

**Clifton Park Town Board Meeting Minutes  
January 16, 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  
Councilwoman Walowit  
Supervisor Barrett  
Town Clerk O'Donnell

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  
Walter Smead, Assessor  
Louis Renzi, Deputy Town Attorney

MOTION by Councilman Roth, seconded by Councilman Paolucci, to approve the minutes of the January 2, 2007 organizational and regular meeting as presented.

**ROLL CALL VOTE**

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

Noes: None

**MOTION CARRIED**

**ANNOUNCEMENTS AND COMMUNICATIONS**

Councilman Roth spoke of the tax credits available for fire fighters and ambulance workers and hopes this will be an incentive to keep current volunteers and well as encourage people to join. He has approached members of the legislature to see if this can be made retroactive. Councilman Roth stressed the amount of training the volunteers need to go through.

Supervisor Barrett announced the Highway Department will be picking up debris left from the ice storm.

## PRESENTATION

Supervisor Barrett presented the following resolution to Rev. John L. Cairns, commending him on his service to the community and congratulating him on his retirement.

Resolution No. 16 of 2007, a resolution recognizing Rev. John L. Cairns upon his retirement from St. Edward the Confessor Church.

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

WHEREAS, Rev. John L. Cairns was ordained in 1963, teaching at Catholic Central High School in Troy for eight years before becoming pastor at St. Anthony's Church in Johnston, New York from 1972 - 1981; and

WHEREAS, Father Cairns became pastor of St. Edward the Confessor parish in Clifton Park in 1981, leading it to become the largest parish in the Albany Diocese; and

WHEREAS, in response to a rapidly growing membership, Father Cairns oversaw major church renovations in 1987 and 1996, currently serving 3300 registered families, and

WHEREAS, Fr. Cairns leaves St. Edward the Confessor Church in excellent financial shape with no outstanding debts; now, therefore, be it

RESOLVED that the Town Board of the Town of Clifton Park hereby congratulates Rev. John L. Cairns upon his retirement and thanks him for his dedication and ministry to the parishioners of St. Edward the Confessor Church.

## ROLL CALL VOTE

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

Noes: None

## DECLARED ADOPTED

EMINENT DOMAIN PROCEDURE LAW  
PUBLIC HEARING, 7:10 PM  
REGARDING CONSTRUCTION OF THE  
SHERWOOD DAWSON AND KINNS ROAD TRAILS

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on December 26,27,28,29,30, 2006. The public hearing was opened at 7:20 p.m.

The Official Transcript will be attached when received.

Everyone was given an opportunity to speak in favor of or against and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 8:05 p.m.

**RECONVENE THE JANUARY 8, 2007 PUBLIC HEARING AT 8:07 P.M.  
TO CONSIDER AN OPEN SPACE INCENTIVE ZONING REQUEST  
RAY ROAD PROPERTY**

The Town Clerk read the Notice of Public Hearing scheduled for January 8, 2007 as published in the Daily Gazette on December 27, 2006.

Supervisor Barrett said notices were sent to residents in the area that this hearing would be reconvened. He stressed the importance of notification of residents. He said whether these two lots are approved or not, 500 foot notices will be sent during the planning process. He noted developers can ask for additional density at a cost of \$30,000 per lot.

Director of Planning Maynard explained 42.90 acres is proposed as permanent open space for this project, which is more than the required 50 percent.

The public hearing was opened for comments from the audience at 8:10 p.m.

Joyce Whelan, Ray Road, lives next door to property under discussion, asked how many times this request can be submitted. Supervisor Barrett responded an applicant can revise a plan and come back.

Scott Lansing, Lansing Engineering representing Scott Earl, applicant, said the plan and has been fine tuned and the applicant has settled on the number of lots plus the additional two.

Ms. Whelan reported she has lived on Ray Road for 35 years with no water problem and with the new construction water is collecting on the left side of her property and is not draining. She asked if DEC and the Army Corps of Engineers have looked at the wetlands.

Mr. Lansing responded both the DEC wetlands and Army Corps wetlands have been delineated by a wetlands scientist, who then contacted DEC and the Army Corps to verify the lines and have given field verification. At this time, the Army Corps is not issuing jurisdictional delineation letters for projects so the applicant is still waiting for formal written approval.

Ms. Whelan said swamp water is coming onto her property. She asked that someone look at property and do something about the problem. She stated she does not want this to cost

her her house.

