

**Clifton Park Town Board Meeting Minutes  
January 8, 2007**

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  
Supervisor Barrett  
Town Clerk O'Donnell

Absent: Councilwoman Walowit

Also Present: Town Attorney McCarthy  
Mark Heggen, Comptroller  
Myla Kramer, Director of Parks, Recreation and Community Affairs  
Kathleen Maynard, Director of Planning  
Michael Shahan, Town Administrator

**ANNOUNCEMENTS AND COMMUNICATIONS**

Councilman Roth referred to a letter from DEC to Environmental Specialist Michael O'Brien received December 28, 2006, stating "Your community is being awarded State assistance of \$93,000.00, which is 50 percent of the eligible project cost for the time period from January 1, 2007 to December 31, 2009".

**PRESENTATION TO THE BOARD**

Daniel Kumlander, CPA, Roback, Kumlander & Pehl, reviewed the annual audit report for the town ice arena, noting there was a loss of \$13,500; however, for the first time in four years there was a capital improvement needed of over \$25,000 to rehabilitate the bathrooms. He stated money came from the rainy day fund and no money was needed from the town. Mr. Kumlander reported the rainy day fund, which is usually kept at \$30,000, is a little less. He said money that would be transferred to the town at year end (August 31, 2006) was used to replenish the rainy day fund bringing it to approximately \$17,000 at year end.

Supervisor Barrett reported over several years we are well into six figures as far as profits with the arena. He explained almost the entire rainy day fund was exhausted by doing the improvements on the bathrooms and also the locker rooms. He anticipates doors in the locker room can be rehabbed by Buildings and Grounds staff.

Councilman Roth explained one of the items in the agreement is the price of ice at the arena. He noted this price has gone up substantially with the charge going from \$2.00 to \$4.00 when an ice cut is done and it will be necessary to show this increase in the agreement. Councilman Roth reported Mr. Bobrow has shown and justified how his costs have substantially increased. He referred to Mr. Bobrow's memo of January 1, 2007 to the Supervisor and Town Board. He will be looking at making some improvements and is getting information as to the final cost of new boards. Councilman Roth said the town may have to put some money toward the boards.

Supervisor Barrett anticipates renewing the contract with Clifton Park Youth Hockey. The current contracts raises rates 2 ½ percent a year but costs are more than 2 ½ percent a year. He stated he does not want to see fees increase dramatically.

Mr. Kumlander addressed Mr. Goldman's concerns regarding the timeliness of the audit noting they are an outside independent auditing firm, not associated with the town or Mr. Bobrow. He explained Mr. Bobrow first presents information to his accountant who then prepares a report for the auditing firm.

PUBLIC HEARING, 7:10 PM  
TO CONSIDER AN OPEN SPACE INCENTIVE ZONING REQUEST  
RAY ROAD PROPERTY

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on December 27, 2006.

Supervisor Barrett reported this is for a 12-lot subdivision on Ray Road. He said a 500-foot notification of public hearing should be made part of this law.

Scott Lansing, Lansing Engineering, representing developer Scott Earl, reported the Planning Board has given a positive recommendation to the Town Board for this request of an additional 2 lots bringing the total to 13. He explained the parcel consists of approximately 57.78 acres on the north side of Ray Road and is currently zoned Conservation Residential. He reviewed the topography of the area. Mr. Lansing reviewed wetland locations consisting of approximately 23.81 acres which have been delineated by a wetland scientist. A jurisdictional determination from both the Army Corp of Engineers and DEC has been requested. The applicant is proposing 13 single family lots of 30,000 square feet each, consisting of 12 new lots and 1 existing. He reported the area would be served by public water, individual waste water disposal systems, and stormwater managed on site. The site consists of 33.97 acres of unconstrained land. Mr. Lansing noted the additional 2 units will bring a \$60,000 investment to the open space zoning program and noted the applicant is providing 42.97 acres of open space, 19.16 acres of which is unconstrained land.

