

**Clifton Park Town Board Meeting Minutes
March 7, 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 Roth
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Absent: Councilman Speckhard

Also Present: Town Attorney Trainor
Jason Kemper, Director of Planning
Michael Shahan, Town Administrator

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Paolucci announced the White House Conference on the Aging will be held on June 12, 2005 at 2:00 p.m. at Clifton Park Center.

**PUBLIC HEARING, 7:10 PM
TO CONSIDER A LOCAL LAW CREATING
THE CLIFTON PARK HALFMOON PUBLIC LIBRARY
PLANNED UNIT DEVELOPMENT DISTRICT AND
AMENDING LOCAL LAW NO. 6 OF 1996
THE ZONING CODE OF THE TOWN OF CLIFTON PARK**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on March 3, 2005.

Supervisor Barrett explained the applicant did not send the required 500 foot notices of this public hearing to residents and another public hearing will have to be set, however, the Town Board will take comments tonight. The Town Clerk said comments from this evening will be incorporated into the next public hearing which is proposed to be held on March 21, 2005 at 7:10 p.m.

Councilwoman Walowit stated her concerns with the center island and emergency

services access have been addressed.

Gavin Vuillaume, Environmental Design Partnership, showed the reorientation of the entrance and other changes to comply with requests from Clough, Harbour & Associates and the Chief of the Bureau of Fire Prevention Sheryl Reed. He reviewed the site plan noting it remains the same.

Bill Connor, Woodward, Connor, Gillies & Seleman Architects, said the library has been designed to be a long term community asset.

Mr. Kemper anticipates a public hearing will also be held at the Planning Board level.

Mr. Vuillaume explained Creighton Manning Engineering has been working on the improvements to be made along Moe Road. He said the improvements earmarked for the west side of Moe Road have been changed to the east side due to impacts to associated driveways on the west side.

Councilman Roth asked if Emergency Services Advisory Board has reviewed the plan. Mr. Kemper responded the concerns have been addressed.

Mr. Vuillaume reported one or two driveways will be affected by the stacking.

Wendy Cimino, Creighton Manning Engineering, said there will be no excessive delays.

Supervisor Barrett asked if there is any provision for screening headlights for the home across from the library driveway. Mr. Vuillaume said additional landscaping can be proposed on the resident's property. Supervisor Barrett asked that Mr. Vuillaume work with the Planning Department to add that to the plans.

The public hearing was opened for comments from the audience at 7:27 p.m.

Norman Goldman, London Square Drive, asked if the changes reflected in the site plan were on file in the Town Clerk's office as part of the public hearing. Mr. Kemper responded no, since when the public hearing was set, the ESAB changes had not yet been made. Mr. Goldman read a prepared statement, attached.

Mary Blaaboer, Balbina Lane, spoke in support of the proposed location of the library and plans on using the bike path to go to the library. She said this will add to property values.

Janet Grey, Locust Lane, stated this is for the greater good of the community, is the perfect location, a benefit to the school district and urged the Town Board to move forward.

Darren McGee, Moe Road, across from the library, spoke in agreement with Mr. Goldman. He doesn't see students walking to the library since students are bused from

various distances to school. He expressed concern with the library size and would like to see the speed limit reduced on Moe Road due to the bike path. Mr. McGee asked that all environmental impact statements be followed. He wants to see a berm for privacy and is concerned with the lighting in the parking lot. Mr. Connor said there will be no lighting on the building itself. Mr. McGee asked that lighting be at a minimum when the library is closed. He spoke against the location of the library.

Mr. Vuillaume said the stormwater management area will be a very shallow mowed lawn area.

Supervisor Barrett said the effect on the residences on the other side of Moe Road needs to be addressed.

Mr. Kemper stated all required SEQRA documentation has been submitted and the Town Board has initiated coordinated review with all involved agencies.

Mr. McGee asked if his neighbor's well water would be affected if water had to be drained off due to the high water table at the proposed library location.

Mr. Vuillaume said the ground water appears to be approximately 5 to 6 feet below the surface and it is not anticipated this will have to be drawn down.

