

**Clifton Park Town Board Meeting Minutes
August 21, 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

Councilman Paolucci
Councilman Speckhard
Councilman Roth
Councilwoman Walowit
Supervisor Barrett
Deputy Town Clerk Brobston

Also Present: Town Attorney Trainor
Kate Maynard, Director of Planning
Michael Handerhan, Supervisor of Buildings and Grounds
Mark Heggen, Comptroller
Richard Kukuk, Superintendent of Highways
Barbara McHugh, Director of Community Development
Steven Myers, Director of Building and Development
Michael Shahan, Town Administrator

MOTION by Councilman Speckhard, seconded by Councilman Roth, to approve the minutes of the August 7, 2006 meeting as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett announced that the Kinns Road Bridge was opened today. The bridge is now safe and pedestrian friendly.

Councilman Roth reported Household Hazardous Waste Day is scheduled for Saturday, September 30th and the forms are available in the Town Hall. Televisions, computers and hard drives will be accepted at the Household Hazardous Waste Day. Also Bulk Waste

Day will be starting the end of August beginning of September. The residents will be notified by mail 5 days prior as to when to put there bulk waste articles out at the curb. Apartments will also be included.

Supervisor Barrett congratulated the Clifton Park Babe Ruth Team for their win.

Attorney Trainor, on behalf of the Babe Ruth League Committee, thanked the Town of Clifton Park for its sponsorship, the Towns Security Force and the Buildings and Grounds Department for all their support and help in putting on the event.

Councilman Paolucci updated the Board on the Skateboard Park. He stated in the past weeks annual memberships are continuing to be sold. The total so far is 353. 542 daily passes have been sold so far. The sales are almost up to the budgeted revenue amounts for the year.

Supervisor Barrett, on behalf of the Town of Clifton Park, extended heartfelt condolences to the family of Captain John McKenna who was recently killed in the war in Iraq.

PRESENTATIONS

Supervisor Barrett presented a plaque to Louis Pasquarell, Sr. honoring him for his 70 years of volunteer Fire Department service.

Wayne Wagner, applicant, presented changes to the 21st Century Park Senior Housing PUD located on Route 146. The proposed drawing was viewed. The scope of the project has been reduced to 50 units instead of the original 98 units. They have also agreed to give \$5,000 per unit (\$250,000) for traffic improvement which would probably allow for a 3rd lane on Rt. 146. Age requirement of residents will be at least one person to be 50 and up.

Tom Andress, engineer for the 21st Century Park Senior Housing PUD applicant, stated the project being proposed will be located in the front of the parcel between Route 146 and the main concrete building in the back. The existing entrance area will be improved. As mentioned the number of units have been reduced to 50. The size of most of the units will be in the 1,400 to 2,000 square foot range. A secondary access will also be included, subject to site review. The units will be single and two story. All units will have a first floor master bedroom.

Councilwoman Walowit voiced concerns with just one main entrance.

Mr. Andress explained part of the GIS done for the Corporate Commerce Area discussed having some type of a central entrance to be able to expand through the rest of the area. That's why the one main entrance road. A secondary access located to the West is shown on the map only for emergency use only. He stated Mr. Wagner doesn't have control of the surrounding properties to change the secondary access into another entrance/exit road.

Councilman Roth stated his biggest concern is the traffic on Route 146. He suggested a traffic light be considered.

Mr. Andress stated as the applicant goes through Planning Board reviews they will rely on Clough, Harbour & Assoc. improvement recommendations.

PUBLIC HEARING, 7:10 PM
TO CONSIDER A LOCAL LAW AMENDING
LOCAL LAW NO. 10 OF 1996
HISTORIC PRESERVATION

The Deputy Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on August 11, 2006.

John Scherer, Town Historian, explained that while compiling new legislation and removing old, a paragraph was mistakenly omitted from the draft that needed to remain. That would be the only change to the proposed legislation. The paragraph was read aloud.

Councilman Paolucci asked if the evaluating by the Historic Preservation could be done within 14 days instead of 30 days as in the proposed legislation.

Mr. Scherer stated that it would depend on the nature of the building.

Councilman Speckhard questioned if the proposed legislation would apply to subdivision houses.

Mr. Scherer stated yes it would apply to some of the older subdivisions.

Councilman Paolucci asked about the National Historic Preservation Act that is included in the proposed legislation.

Mr. Scherer explained that the local Historic Preservation Commission uses the National Historic Preservation Act, set forth by the state, as a guide and criteria established in naming a place to the Historic Register.

Councilwoman Walowit stated she felt 30 days was too long for the owner to wait to have it demolished.

Mr. Scherer stated the proposed law can be changed to reflect 14 days instead of the 30 days.

The public hearing was opened for comments from the audience at 7:44 PM.