Supervisor Barrett reviewed the current zoning and the amenity zoning program. He further reviewed the aspects of the subdivision, noting the open area in the back of the

subdivision will connect with other open space to allow for wildlife to have a habitat throughout the town.

Councilman Roth asked if septic system locations have been looked at. Mr. Lansing responded the soils will support septic systems on individual lots, however, everything would be reviewed by the town engineer and designs would be to DEC and DOH standards and specifications.

Councilman Speckhard asked if the Planning Board's question regarding wetlands has been worked out. Mr. Lansing responded a jurisdictional determination has been requested from the Army Corps and DEC, but this has not as yet been done. Councilman Speckhard asked if the Army Corps and DEC determinations would have to be done before the Town Board can approve the request. Supervisor Barrett said if the 2 additional lots are approved, and later through the planning process it is deemed there is less usable acreage, then the applicant would have to come back to the Town Board.

Supervisor Barrett said he would like to send a notice to residents in the Ray Road area that this public hearing has been extended to the January 16, 2007 meeting.

The public hearing was opened for comments from the audience at 7:40 p.m.

Kathy Hayes, Sugar Hill Road, said she doesn't believe there is enough water on the Ray Road site to support the housing development. She asked the direction town water will follow. Mr. Lansing responded water will run by Coburg Village along Vischer Ferry and west on Ray Road.

Youseff Ballout, Torrero Drive, asked what the impact is if the town doesn't approve the amenity zoning request right away. Mr. Lansing said the applicant would not be able to move forward.

In response to Councilman Paolucci's question, Director of Planning Maynard said no construction would be approved without official jurisdictional determination from DEC and the Army Corp of Engineers.

Supervisor Barrett reiterated this public hearing will be continued on January 16, 2007.

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 8:05 p.m.

## PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 6 of 2007, a resolution rescheduling the February 20, 2007 Town Board

Meeting to February 26, 2007.

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

WHEREAS, members of the Town Board will be attending the Association of Towns Meeting in New York as scheduled for February 18-21, 2007, and

WHEREAS, the third Town Board Meeting for the month of February is scheduled for February 20, 2007; now, therefore, be it

RESOLVED, that the Town Board Meeting scheduled for February 20, 2007 is hereby rescheduled to February 26, 2007 in order to permit Town Board members and various Town Officials to attend the annual New York State Association of Towns Meeting.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

#### DECLARED ADOPTED

Resolution No. 7 of 2007, a resolution authorizing the Supervisor to sign contracts with 2007 Summer Recreation Independent Contractors, per Schedule "A".

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

WHEREAS, the updated contracts for use with Summer Recreation subcontractors require the signature of the Town Supervisor; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign contracts with 2007 Summer Recreation Independent Contractors, per Schedule "A".

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 8 of 2006, a resolution authorizing the Supervisor to sign Change Order No. 2 for Rexford Water District No. 2, Contract No. 1, Route 146 Water Line Replacement.

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

WHEREAS, Resolution No. 142 of 2006 authorized a contract for Rexford Water District No. 2, Route 146 Water Line Replacement, in an amount of \$781,915, 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 an increase of \$5144.30 for the Water Line Replacement from the current amount of \$781,915 to arrive at a new contract amount of \$787,059.30; now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to sign Change Order No. 2, Contract No. 1, Water Line Replacement, dated November 29, 2006, to P.C. Carver Construction; and be it further

RESOLVED, that the increase amount of \$5144.30 be paid from H24-8340-200 (Rexford Water Capital Project Transmission-Equipment).

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 9 of 2007, a resolution approving an Historic Collection Policy and Town Historian job description.

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

WHEREAS, historic items are being collected on behalf of the Town, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has requested that an Historic Collection Policy be adopted, and

WHEREAS, Myla Kramer further requests that a job description for Town Historian be adopted; now, therefore, be it

RESOLVED, that the Town Board hereby adopts an Historic Collection Policy and Town Historian job description per Schedule "A".