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 7:50 p.m.

PUBLIC PRIVILEGE

In response to a question from the floor Supervisor Barrett reported money to cover the repair valve system of the fire sprinklers in the arena will be taken from the "rainy day" fund.

MOTION BY Supervisor Barrett, seconded by Councilman Paolucci to remove Resolution No. 45 of 2005 from the table.

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 reported the town will be held harmless and not open for any liability on that line in the future.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 51 of 2005, a resolution authorizing an allocation of \$500 from

Contingency Funds for the Not So Common Players, referred to as “Players”.

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

WHEREAS, the “Players” wish to publish a newsletter two times a year (Spring and Fall) to reach out to residents of the Clifton Park community, and

WHEREAS, the “Players” want to grow their base of support, especially in technical areas, and

WHEREAS, individuals from Clifton Park who work with the “Players” have received awards from the Theatre Association of New York State (TANYS), and deserve recognition for their work, and

WHEREAS, information about their spring show “Some Enchanted Evening,” and their summer show: “Guys and Dolls,” would be featured articles; now, therefore, be it

RESOLVED, that \$500 be allocated from Contingency Funds with a transfer to A7550-56-75 (Arts and Culture Performing Arts - Not So Common Players) to be used to publish two (2) newsletters by the Not So Common Players.

Councilman Roth stated the Not So Common Players have a filled a void and have had wonderful productions for the community. He asked that the resolution be amended as \$250 would only cover the publication of one newsletter.

MOTION BY Councilman Roth, seconded by Councilman Paolucci, to increase the amount of money allocated from \$250 to \$500.

ROLL CALL VOTE ON MOTION

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

Noes: None

Absent: Councilman Speckhard

MOTION CARRIED

ROLL CALL VOTE ON RESOLUTION

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 52 of 2005, a resolution donating one (1) free hour of ice time for a CPYHA Hockey tournament.

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

WHEREAS, the Clifton Park Youth Hockey Association hosted the "Mite House" March Madness Tournament, March 4 -6, 2005, at the Clifton Park Arena, and

WHEREAS, CPYHA has requested that the Town of Clifton Park donate free ice time for this event, and

WHEREAS, the hosting of this event in the Town of Clifton Park confers a benefit to local businesses; now, therefore, be it

RESOLVED, that the Town of Clifton Park will donate one (1) free hour of ice time for the Clifton Park Youth Hockey Association's "Mite House" March Madness Tournament.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 53 of 2005, a resolution authorizing the Deputy Town Attorney to attend a seminar on Advanced Zoning and Land Use in Albany, New York.

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

WHEREAS, Deputy Town Attorney Joel Peller has requested authorization to attend a seminar on Advanced Zoning and Land Use to be held in Albany, New York, April 28, 2005, and

WHEREAS, his 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 Deputy Town Attorney Joel Peller is hereby authorized to attend a seminar on Advanced Zoning and Land Use on April 28, 2005 in Albany, New York, at a cost not to exceed \$339, to be paid from A-1420-1 (Legal Conference), to be vouchered appropriately.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 54 of 2005, a resolution authorizing payment of emergency expenditure to repair valve system of the fire sprinklers at the arena.

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

WHEREAS, a major leak occurred in the fire sprinklers system at the arena requiring the replacement of a valve by Fire Control Systems, Fort Edward, New York, and

WHEREAS, the Management Agreement between the Town of Clifton Park and the Arena Management Group, LLC provides for an Arena "rainy day" reserve fund; now, therefore, be it

RESOLVED, that payment is authorized in the amount up to \$8,398, for the repair of the valve system of the fire sprinklers at the arena, to be paid from Arena "rainy day" reserve fund.

MOTION BY Councilman Paolucci, seconded by Councilman Roth, to changed the amount to read "up to \$8398" rather than \$8300.

ROLL CALL VOTE ON MOTION

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

Noes: None

Absent: Councilman Speckhard

MOTION CARRIED

ROLL CALL VOTE ON RESOLUTION

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 55 of 2005, a resolution authorizing the Town Supervisor to enter into a contract to purchase and accept donations of land from Country Club Acres, Inc. regarding the Dwaaskill Park area.