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 7:45 PM.

PUBLIC HEARING, 7:20 PM
TO CONSIDER A LOCAL LAW IMPOSING A
FORTY-FIVE (45) DAY MORATORIUM ON THE ISSUANCE OF
TRANSIENT RETAIL MERCHANT LICENSES

The Deputy Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on August 11, 2006

Supervisor Barrett stated in the Exit 9 area there seemed to be an abundance of Transient Retail Merchants set up. His concern was that they are taking business away from local merchants. He also explained that the businesses in the community have bought property, paid taxes, employ local residents and have a real commitment to the community. Also the Exit 9 area is one of the entrances to the town and he doesn't think the ascetics are very pleasing when the vendors are set up in that area.

Councilwoman Walowit stated she felt it was a negative impact on the town. She also stated that she is not driven by the sales tax revenue derived by local businesses or the transient business but by the principal of the issue. The moratorium will give the board and attorney time to study the current code pertaining to this issue and consider appropriate changes.

Councilman Paolucci stated he felt the town should let market forces prevail but agrees the town should be looking at the unsightliness of the area and the traffic problems it brings.

The public hearing was opened for comments from the audience at 7:55 PM.

Kevin Aubin, MCW, 480 21st Century Park, explained local businesses employ local residents, pay rent, build and lease in the town. Local businesses have a commitment to the town. He questioned whether the transient merchants who are collecting sales tax are remitting the sales tax back to the state. The transient merchants have no checks and balances nor do they make a commitment to the town.

Larry Wormuth, Lewis Henry Auto Sales, Route 9, supports the proposed moratorium and urged the board to vote on the resolution tonight.

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 8:00 PM.

REPORTS TO THE BOARD

Town Comptroller Heggen reported the town has received copies of final audits. Revenues are ahead of what was taken in at the same time last year. Tax Stabilization has

been paid 100% to the Highway fund. Expenditures are consistent with last years numbers.

Town Administrator Shahan thanked Buildings & Grounds for all their work on the Common. Also thanked John Esposito, Security Officer, who suggested a traffic plan that is working very well on the Common. All parking lots are being used on the Common. Mr. Shahan said 2007 budget process is in progress.

PUBLIC PRIVILEGE ON RESOLUTIONS

Resolution No. 280 of 2006, a resolution authorizing the Director of Building & Development to attend a seminar in Syracuse for Certified Professionals in Erosion & Sediment Control.

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

WHEREAS, Steven Myers, Director of Building & Development, has requested authorization to attend a one day seminar in erosion & sediment control, and

WHEREAS, this seminar is an exam review course for certification in the future and new federal stormwater regulations mandate these requirements, and

WHEREAS, Steven Myers attendance at this seminar will confer a benefit to the Town of Clifton Park; now, therefore, be it

RESOLVED, that authorization is given to Steven Myers to attend a seminar in Syracuse, NY for certified professionals on September 25, 2006, at a cost not to exceed \$400, to be paid from A-3620-1 (Building & Development-Training).

Steven Myers, Director of Building & Development, explained that he will be taking over as contact person for Stormwater Management for the Town which explains the need for education. Michael O'Brien was the contact person.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 281 of 2006, a resolution authorizing the expenditure of \$150 for exam application fee.

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

WHEREAS, Steven Myers, Director of Building & Development wishes to take the Certified Professional in Erosion and Sediment Control Exam, and

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

RESOLVED, that authorization is given to Steven Myers for payment of the fee for the Certified Professional in Erosion and Sediment Control Exam, at a cost not to exceed \$150, to be paid from A-3620-1 (Building & Development-Training).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 282 of 2006, a resolution authorizing an increase in the 2006 Budget.

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

WHEREAS, the Building Department was successful in receiving a Local Government Records Management Improvement Fund Grant for \$58,897 from the NYS Education Department, and

WHEREAS, the Town of Clifton Park has already received one-half of the grant in the amount of \$29,448, and

WHEREAS the Director of Building & Development desires to start making expenditures under the grant as soon as possible, and

WHEREAS, in order to expend the funds, a budget adjustment is required; now, therefore, be it

RESOLVED, that the budget is hereby amended by \$29,448 with revenues increasing in A-3060 (State Aid-Records Management) and expenditures increased in A-3620-70 (Building & Development-Grant Expense).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 283 of 2006, a resolution authorizing Clough Harbour & Associates to prepare an engineering report for a future recreational complex on Route 146.

