

**Clifton Park Town Board Meeting Minutes
April 11, 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 led by Mohawk Pathway Girl Scouts

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

Also Present: Town Attorney Trainor
Michael Handerhan, Supervisor of Buildings and Grounds
Jason Kemper, Director of Planning
Michael Shahan, Town Administrator

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett said a resolution has been added to the agenda regarding the opportunity to purchase property for parkland on Route 146.

Councilman Roth, explaining his position with regard to the imposition of penalties, said he is not against the imposition of penalties on first offenses but was asking if incarceration could be separated from a first offense. Town Justice Hughes and Deputy Town Attorney Renzi said it is their understanding that constitutionally the penalties could not be separated.

Representatives from Mohawk Pathway Brownies, Juniors, and Cadets displayed 100 boxes of Girl Scout cookies to be sent to the troops in Iraq. Kim Vilardi and Nancy Furlow explained the "Gift of Caring Program" in which Girl Scouts put together a program asking people to donate the purchase cookies to send to the troops in Iraq. The Town of Clifton Park will be responsible for the shipping.

Supervisor Barrett said several thousand dollars have been donated to send care packages to the troops and donations are still being accepted.

PUBLIC PRIVILEGE

Mr. Shahan explained the non-competitive and exempt resolutions in response to a question from the floor.

Resolution No. 85 of 2003, a resolution appointing Anita Sisum as a Part-time Senior Express Dispatcher.

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

WHEREAS, Patricia Haffner, Director of Parks, Recreation and Community Affairs, has identified a need for a Part-time Senior Express Dispatcher, and

WHEREAS, Patricia Haffner has recommended that Anita Sisum, 302 Solomon Avenue, Clifton Park, be hired to fill this position; now, therefore, be it

RESOLVED, that Anita Sisum, 302 Solomon Avenue, Clifton Park, is hereby appointed to the position of Part-time Senior Express Dispatcher, Grade 1, Step 1 effective immediately to be paid from A6772-E127 (Express Dispatch).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 86 of 2005, a resolution authorizing appointments to the 2005 Project Adventure Staff as recommended per Schedule A, and authorizing the hiring of a Director for Project Adventure.

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

WHEREAS, it is necessary that the Project Adventure Staff and Director be appointed to conduct the 2005 Project Adventure Program within the Department of Parks, Recreation and Community Affairs; now, therefore, be it

RESOLVED, that the individuals on the annexed Schedule A are appointed to said positions at the salary amounts listed, effective immediately through November 1, 2005, to be paid from A-7621-E2360 (Project Adventure Instructors) and that Larry Rorick, 34 Guilder Place, Ballston Lake, be appointed as Director of the Project Adventure Program at \$27.71 per hour, to be paid from A7621-E2350 (Project Adventure Coordinator).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth,

Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 87 of 2005, setting a public hearing to consider adoption of Local Law No. ____ of 2005, a local law amending Chapter 86, Construction and Design Standards and Chapter 208, the Zoning Code of the Town of Clifton Park, regarding Design Standards and Zoning changes in the Western Clifton Park GEIS Study Area.

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

WHEREAS, the Town Board is considering amending Chapter 86, Construction and Design Standards and Chapter 208, Zoning Code of the Town of Clifton Park, 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 April 18, 2005, at 7:20 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 Chapter 86, Construction and Design Standards and Chapter 208, Zoning Code of the Town of Clifton Park, as per the attached Exhibit A and the Town Clerk is directed to publish notice of the same.

Mr. Kemper said the recommendations have stayed the same since June 2004.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

It was noted that the union is aware of the following two Resolutions.

Resolution No. 88 of 2005, a resolution appointing Patrick Gibbins to the position of Motor Equipment Operator in the Buildings and Grounds Department.

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

WHEREAS, Patrick Gibbins has been employed by the Town of Clifton Park as a

Building Maintenance Mechanic and meets the requirements for the position of MEO; now, therefore, be it

RESOLVED, that Patrick Gibbins is hereby appointed to the position of MEO (Motor Equipment Operator) in the Buildings and Grounds Department, Grade 5, Step 3, effective immediately, to be paid from budget line A-7110-E619 (Buildings & Grounds-Patrick Gibbins).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 89 of 2005, a resolution authorizing the promotion of an employee in the Buildings and Grounds Department.