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

WHEREAS, the Town Board wishes to enter into an agreement with Country Club Acres to purchase six (6) parcels of Dwaaskill Parkland, and accept donations of an additional ten (10) parcels of land for parkland, and will prohibit commercial and residential development, and

WHEREAS, the acquisition of this land would confer a benefit to the Town of Clifton Park and its residents, and

WHEREAS, the purchase of six parcels of land are as follows:

Section, Lot, Block Commonly known address

(1) 265.-1-28.1 (17.12 acres) Kinns Road

(2) 265.-1-9.1) 43.29 acres) 744 Pierce Road

(3) 265.-1-37.21 Kinns Road

(4) 265.-1-72.1 (subdivision required of 156.72 acres) Kinns Road

(5) 265.-1-81 (subdivision will be required) Van Patten Drive

(6) 265.-1-6 (subdivision required of 21.69 acres) Carlton Road

at a cost of \$275,000 to be paid from the Unreserved Fund Balance (1940-200), and

WHEREAS, the following properties are being donated to the Town of Clifton Park by Country Club Acres, Inc.:

Section, Lot, Block Commonly known address

- (1) 277.15-1-21 Grooms Road
- (2) 277.14.1-28 Grooms Road
- (3) 265.6-2-32 Van Patten Drive
- (4) 265.6-2-35 Van Patten Drive
- (5) 265.6-1-25.1 (subdivision required) Van Patten Drive
- (6) 259.10-1-35 Burning Bush Boulevard
- (7) 259.10-1-1 Burning Bush Boulevard
- (8) 259.6-1-67 Burning Bush Boulevard
- (9) 259.5-1-10 Longkill Road
- (10) 259.9-2-20 Burning Bush Boulevard

and be it further

RESOLVED, that the Town Supervisor is authorized to enter into the attached Agreements with Country Club Acres for the purchase of six parcels of land in the Dwaaskill Park area and to accept the donation of another ten parcels for parkland purposes, and the funds for the purchase be allocated as outlined above.

Supervisor Barrett said the Dwaaskill Nature Preserve will be a passive recreation area and will be a jewel in the community for many years. Councilman Paolucci reported negotiations started in June of 2003 and expressed appreciation to Mr. Van Patten for his commitment to the process. State funding will be pursued to allow trail work. Councilman Paolucci said this resolution will also allow the transfer of land that Mr. Van Patten is donating to the town which is land that will be used for sidewalks and trails in the Longkill and Ushers Roads section.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 56 of 2005, a resolution authorizing the Town Supervisor to enter into an agreement with the Civil Service Employees Association, Inc. unit representing Town Employees.

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

WHEREAS, an agreement has been reached with the CSEA unit representing Town of Clifton Park Unit Employees, Local 1000, AFSCME, AFL-CIO, Saratoga County, Local 846, and

WHEREAS, this agreement will cover a five (5) year term; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to execute a contractual agreement with the CSEA unit representing Town of Clifton Park Employees, copy of which is annexed hereto as Exhibit "A".

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 57 of 2005, a resolution authorizing the Town Supervisor to enter into an agreement with the Civil Service Employees Association, Inc. unit representing the Town of Clifton Park Highway Employees.

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

WHEREAS, an agreement has been reached with the CSEA unit representing Town of Clifton Park Highway Employees, Local 1000, AFSCME, AFL-CIO, Saratoga County, Local 846, and

WHEREAS, this agreement will cover a five (5) year term; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to execute a contractual agreement with the CSEA unit representing Town of Clifton Park Highway Employees, copy of which is annexed hereto as Exhibit "A".

Mr. Shahen said all employees may be tested for drugs, not just union employees.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 58 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 Roth.

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 21, 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 Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

PUBLIC PRIVILEGE

Norman Goldman, London Square Drive, said people who are not directly negatively affected by projects, give credit to the good of all the people and sometimes the good of all the people isn't very good all of the time.

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 8:30 p.m.

Patricia O'Donnell
Town Clerk