 2005

A Local Law amending Local Law No. 3 of 2004, a Local Law imposing a moratorium on approvals in the Light Industrial Zone.

Be it enacted by the Town Board of the Town of Clifton Park as follows:

Section 1. The Town Board finds it necessary to extend the duration of the aforementioned moratorium in order to further study the changes proposed for the Light Industrial Zone regulations and to consider the comments made at the public hearing on

February 28, 2005.

Section 2. The duration of the moratorium imposed by Local Law No. 3 of 2004 is hereby amended to be 180 days from its adoption on December 6, 2004.

Section 3. This Local Law shall be effective upon its adoption and without the necessity of an additional public hearing as provided for in Local Law No. 3 of 2004.

Section 4. The terms contained in Local Law No. 3 of 2004 not specifically amended herein shall remain in full force and effect.

Councilman Paolucci stated he hopes this can be done in less time.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Due to the lateness of the hour, Town Administrator's and Comptroller's Report were postponed.

PUBLIC PRIVILEGE

Lynn Jackson, Swan St. Albany and member of Save the Pine Bush, read a prepared statement regarding the Karner Blue butterfly.

Lee Lakritz, Tudor St., said the public should be welcomed when they come to speak at a Town Board meeting and it is important to encourage participation in government.

James Ruhl, Wooddale Drive, displayed a map showing the Zim Smith Trail and its location near the state forest land and the possibility of this trail connecting to the Van Patten trail and noted the juncture of these trails could tie into a park in the area of Van Patten Drive, Ushers Road and/or Pierce Road.

Nancy Bellamy, Eastside Drive, stated she supports the moratorium.

Barbara Hartmann, asked if the parcels of land are going to be purchased from Mr. Van Patten for site work. She expressed appreciation to the Town Board for extending the moratorium.

Councilman Paolucci explained the land will transfer to the town as part of the Dwaaskill Nature Preserve purchase.

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

Motion carried at 10:50 p.m.

Patricia O'Donnell
Town Clerk