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

WHEREAS, an opening exists in the Buildings and Grounds Department for a Building Maintenance Mechanic, and

WHEREAS, Michael Handerhan, Buildings and Grounds Supervisor, recommends that Dominique Frasier be promoted to Building Maintenance Mechanic, and

WHEREAS, the above referenced employee has met the requirements for this position; now, therefore, be it

RESOLVED, that effective immediately, Dominique Frasier is hereby appointed to the position of Building Maintenance Mechanic Grade 6, Step 1, to be paid with a transfer of \$2256 from A-7110-E619 (Buildings & Grounds-Patrick Gibbins) and \$1250 from A-7110-E4000 (Buildings & Grounds-Part time employee) to A-7110-E0057 (Buildings & Grounds-Dominique Frasier).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 90 of 2005, a resolution placing the position of Deputy Town Attorney in

the Exempt class.

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

WHEREAS, the Personnel Office of Saratoga County submitted justification to the New York State Civil Service Commission on April 30, 2004, and

WHEREAS, the State Commission at its meeting on March 8, 2005 approved the placement of the above title in the Exempt class; now, therefore, be it

RESOLVED, that the positions of Deputy Town Attorneys, Joel Peller, 4 Clare Court, Clifton Park, Paul Pelagalli, 5 Spruce Street, Clifton Park and Louis Renzi, 55 Blue Spruce Lane, Ballston Lake, are hereby placed in the Exempt class.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 91 of 2005, a resolution placing the positions of the Transfer Station Supervisor and the Assistant Transfer Station Supervisor in the Non-Competitive classification.

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

WHEREAS, the Personnel Office of Saratoga County submitted justification to the New York State Civil Service Commission on April 30, 2004, and

WHEREAS, the State Commission at its meeting on March 8, 2005 approved the placement of the above titles in the Non-Competitive class; now, therefore, be it

RESOLVED, that the positions of Transfer Station Supervisor Jeffrey Vedder, 742 Carlton Road, Clifton Park, and the position of Assistant Transfer Station Supervisor Donald McCune, 605 Bruno Road, Clifton Park, are hereby placed in the Non-Competitive class.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 92 of 2005, a resolution placing the position of Director of Community Development in the Non-Competitive classification.

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

WHEREAS, the Personnel Office of Saratoga County submitted justification to the New York State Civil Service Commission on April 30, 2004, and

WHEREAS, the State Commission at its meeting on March 8, 2005 approved the placement of the above title in the Non-Competitive class; now, therefore, be it

RESOLVED, that the position of Director of Community Development, Barbara McHugh, 2 Birch Hill Court, Ballston Lake, is hereby placed in the Non-Competitive class.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 93 of 2005, final resolution establishing Blue Barns Road Water District No. 1.

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

WHEREAS, the Town Board of the Town of Clifton Park, Saratoga County, New York (the "Town") previously authorized the formation of Blue Barns Road Water District No. 1 (the "District") by resolution adopted by the Town Board on October 12, 2004 (the "Approving Resolution"), subject to permissive referendum and subject to approval of the New York State Department of Audit and Control, and

WHEREAS, notice of adoption of the Approving Resolution was posted and published by the Town Clerk in accordance with Article 12-A of the Town Law and no petition requesting a referendum regarding establishment of the District was received within thirty (30) days of adoption of the Approving Resolution, and

WHEREAS, by letter dated March 30, 2005, the New York State Department of Audit and Control notified the Town that the approval of the New York State Comptroller for establishment of the District is not required, and

WHEREAS, the Town Board now desires to issue its final approval of the formation of the District; now, therefore, be it

RESOLVED, that Blue Barns Road Water District No. 1 in the Town of Clifton Park, Saratoga County, New York, is hereby established in accordance with the Maps and Plans prepared by John M. McDonald Engineering, P.C., and the District shall be bounded and described as set forth on Exhibit A attached hereto, and be it further