Ms. Whelan presented a petition consisting of 30 signatures opposing the approval of the amenity zoning application due to the “density of this development and the level of environmental impact on DEC designated wetlands and the surrounding neighborhood”. She said there is also concern with the septic tanks.

Joseph Grasso, Clough, Harbour & Associates, responded this will be looked at during the subdivision approval process, as will the water problem on Ms. Whelan’s property. He stated Ms. Whelan’s concerns will be conveyed to the Planning Board.

Norman Goldman, London Square Drive, asked why the reconvening of this public hearing was not on the agenda.

Diane Betzwieser, Ray Road, said she gave pictures to the Planning Board in April showing the amount of fill put in in order to put in a road, as well as the flow of water going under the road and into a culvert which could cause flooding of land.

Supervisor Barrett said when this proposal goes to the Planning Board, residents will be notified of the public hearing. He continued if it is deemed by the Planning Board and town engineers that the development could cause further problems, the applicant may have to do additional improvements to the area that already has the one house located on it. He asked that residents submit concerns in writing and to attend the Planning Board meeting.

Youseff Ballout, Torrero Drive, urged the Town Board to remember that an amenity zoning request is intended to be exceptional and not a fundraiser to support the open space. He stated it is nice for the applicant to have the opportunity but even nicer to consider residents’ wellbeing.

Supervisor Barrett said the density that can be built on that parcel, as well as all the parcels in the area, has been diminished quite a bit with the new zoning.

Pat Lawrence, Sugar Hill Road, regarding the wetlands on the project, said it is necessary to have an official report from the Army Corps of Engineers and from DEC. She said it is important to look at the Whelan property to see where this water is coming from. In response to Ms. Lawrence’s question if wetlands can be filled in, Mr. Grasso said authorization can be given by DEC and ACOE but this is scrutinized by the Planning Board. She doesn’t object to the allowable nine houses but does object to the additional two houses. Ms. Lawrence said there should be a park or children’s playground as part of the project. Mr. Grasso stated 25 percent of the open space has to be on unconstrained and upland areas.

Doug Shepherd, Berkshire Drive, said he has familiarity with the property in question. He said the applicant should have stated his intentions right from the beginning. He stated the basic problem is when the roadway went in for the house, the roadway went into the

wetland and additional pressure has stopped the flow of water from going east and that is why there is flooding on the Whelan property. Mr. Shepherd said a moratorium should be put on the entire development until it can be figured out what is going on hydrologically as the wetlands are changing. He believes the property has been erroneously segmented. He recommended putting a moratorium on the building on the currently approved area and allow no movement on any type of easements agreed to until it is figured out if the nine indicated should be approved.

Frank Berlin, Main Street, said people have a right to make sure their wells are protected and there should not be water in yards. Mr. Berlin spoke against amenity zoning in this case.

Ted Pastor, Ray Road, stated there is enough water in the ground right now and bringing water in from an outside source will exacerbate the water table and it will not get any lower as there is no place for water to go. He noted a location on the plans showing that the entire field feeds what eventually becomes the Stony Brook. He agreed with putting a moratorium on the project until a further in depth EIS can be done. Mr. Pastor stated it is important to at least consider the next generation.

William Engleman, Partridge Plateau, said it is his understanding that a farmhouse on the property was demolished and asked if a demolition permit was ever issued. Supervisor Barrett said he believes a permit was issued. Mr. Engleman said he thinks there was a concern that the Historic Preservation Commission was not afforded the opportunity to look into the historic qualities of the farmhouse. He would like to see these issues be considered in the analysis by both the Planning Board and Town Board as far as the environmental impacts of this project.

Linda Conpropst, Ray Road, said her pond has greatly enlarged and if water continues to drain onto her property, she will not be able to get out of her driveway.

Supervisor Barrett said there will be other opportunities to comment on this project through the Planning Board process.

Everyone was given an opportunity to speak in favor of or against the proposal and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 8:45 p.m.

Supervisor Barrett said notice requirement of public hearings of amenity zoning requests should be included in the Town Code.

**PUBLIC HEARING, 7:30 PM  
TO CONSIDER A CONSERVATION EASEMENT APPLICATION  
EAGLE CREST GOLF CLUB**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on January 6, 2007.

Supervisor Barrett reported this request was forwarded to the Planning Board for review and came back with a positive recommendation. Approximately 3000 acres are now in the Conservation Easement program.