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

WHEREAS, Councilman Paolucci has identified the need for an engineering study to plan the future utilization of the former Qualtere property on Route 146, and

WHEREAS, the completed engineering study will provide the basis for and impetus for input from the community regarding the uses for this parcel, and

WHEREAS, Clough Harbour and Associates, LLP has been recommended to perform the study and produce a report; now, therefore, be it

RESOLVED, that Clough Harbour & Associates, LLP are hereby authorized to prepare an engineering and planning report for a recreational complex on the former Qualtere Property on Route 146 at a cost not to exceed \$85,000 as further described in Schedule A.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 284 of 2006, a resolution authorizing the installation of a street light at the entrance to the Richwood Estates Subdivision at the intersection of Moe Road and Ryan Court.

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

WHEREAS, the Richwood Estates subdivision was previously approved by the Town of Clifton Park Planning Board and the installation of a street light is depicted on the approved subdivision plan and the street light is warranted at this time; now, therefore, be it

RESOLVED, that authorization is hereby granted for the installation of a street light at the intersection of Moe Road and Ryan Court, said subdivision being located between the east side of Moe Road, north of its intersection with Grooms Road in the Town of Clifton Park, and be it further

RESOLVED, that said street light shall be charged to the Town of Clifton Park Lighting District No. 1 and a copy of the authorization shall be forwarded to National Grid utility company.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 285 of 2006, a resolution authorizing the Highway Superintendent to commission McDonald Engineering for the purpose of doing a traffic study on Longkill Road.

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

WHEREAS, the Town of Clifton Park wishes to have a traffic study done on Longkill Road from Main Street to the town line with an emphasis on the appropriate speed limit for this section, and

WHEREAS, McDonald Engineering is qualified and recommended to provide the traffic study; now, therefore, be it

RESOLVED, that McDonald Engineering is hereby authorized to provide a traffic study on Longkill Road to the town line, at a cost not to exceed \$1,800, to be paid from A-1440-135 (Engineering).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 286 of 2006, a resolution authorizing the Highway Superintendent to install stop signs at the intersections of Hidden Valley Lane & Wooddale Drive, Northeast Lane & Wooddale Drive and Woods Way & Nadler Road.

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

WHEREAS, due to the volume of traffic on Wooddale Drive and to create a more uniform traffic control of the "T" intersections, and

WHEREAS, there is currently no traffic control at the intersection of Woods Way and Nadler Roads, and

WHEREAS, the Highway Superintendent recommends installing a stop sign at the following locations:

Hidden Valley Lane & Wooddale Drive

Northeast Lane and Wooddale Drive

Woods Way and Nadler Road

;now, therefore, be it

RESOLVED, that the Highway Superintendent is hereby authorized to install a stop sign at Hidden Valley Lane & Wooddale Drive, Northeast Lane & Wooddale Drive and Woods Way and Nadler Road.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 287 of 2006, a resolution authorizing an amendment to Resolution No. 281 of 1997.

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

WHEREAS, a resolution to name a future right-of-way was accepted in 1997, and

WHEREAS, a future right-of-way between Four Leaf Manor and The Oaks was never

properly identified, and

WHEREAS, Sheryl Reed, Director of Fire Prevention, requests that a better identification is needed for Emergency Services 911 listing, and

WHEREAS, Richard Kukuk, Highway Superintendent, recommends that Resolution No. 281 of 1997 be amended to identify this parcel as Poplar Place; now, therefore, be it

RESOLVED, that Resolution No. 281 of 1997 be amended to properly identify the street between Four Leaf Manor and Avenue of the Oaks as Poplar Place.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 288 of 2006, a resolution authorizing a salary payment to the Director of the Comic Book Project.

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

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has requested a salary payment for the second session of the Comic Book Project, and

WHEREAS, Shannon Haegle, 20 Esopus Drive, Clifton Park, was hired for the position; now, therefore, be it

RESOLVED, that authorization is hereby given for payment to Shannon Haegle, 20 Esopus Drive, Clifton Park, Director of the Comic Book Project held from 7/31 – 8/3/06, a total of \$500 for the project to be paid from 7310-072 (Summer Recreation Programs-Summer Rec Programs).

ROLL CALL VOTE

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

Noes: None

DECLARATION ADOPTED

Resolution No. 289 of 2006, a resolution authorizing the Town Board, acting as Commissioners of the Stoney Creek I Park District, to purchase a playland modular structure with installation for Sugarbush Park.

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

WHEREAS, the Stoney Creek I Park District has identified a need for new playground equipment for Sugarbush Park, and

WHEREAS, the Stoney Creek I Park District has requested authorization to purchase said equipment from The PlayPro Bill Simone & Associates, Inc., 5 Krey Boulevard, Rensselaer, NY, as described on attachments; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Stoney Creek I Park District, authorizes the purchase of playground equipment from The PlayPro Bill Simone Associates, Inc., 5 Krey Blvd, Rensselaer, NY, at a cost not to exceed \$9,999.99 including shipping, freight and installation, to be paid from SP97118-200 (Aspenwood-Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 290 of 2006, a resolution authorizing the Director of Building & Development to attend Storm Water Management Training.