RESOLVED, that the Town is hereby authorized to acquire, construct and install improvements to the District facilities as described in the Approving Resolution; and be it further

RESOLVED, that the Town Clerk is hereby authorized and directed to cause a certified copy of this resolution to be recorded in the office of the Saratoga County Clerk and filed in the office of the State Department of Audit and Control in Albany, in accordance with the provisions of Town Law Section 195.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 94 of 2005, a resolution adopting the Findings Statement for the Western Clifton Park Generic Environmental Impact Statement (GEIS).

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

WHEREAS, the Town Board established itself as Lead Agency on December 15, 2003 through coordinated review with involved agencies to address the potential future cumulative impacts of growth in the western portion of Town, and

WHEREAS, the Town Board issued a Positive Declaration to require the preparation of a DGEIS in accordance with 6 NYCRR 617.7, and

WHEREAS, the Town Board determined the DGEIS complete for public review on December 20, 2004, held a public hearing on January 18, 2005, and held the comment

period open until January 28, 2005, and

WHEREAS, the Town Board prepared a Final Generic Environmental Impact Statement (FGEIS), with the assistance of its consultant, and issued a Notice of Completion for the FGEIS on March 14, 2005, and

WHEREAS, the Town Board has considered the results and recommendations of the DGEIS and the comments raised during the public comment period to develop a detailed Findings Statement; now, therefore, be it

RESOLVED, that the Town Board, acting as Lead Agency, authorizes the issuance of the attached Findings Statement to close this SEQR process but also to serve as guidance and procedures document for future development within the Western Clifton Park study area.

Supervisor Barrett said he has received a great deal of positive feedback for this study.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 95 of 2005, a resolution authorizing the Town Supervisor to enter into a contract to purchase land from Thomas Qualtere for future parkland.

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

WHEREAS, the Town Board wishes to enter into an agreement with Thomas Qualtere to purchase 98.81 acres 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 98.81 acres of land is identified as follows:

Section, Lot, Block Commonly known address

270.-1-2 Route 146, Rexford

located in the Town of Clifton Park, and

WHEREAS, the cost of the 98.81 acres will be \$610,000 to be paid from the Unreserved Fund Balance; now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to enter into the attached Agreement with Thomas Qualtere for the purchase of 98.81 acres of land located on Route 146, Rexford for parkland purposes at a cost of \$610,000, to be paid from the Unreserved Fund Balance.

Supervisor Barrett said Mr. Qualtere called the town to see if there would be any interest in his property. The Supervisor noted this property will be a tremendous asset for decades to come. He explained a portion of the property is directly opposite Nott Road and runs east on Route 146. He reported there are two stipulations in the contract: 1) a percolation test and 2) wetlands delineation. Though there are wetlands, there is enough land for a significant amount of active recreation on the property should the Town Board decide to go in that direction.

Councilman Roth said this is a positive step and the purchase speaks well of our commitment to the scenario of the GEIS for the western part of town. He said by doing so there will be no residential development on this piece of land.

Supervisor Barrett expressed appreciation to Mr. Qualtere for working with the town, noting the town needs willing partners. He said help will be needed in putting plans together to come up with a clear vision of what can be done with the property. The Supervisor noted cash will be paid for the property.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Bill Koebbeman, Riverview Road, submitted a letter, attached, concerning the zoning for the state forest land off Ushers Road, noting that the 70 acre parcel is currently zoned Light Industrial.

Mr. Kemper, in response to Mr. Koebbeman's comments, expressed concern that zoning he's recommended could be considered spot zoning. He said when a grant is received from the state or county a restriction is place on the deed, e.g. only municipal purposes or parkland purposes and this may be better than changing zoning.

MOTION by Councilman Paolucci, seconded by Councilwoman Walowit, to adjourn the

meeting to the next regular meeting or any other meeting necessary for the conduct of Town business.

Motion carried at 8:04 p.m.

Patricia O'Donnell
Town Clerk