Town Assessor Smead said he has looked at the property and does not see a problem with granting the Conservation Easement. He noted 50 percent of the property is wetlands and there would be a minimal effect on the assessment roll. He stated the property fits the program perfectly. Mr. Smead estimated the tax dollars savings to the applicant to be approximately \$2100.

The public hearing was opened for comments from the audience at 8:47 p.m.

Youseff Ballout, Torrero Drive, said he is surprised a corporate citizen of the town is trying to take advantage of this program. He asked what the benefit will be to the town to grant this easement as this is an entity that is already paying taxes to the town and this is giving them the opportunity to pay less tax. He asked what the impact is to town finances relative to this corporate citizen not paying the full tax bill.

Mr. Smead said the amount is estimated to be about \$2100.

Supervisor Barrett responded the benefit is that the land will be kept open and not developed.

Ms. Maynard reported Environmental Specialist O'Brien and Open Space Coordinator Viggiani, along with herself, visited the site and reviewed the existing approved PDD for the property and noted three buildable lots were originally approved for this portion of the parcel. She explained it is a 50 acre parcel that straddles railroad tracks and a large part is wetlands. Ms. Maynard continued, this particular property is actually part of a large swath of wetlands for the western part of the town so, in terms of its value, environmental nature, and impact on wildlife is proven to be an attribute.

Everyone was given an opportunity to speak in favor of or against the application and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 8:56 p.m.

## REPORTS TO THE BOARD

Town Comptroller Heggen reviewed the December Financial Report, which includes special districts. He noted the majority of revenues received in January and February of 2007 tend to count towards 2006 revenues.

Speaking with regard to the ice storm on Monday, January 15th, Supervisor Barrett said approximately 4100 residents lost power. He reported the senior center was open as a warming center, town hall phones were manned until midnight, the RU OK program was put into effect and generators were placed at traffic lights. He thanked all the CERT

volunteers and all who helped out for their efforts.

Town Administrator Shahan reviewed the planned improvements for the Grooms Tavern, with the grand opening planned for April 14th, and will consist of various activities. He expects sidewalk, ramp and driveway improvements bids out in mid February.

#### PUBLIC PRIVILEGE ON RESOLUTIONS

Regarding the Agreement between the Town of Clifton Park and Arena Management, a request from the floor asked that a round figure estimate for the year be given as to the increase in "ice cut".

Resolution No. 17 of 2007, a resolution authorizing the Supervisor to sign a 3 year lease with Electronic Business Products for a Lanier LD 160c color copier for use by the Parks, Recreation & Community Affairs department.

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

WHEREAS, Myla Kramer, Director of Parks, Recreation & Community Affairs, has requested that a new color copier be leased for use by the Parks, Recreation & Community Affairs department, and

WHEREAS, the proposed cost for leasing the copier has been budgeted per the attached schedule; now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to enter into a lease agreement with Electronic Business Products for a Lanier LD 160c color copier, for thirty-six (36) months at a cost not to exceed \$508 per month, to be paid from A-7021-00323 (Parks, Recreation & Community Affairs-Copier).

Mr. Heggen explained it was decided to go with a three year lease rather than four as most copiers have a three year life span.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 18 of 2007, a resolution permitting the consumption of alcoholic beverages at the Locust Lane Clubhouse for a 60th birthday party event.

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

WHEREAS, Paige Rossi, 12 Locust Lane, has requested permission to serve alcoholic beverages on February 17, 2007 at the 60th birthday party event to be held at the Locust Lane Clubhouse, and

WHEREAS, it is the Town's policy to require the using group to monitor the consumption of alcohol and be responsible for the group's activities; now, therefore, be it

RESOLVED, that Paige Rossi, 12 Locust Lane, is authorized to serve alcoholic beverages on February 17, 2007, from 1:00-3:00 pm, at a 60th birthday party event being held at the Locust Lane Clubhouse, contingent upon the execution of an indemnification and a hold harmless agreement in favor of the Town and the provision of a certificate of liability insurance naming the Town as an additional insured and in a coverage amount acceptable to the Town.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 19 of 2007, a resolution permitting the consumption of alcoholic beverages at the Locust Lane Clubhouse for a Clifton Knolls, Mill Creek Civic Association event.