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

WHEREAS, Steven Myers, Director of Building & Development, has requested authorization to attend Storm Water Management Training, and

WHEREAS, this training is in conjunction with new Federal requirements, and

WHEREAS, Steven Myers attendance at this training will confer a benefit to the Town of

Clifton Park; now, therefore, be it

RESOLVED, that authorization is given to Steven Myers to attend a seminar in Albany, NY for Storm Water Management Training on September 14, 2006, at a cost not to exceed \$339, to be paid from 3620-001 (Building & Development-Travel & Conferences).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 291 of 2006, a resolution referring the 21st Century Park Senior Townhouse Planned Unit Development District Application to the Planning Board for a second time for further review and comment.

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

WHEREAS, application has been made to the Town Board for the proposed 21st Century Park Senior Townhouse Planned Unit Development District, and

WHEREAS, Section 208-72 of the Town Code provides for a review of PUD applications by the Planning Board at the Town Board's discretion; now, therefore, be it

RESOLVED, that the 21st Century Park Senior Townhouse Planned Unit Development District application is hereby referred to the Town Planning Board for a second time for further review and comment and that the Planning Board report back to the Town Board within 60 days.

Councilman Speckhard stated he is in favor of this resolution and that the total square feet of the proposed PUD will be less, as far as the square foot, that would be able to be allowed if it was office space. He said senior housing is definitely needed in town. He still feels a traffic light and turning lane is needed on Route 146.

Councilman Paolucci stated the offer of \$250,000 for traffic impact is a generous offer but he is not sure what traffic remediation is necessary if the town goes with this proposed PUD. A GEIS was done first on the Corporate Commerce Zone which already has specific remediation concerning traffic. He is not saying to do another GEIS but he not sure what the remediation would be and if the \$250,000 doesn't cover it then he

would like to hear back from the Planning Board that they feel it is sufficient to cover it because the town shouldn't take this on at this time.

Councilwoman Walowit expressed her concerns with one main entrance as far as emergency service goes, she would like to see the secondary access changed to a permanent one. She also would like the width of the roads widened.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 292 of 2006, a resolution appointing Priscilla Leonard a part-time clerk for Town Hall.

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

WHEREAS, a need exists for a part-time clerk and Priscilla Leonard, 14 Noord Lane, Ballston Lake, has been recommended to fill this position; now, therefore, be it

RESOLVED, that Priscilla Leonard, 14 Noord Lane, Ballston Lake, be appointed as a part-time clerk to be used as needed at Grade 4, Step 3 (15.19 per hr.) to be paid as budgeted from A1220-E4000 Supervisor (Part-time Help), effective immediately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 293 of 2006, a resolution adopting Local Law No. 6 of 2006, a local law imposing a moratorium on Transient Retail Merchant Licenses in the Town of Clifton Park.

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

WHEREAS, the Town Board has considered imposing a moratorium on licenses issued to Transient Retail Merchants wanting to do business in the Town of Clifton Park in order to revisit the Town Code sections governing such merchants, and

WHEREAS, on August 21, 2006 a public hearing was conducted to solicit the comments of the Town's residents regarding the proposed local law; now, therefore, be it

RESOLVED, that Local Law No. 6 of 2006, a local law imposing a moratorium on Transient Retail Merchant Licenses in the Town of Clifton Park is hereby adopted, and be it further

RESOLVED, that the Town Clerk file said local law with the New York State Department of State as required by law; and be it further

RESOLVED, that this local law shall take effect immediately upon its adoption.

ROLL CALL VOTE

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

Noes: None

PUBLIC PRIVILEGE

Councilman Paolucci asked Superintendent of Highways Richard Kukuk to give an update on the continuation of the trail on the north end of Ushers Road, from Hillcrest to Burning Bush.

Superintendent Kukuk stated the Highway Department will be widening the pavement an additional 4 feet and that will be the bike path lane which is delineated with paint markings.

Bonnie Frederick, 722 Clifton Park Center Road, her brother lives at 730 Clifton Park Center Road, stated she came before the Town Board on August 7, 2006 to explain about the problem they are having with their wells drying up due to the Addison Estate housing development that went up behind their property. She wanted to update the board on their situation. The Town Engineer Joe Grasso came to their homes and got information and she is expecting him to get back to her. Since August 7, her brother had to tie into the town's water supply because his well went completely dry and had to endure that expense. Her water level in her well is still very low. Until this summer their 20 foot well for over 100 years had never went dry or that low in water. She is also concerned about the water table being lowered and the tree roots on their property are now being raised up and what's going to happen to the trees.

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

Motion carried at 8:50 p.m.

Teresa Brobston
Town Clerk