Councilman Speckhard said Ms. Kramer worked with Town Historian Scherer on these items. Councilman Roth thanked Ms. Kramer for her work in putting this together.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

#### DECLARED ADOPTED

Resolution No. 10 of 2007, a resolution adopting a Facility Use Policy, Scheduling Procedures, Hold Harmless Agreement and Facility Use Request for the Historic Grooms Tavern.

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

WHEREAS, the Historic Grooms Tavern will be opening in the near future, and

WHEREAS, a need exists for a Facility Use Policy, Scheduling Procedures, Hold Harmless Agreement and Facility Use Request, per Schedule "A"; now, therefore, be it

RESOLVED, that the Town Board hereby adopts a Facility Use Policy, Scheduling Procedures, Hold Harmless Agreement and Facility Use Agreement, for the Historic Grooms Tavern, per Schedule "A".

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

#### DECLARED ADOPTED

Resolution No. 11 of 2007, a resolution referring an Amenity Zoning request from Dave Massaroni for Tanner Road Subdivision to the Planning Board for further review.

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

WHEREAS, Massaroni Builders submitted a project narrative, requested incentive and proposed amenity, subdivision calculations, site location map, constrained and unconstrained plan, and proposed layout to the Town Board on November 22, 2006 by Lansing Engineering in accordance with Section 208-43.16 of the Town Code, and

WHEREAS, the applicant is requesting a density increase of four additional units for the subdivision in accordance with Section 208-43.16 of the Town Code, and

WHEREAS, the Town Board must make a determination if the project is worthy of further consideration under the amenity zoning provision, and

WHEREAS, referring this application to the Planning Board does not approve the density increase for the subdivision; now, therefore, be it

RESOLVED, that the amenity zoning request for Dave Massaroni is referred to the Planning Board for further review and response in forty-five days.

Supervisor Barrett explained this request has been changed from the original submission. Councilman Roth expressed concern with this request, stating the town spent a great deal of time and money in trying to reduce the number of units in the western part of town and this request, as well as the following one, are over what would be allowed. Supervisor Barrett said the program does allow for additional density and it seems prudent to refer this to the Planning Board for their review, although this does not mean the Town Board supports it. Councilman Speckhard commented that the Planning Board is so firmly committed to the policy that it will either get resolved there or will come back to the Town Board.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 12 of 2007, a resolution referring an Amenity Zoning request from Curt Kienast for Cloverdale Meadows Subdivision to the Planning Board for further review.

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

WHEREAS, Curt Kienast, for Cloverdale Meadows Subdivision, has submitted a project narrative, requested incentive and proposed amenity, subdivision calculations, site location map, constrained and unconstrained plan, and proposed layout to the Town Board on November 27, 2006 by Lansing Engineering in accordance with Section 208-43.16 of the Town Code, and

WHEREAS, the applicant is requesting a density increase of sixteen additional units for the subdivision in accordance with Section 208-43.16 of the Town Code, and

WHEREAS, the Town Board must make a determination if the project is worthy of further consideration under the amenity zoning provision, and

WHEREAS, referring this application to the Planning Board does not approve the density increase for the subdivision; now, therefore, be it

RESOLVED, that the amenity zoning request for Curt Kienast is referred to the Planning Board for further review and response in forty-five days.

See Councilman Roth's comments in Resolution No. 11.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 13 of 2007, a resolution accepting a conveyance of the following streets and easements.



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

WHEREAS, as a condition of approval for the Fairway Woods Phase I Subdivision, 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

Legends Way Masullo Brothers Builders, Inc.

