

**Clifton Park Town Board Meeting Minutes  
May 1, 2006**

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  
Michael Handerhan, Supervisor of Buildings and Grounds  
Mark Heggen, Comptroller  
Steven Myers, Director of Building and Development  
Michael Shahan, Town Administrator  
Walter Smead, Assessor  
Jeffrey Vedder, Transfer Station Supervisor  
Deputy Town Attorney Renzi

MOTION by Councilman Paolucci, seconded by Councilman Roth, to approve the minutes of the April 10 and 17, 2006 meetings as presented.

**ROLL CALL VOTE**

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

Noes: None

Absent: Councilman Speckhard

**MOTION CARRIED**

**PRESENTATIONS**

Supervisor Barrett and Councilman Paolucci presented Resolution No. 139 of 2006 to Scott Snell, Director of the Shenendehowa Varsity Color Guard commending him and the team on their outstanding performances.

Resolution No. 139 of 2006, a resolution recognizing the Shenendehowa Varsity Color Guard.

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

WHEREAS, the Shenendehowa Varsity Color Guard recently won a Gold Medal at the New York State Tournament in Syracuse, and

WHEREAS, the Shenendehowa Varsity Color Guard then went on to the World Championships held in Dayton, Ohio, and finished second in the Nation, winning a Silver Medal; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby recognizes and commends the Shenendehowa Varsity Color Guard for its outstanding accomplishments at the New York State Tournament and at the World Championships held in Dayton, Ohio, April 6-8, 2006; and be it further

RESOLVED, that the Town of Clifton Park also recognizes Director Scott Snell for his outstanding leadership.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

#### DECLARED ADOPTED

Acadia Teacher, Meghan Sprissler, and student, Catherine Coffey, reported the students from Acadia Middle School collected 7397 books, in excellent condition, to support a local preschool for autistic children, Albany Medical Center Pediatric Unit, a Schenectady school, and two schools in Mississippi that were devastated by Hurricane Katrina. Ms. Sprissler asked for the town's financial support of approximately \$500 for shipping the books to Mississippi. It was noted there is approximately \$1000 in the town's Hurricane Katrina fund. Councilman Roth recommended giving \$500 from the Katrina fund to Acadia Middle School to pay for shipping the books to Mississippi.

PUBLIC HEARING, 7:10 PM  
TO CONSIDER A LOCAL LAW AMENDING  
LOCAL LAW NO. 27 OF 1989, AS AMENDED  
THE SIGN LAW

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on April 24, 2006.

Director of Building and Development Myers explained this will allow Not For Profits and fundraising groups to put signs up legally and will mirror the same exemptions as political signs. It is also proposed that no political signs be placed more than 30 days of a primary or general election and must be removed within two days after the election, as opposed to the current five days. It is further proposed that Planned Development District signs will be under the jurisdiction of the Director of Building and Development.

Supervisor Barrett said the town is looking for a balance so Not For Profits can get signs out for fundraising events. He recommended shortening the 30 day time period.

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

Ronald Streeter, Glenwood Drive, part of the Relay for Life team, thanked the Town Board for considering the change and urged their support of the legislation.

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 PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 140 of 2006, a resolution awarding a contract for landscaping services for Wyncrest Park District.

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

WHEREAS, quotes were received by the Town Board, acting as Commissioners of the Wyncrest Park District, for landscaping services for the District, and

WHEREAS, the lowest conforming quote for the work to be done which includes, mulching, weeding, trimming of shrubs and planting was submitted by Cliffside Services, Inc., Clifton Park, in an amount not to exceed, \$2215; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Wyncrest Park District, hereby awards the contract to Cliffside Services, Inc., Clifton Park, for landscaping services for the Wyncrest Park District, at a cost not to exceed \$2215, to be budgeted from SP11-7140-24(Wyncrest Park District-Maintenance).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

#### DECLARED ADOPTED

Resolution No. 141 of 2006, a resolution authorizing the Town Receiver of Taxes & Assessments to attend the Tax Collector's Seminar.

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

WHEREAS, Lorraine Varley, Receiver of Taxes & Assessments, has requested permission to attend the New York State Association of Town's Tax Collector's Seminar to be held in Rochester, New York, June 11-14, 2006 at a cost of \$695, and

WHEREAS, the amount has been budgeted for 2006 in budget line item A-1330-1 (Tax Collector Travel & Conferences) and her attendance at the Seminar would provide a benefit to the Town's citizens; now, therefore, be it

RESOLVED, that Lorraine Varley is hereby authorized to attend the Tax Collector's Seminar in Rochester, New York from June 11-14, 2006, at a cost not to exceed \$695 to be appropriately vouchered, to be paid from budget line item A-1330-1 (Tax Collector Travel & Conferences).