Callaway Court

Portion of Tipperary Way

Future Right-of-Way

1,411 Sq. Ft. Utility Easement

2,716 Sq. Ft. Utility Easement

1,566 Acre Stormwater Management Parcel

26,978 Sq. Ft. Stormwater Management Parcel

39,414 Sq. Ft. Stormwater Management Parcel

49,735 Sq. Ft. Stormwater Management Parcel

578 Sq. Ft. Utility Easement

992 Sr. Ft. Utility Easement

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; and be it further

RESOLVED, that the Town Board hereby authorizes the installation of a stop sign on Legends Way at its southerly intersection of N.Y.S. Route 146A and on Legends Way at its Northerly intersection of Tipperary Way, as required by the Planning Board and Town Highway Superintendent for proper traffic control.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 14 of 2007, a resolution authorizing the reclassification of Shari Washer from Account Clerk to Senior Account Clerk.

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

WHEREAS, Mark Heggen, Comptroller, recommends, per Saratoga County Department of Personnel, that Shari Washer's position be reclassified from Account Clerk to Senior Account Clerk; now, therefore, be it

RESOLVED; that Shari Washer is hereby appointed to the position of Senior Account Clerk in the Accounts Payable Department, salary to Grade 5 Step 4, effective immediately, to be paid as budgeted from A-1315-E0260 (Comptroller-employee).

Comptroller Heggen explained after the revised duty statement was submitted, the County determined the position should be reclassified. Mr. Shahan reported it wasn't included during the budget process as it hadn't been approved at that time.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 15 of 2007, a resolution reappointing William Pomeroy to the Ethics Board.

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

WHEREAS, William Pomeroy should have been reappointed to a three-year term in Resolution No. 1 of 2007, term to expire December 31, 2009; now, therefore, be it

RESOLVED, that William Pomeroy is hereby reappointed to the Ethics Board for a three year term, term to expire December 31, 2009.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

#### DECLARED ADOPTED

#### PUBLIC PRIVILEGE

Norman Goldman, London Square Drive, expressed concern with the lateness of the ice arena audit report. He agreed with sending 500 foot notices of public hearing with regard to amenity zoning requests. Mr. Goldman read from prepared comments regarding his continuing concern with electronic voting machines and the town's participation in selecting the auditor for the ice arena. Town Clerk O'Donnell stated the State has determined that the counties are now in charge of elections and own the voting machines. She stated the Town has no control over the voting machines. Mr. Goldman said the Town Board can send a message to the County.

Erika Scott, Schenectady, spoke in support of George Sarris, stating what the town has said about how Mr. Sarris' property is zoned is false. She continued his land is zoned Land Conservation, as depicted on the NYS freshwater wetlands map, that is pursuant to federal and NYS code rules and regulations protecting freshwater wetlands. Ms. Scott stated Deputy Town Attorney Renzi said Mr. Sarris never applied for a variance and this is untrue. She said Mr. Sarris needs the protection of the town.

Supervisor Barrett asked if there was anyone else in attendance that wished to speak on something other than the duck situation.

Paul Bylenock, Kline Court, reviewed the history of the Stony Creek Trail, noting the trail was never built and the \$180,000 construction grant was forfeited. The promised replacement trail along Moe Road has not been built. He reported in April 2006, former members of the Trails Advisory Committee formed Friends of Moe Road Trail to establish the extension of the current Moe Road Trail. Mr. Bylenock stated Moe Road has

narrow shoulders and is unsafe for bikes and pedestrians. He said the current Moe Road Trail is a valuable asset to the community but until the southern part of the town has safe access to it the trail will never be used to its fullest potential. He continued, an extended trail will provide improved access to the town businesses, school, library and parks and is a vital link in the town's trail system. The Friends of Moe Road Trail are promoting a route that would start on the south side of Huntwood Drive thru town land and exit on Moe Road just north of Countrymen Estates and then proceed south on the east side to Crescent Road. The Moe Road Trail extension would connect to the current Moe Road Trail by using the trail to be built by the developer of the Carlson farm property just north of Huntwood. Mr. Bylenock reviewed a second option of extending the trail entirely on the east side of Moe Road, however, this could be more costly and would directly impact the fronts of more homes and would not be as scenic as the first choice. He said The Friends of Moe Road Trail believe this is the time to extend the trail and reported 519 signatures were collected from 469 homes in support of the extension. The Friends request: 1) extension of the trail, 2) trail be assigned the highest priority of all trails proposed in town, and 3) construction begin in a timely manner. He submitted petitions in support of extension of the Moe Road Trail and asked for Town Board support.

Supervisor Barrett said a trail down Moe Road is difficult but the town will continue to study the possibility.

Rhonda Hagelthorn, Kings Court, stated she is concerned about the proposed Hollandale PDD amendment and would appreciate notification of meetings.

Regarding the proposed Hollandale PDD Ms. Maynard reported the Planning Board has responded to the Town Board with a positive conceptual recommendation.

Fred Voris, Schenectady, spoke in support of George Sarris and asked for an independent investigation of the situation. He stated an R1 zone cannot be overlaid over wetlands.

Layne Zagorski, Woodside Drive, said she feels the Town Board has been lying as Mr. Sarris did apply for a variance and was denied, and he was told minutes of the proceeding had been lost. (Clerk's note: Tape of meeting was requested and tape had been reused after required retention period expired. Minutes exist)

Gigi Giorgio, Schenectady, member of Saratoga Wetland and Wildlife Watch, asked why the Town Board and Deputy Town Attorney Renzi said Mr. Sarris never filed for a variance, when he had. She questioned the zoning of Mr. Sarris' property and the private lawsuit against Mr. Sarris. She requested the appointment of an independent commission to investigate who is responsible for this and whether there is misconduct by public employees.

Peter Voss, Eastside Drive, spoke in favor of Mr. Sarris.

Mr. Goldman recommended keeping tapes of other Board's meetings for an extended period of time. He suggested that the Town Board review the Land Conservation

legislation. Regarding the ice arena, he sees agreement between the ice arena management and the town as an agreement between two separate parties. He doesn't believe the town should be an active participant in selecting the auditor or in preparing any part of the audit.

Councilman Roth responded the town has contributed nothing to that report. He further stated the audit report is done by an outside auditor who is hired by the town to do the audit because it is the town's arena.

Mr. Goldman stated the agreement reads that Mr. Bobrow will submit a certified audit report to the town, not that the town will arrange for the report. Discussion ensued as to the purchase and condition of the boards in the arena.

Youseff Ballout, Torrero Drive said he recollects in Mr. Bobrow stated in 2001 that he could get boards for free.

Supervisor Barrett said he believes it was determined the boards would not work in our arena.

Mr. Ballout complimented the town on the diligent work on the issue of open space over the past 5 or 6 years, noting this should go hand in hand with what Mr. Sarris is trying to do. He said Mr. Sarris' property is located in what originally was a Land Conservation zone and there is an issue of how and when this property was converted to an R1 zone. Mr. Ballout stated this entire issue is in the hands of the courts. He said he doesn't believe the town has lied but with the accusations made this evening, the town should have an independent investigation done in order to clear its name. Mr. Ballout said Mr. Sarris has been a steward of his property and the town should review the zoning of that property.

Ms. Georgio said according to the town Zoning Code, Mr. Sarris is doing exactly what the code states and he shouldn't have had to apply for a variance because the R1 zone cannot be applied over a wetland area. She asked that the Town Board look into this issue.

Jim Baisley, Barkwood Lane, resident of Huntwood subdivision, would be affected by the extension of the Moe Road trail. He asked what the Trails Committee projections are. He noted another petition in opposition to a trail through the Huntwood neighborhood had been presented to the Town Board previously. He said he would object to any park district funds being used for a trail.

Councilman Paolucci reported there is a prioritized list of trail projects and the Town Board takes recommendations from the Trail Advisory Committee.

MOTION by Councilman Paolucci, 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 9:19 p.m.

Patricia O'Donnell  
Town Clerk