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

#### DECLARED ADOPTED

Resolution No. 142 of 2006, a resolution awarding the bid for the Rexford Water District No. 2 - Route 146 Water Main Replacement.

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

WHEREAS, on April 6, 2006 bids were received for the above referenced contract, and

WHEREAS, the low bidder for Contract No. 1-Route 146 Water Main Replacement is Carver Construction, Inc. in the amount of \$781,915, and

WHEREAS, as per a letter from McDonald Engineering dated April 17, 2006, McDonald Engineering has reviewed the bids and has recommended to the Town Supervisor that Carver Construction, Inc. be accepted as the lowest most responsible bidder; now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced bid in the amount of \$781,915 to Carver Construction, Inc. for water main replacement in the Rexford Water District No. 2, as authorized by Resolution No. 126 of 2005 and Resolution No. 136 of 2006.

Citing a letter from John M. McDonald Engineering, dated April 19, 2006, Supervisor Barrett noted the bid was higher than anticipated due to more rock than expected, NYS regulations regarding lane closures, which will require some night work, and the necessity of installing temporary water lines.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

#### DECLARED ADOPTED

Resolution No. 143 of 2006, a resolution accepting a conveyance of the following easement.

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

WHEREAS, pursuant to the condition of approval of the Presidential Estates Subdivision, the Town of Clifton Park Planning Board required that the developer convey roads, open space, 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 easement briefly described as follows:

Easement Name of Owner

Utility Easement through Lot 7, Roosevelt Court Daniel M. & Rose Ellen Sheppard  
(Presidential Estates)

and be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt of an approval by the Town Attorney 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, recording fees 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.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 144 of 2006, a resolution accepting a conveyance of the following easement.

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

WHEREAS, pursuant to the condition of approval of the Presidential Estates Subdivision, the Town of Clifton Park Planning Board required that the developer convey roads, open space, 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 easement briefly described as follows:

Easement Name of Owner

Utility Easement through Lot 9, Roosevelt Court Robert & Laura Lindquist

(Presidential Estates)

and be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt of an approval by the Town Attorney 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, recording fees 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.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

#### DECLARED ADOPTED

Resolution No. 145 of 2006, a resolution accepting a conveyance of the following easement.

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

WHEREAS, pursuant to the condition of approval of the Hollander Homes Subdivision, the Town of Clifton Park Planning Board required that the developer convey roads, open space, 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 easement briefly described as follows:

Easement Name of Owner

Utility Easement lying along the Southwesterly Hollander Homes, Inc. and line of Wildberry Court Christopher & Tracy Ryan

and be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt of an approval by the Town Attorney 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, recording fees 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.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

#### DECLARED ADOPTED

Resolution No. 146 of 2006, a resolution accepting the conveyance of a portion of Grooms Road from Brooks Heritage LLC to be used for highway purposes.

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

WHEREAS, as a condition of approval of the Brooks Heritage LLC Subdivision, the Town of Clifton Park Planning Board required that the developer convey a certain portion of the road 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 a portion of the following road briefly described as follows, to be used for highway purposes:

Street Name of Owner

Portion of 608 Grooms Road, S.B.L 277.14-4-22 Brooks Heritage, LLC

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, recording fees 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 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, if necessary.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

#### DECLARED ADOPTED

Resolution No. 147 of 2006, a resolution scheduling a public hearing to consider adoption of Local Law No. \_\_\_\_\_ of 2006, a local law amending Chapter 208, Zoning, Sections 109-(C)(2)(d), and 109-(C)(3)(d), regarding notifications.

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

WHEREAS, Deputy Town Attorney Louis Renzi has recommended that Chapter 208, Zoning, be amended per the attached, 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 May 8, 2006, at 7:10 PM in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, to consider the adoption of Local Law No. \_\_\_\_\_ of 2006, a local law amending Chapter 208, Zoning, as per the attached and the Town Clerk is directed to publish notice of the same.

Deputy Town Attorney Renzi explained when applicants come before the Zoning Board of Appeals for an area variance they are not required to mail notification of the variance request. The proposed legislation is looking to make the notification requirement

consistent with other Zoning Board and Planning Board notice requirements.

**ROLL CALL VOTE**

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

Noes: None

Absent: Councilman Speckhard

**DECLARED ADOPTED**

Resolution No. 148 of 2006, a resolution changing the hourly rate of pay for Part-Time Data Collectors.

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

WHEREAS, due to the increased cost of car and gasoline expenses, Assessor Walter Smead has recommended that the hourly rate for Part-Time Data Collectors be increased from \$11.00 to \$12.00 per hour, and

WHEREAS, the hourly rate increase will be an incentive to keep the skilled people who have been working as Part-Time Data Collectors; now, therefore, be it

RESOLVED, that the hourly rate for Part-Time Data Collectors for the Assessment Office is hereby increased from \$11.00 per hour to \$12.00 per hour, to be paid as budgeted from A1355-015 (Assessor-Data Clerk Contractual).

Town Assessor Smead explained reasons for the requested increase: e.g. data collectors use their own cars and do not get mileage, two of the collectors have been with the town since 1996 when the reval was done and are very knowledgeable. Mr. Smead said these individuals work Saturdays and nights. Councilman Paolucci recommended paying mileage. Mr. Smead said the increase to \$12.00 per hour will suffice for now. It was noted even with the increase the Town of Clifton Park is paying less than the Towns of Malta, Halfmoon and Milton.

**ROLL CALL VOTE**

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

Noes: None

Absent: Councilman Speckhard

**DECLARED ADOPTED**

Resolution No. 149 of 2006, a resolution authorizing the Town Assessor to hire Del

Palmer Appraisal Company to conduct an appraisal of the Kohl's Department Store.

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

WHEREAS, the Town of Clifton Park is currently a party to a Tax Certiorari proceeding brought by the Crossing LLC, and

WHEREAS, an independent appraisal of the Kohl's Department Store is necessary for the litigation and Del Palmer Appraisals has performed such appraisals for the Town of Clifton Park in the past; now, therefore, be it

RESOLVED, that the Sole Assessor for the Town of Clifton Park is authorized to hire Del Palmer Appraisal Company to conduct an appraisal of the Kohl's Department Store, SBL 272.-1-10.132, at a cost not to exceed \$3500, to be paid from A-1355-130 (Appraisal Account).

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 150 of 2006, a resolution authorizing the acceptance of sealed bids for surplus equipment in the Buildings and Grounds Department.

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

WHEREAS, the Town Board of the Town of Clifton Park passed Resolution No. 110 of 2006 authorizing the Buildings and Grounds Supervisor to advertise and accept sealed bids for the sale of surplus equipment in the Buildings and Grounds Department, and

WHEREAS, said bid was advertised in the Gazette on April 14, 2006 soliciting bids for this sale, and

WHEREAS, all bids were opened and publicly read on April 25, 2006; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park accepts the highest bids for the following items:

ITEM NAME AMOUNT

1993 Ford F150, 4 Wheel Drive Truck Robert Clark \$ 531.00  
1FTEF14YXPLA95699

1993 Dodge Ram Truck Andrew Hall \$ 358.00  
1B7KM26Z2PS272689

2001 Chevrolet Impala Andrew Hall \$1,308.00  
2G1WF55KX19362708

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

#### DECLARED ADOPTED

Resolution No. 151 of 2006, a resolution authorizing the hiring of two part-time summer laborers for the Transfer Station.

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

WHEREAS, a need exists for part-time summer workers at the Transfer Station, and

WHEREAS, Jeffrey Vedder, Transfer Station Supervisor, has recommended that David Larsen, Jr., 7 Whispering Hills, Clifton Park and Michael Washer, 110 Brookline Road, Ballston Spa, be hired to fill these positions, now, therefore, be it

RESOLVED, that authorization is hereby given to hire David Larsen, Jr., 7 Whispering Hills, Clifton Park, as a part-time summer worker for the Transfer Station, at \$8.00 per hour and to hire Michael Washer, 110 Brookline Road, Ballston Spa, at \$7.50 per hour, to be paid as budgeted from A-8160-E4000, (Transfer Station-Part-time Laborer), effective immediately.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 152 of 2006 a resolution authorizing Change Order No. 1 for Ice Arena Bathroom Renovations.

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

WHEREAS, Resolution No. 331 of 2005 authorized a contract for Ice Arena Bathroom Renovations in an amount of \$25,700, and

WHEREAS, a Change Order was prepared by McDonald Engineering which provides the breakdown of individual item costs, and

WHEREAS, the Change Order results in a decrease of \$449 for Ice Arena Bathroom Renovations from the current amount of \$25,700 to arrive at a new contract amount of \$25,251; now, therefore, be it

RESOLVED, that Supervisor Barrett is hereby authorized to sign Change Order No. 1 dated March 23, 2006, to John Duguid & Sons for Contract No 1, Ice Arena Bathroom Renovations; and be it further

RESOLVED, that the decrease amount of \$449 be released from encumbrances.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

PUBLIC PRIVILEGE

No one wished to be heard.

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 8:10 p.m.

Patricia O'Donnell  
Town Clerk