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

WHEREAS, Raymond Misiewicz, President of the Clifton Knolls, Mill Creek Civic Association, has requested permission to serve alcoholic beverages on March 3, 2007 at a Civic Association adults only event to be held at the Locust Lane Clubhouse, and

WHEREAS, it is the Town's policy to require the using group to monitor the consumption of alcohol and be responsible for the group's activities; now, therefore, be it

RESOLVED, that the Clifton Knolls, Mill Creek Civic Association is authorized to serve alcoholic beverages on March 3, 2007, from 8:00-11:00 pm, at a Civic association event being held at the Locust Lane Clubhouse, contingent upon the execution of an indemnification and a hold harmless agreement in favor of the Town and the provision of a certificate of liability insurance naming the Town as an additional insured and in a



coverage amount acceptable to the Town.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 20 of 2007, a resolution appointing Janis Dean to permanent status as Assistant Director of Planning of the Town of Clifton Park.

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

WHEREAS, the Saratoga County Department of Personnel has certified Janis Dean to permanent status on January 5, 2007 for the position of Assistant Director of Planning; for the Town of Clifton Park; now, therefore, be it

RESOLVED, that Janis Dean is appointed to permanent status in the position of Assistant Director of Planning effective January 5, 2007, as budgeted.

Councilman Speckhard commented on how gifted and talented Ms. Dean is.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 21 of 2007, a resolution appointing Jennifer Viggiani to the position of Open Space Coordinator for the Town of Clifton Park.

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

WHEREAS, the Saratoga County Department of Personnel has certified the position of Open Space Coordinator on January 5, 2007, and

WHEREAS, Jennifer Viggiani is currently the incumbent in the position and has been recommended to continue in the position; now, therefore, be it

RESOLVED, that Jennifer Viggiani is appointed to permanent status in the position of Open Space Coordinator for the Town of Clifton Park effective January 5, 2007, as budgeted.

Councilman Speckhard said Ms. Viggiani is a strong expert in the area of open space and there will be many benefits from her work.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 22 of 2007, a resolution approving IDA bonds to finance the Capital District YMCA project acquisition, construction and installation of the YMCA Childcare and Related Use Facility.

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

WHEREAS, to accomplish its stated purposes, the Town of Clifton Park Industrial Development Agency (the "IDA") is authorized and empowered under the provisions of Article 18-A of the New York State General Municipal Law (the "Act") to issue its civic facility revenue bonds to finance and refinance the cost of acquisition, construction and installation of one or more "projects" (as defined in the Act), to acquire, construct and install said projects or to cause said projects to be acquired, constructed and installed, and to convey or lease said projects with the obligation to purchase, and

WHEREAS, The Young Men's Christian Association of the Capital District, a New York not-for-profit corporation having an address of 465 New Karner Road, Albany, New York 12205 (the "Company"), has presented an application (the "Application") to the IDA, a copy of which has been filed with the IDA, requesting that the IDA consider undertaking: (A) to issue its civic facility revenue bonds in the principal amount not exceeding \$3,500,000.00 (the "Bonds") in order to finance all, or a portion of, the project described in the following paragraph (the "Project") together with certain costs related to such refinancing; and (B) to lease (with an obligation to purchase) or sell the Project Facility (as defined below) to the Company or such other person as may be designated by the Company and agreed upon by the IDA, and

WHEREAS, said Project consist of the following (1) the acquisition of an interest in a

certain parcel or parcels of land comprising approximately 3.93 acres located at 47 Clifton Country Road in the Town of Clifton Park, Saratoga County, New York (the "Land"), (2) the reconstruction of an approximately 19,000 square foot facility located on the Land for use as a childcare facility and a children's adventure center and related uses (the "Facility") and (3) the acquisition and installation in the Facility of certain machinery and equipment (the "Equipment" and together with the Land and the Facility, collectively, the "Project Facility"), and

WHEREAS, this Board has been advised by the IDA that it proposes to issue, subsequent to the adoption of this resolution, its civic facility revenue bonds from time to time in a principal amount sufficient to fund all, or a portion of, the cost of the Project, together with incidental costs in connection therewith, which principal amount is presently estimated to be approximately \$3,500,000.00, and

WHEREAS, the Company has requested that interest on the Bonds be treated by the Federal government as excludable from gross income for federal income tax purposes pursuant to Sections 103 and 145 of the Internal Revenue Code of 1986, as amended (the "Code"), and

WHEREAS, pursuant to Section 147 (f) of the Code, said interest will not be excludable from gross income for federal income tax purposes unless the issuance of the Bonds shall be approved by this Board after the IDA has conducted a public hearing thereon following reasonable public notice, and

WHEREAS, on November 6, 2006 the IDA held a public hearing to consider both the issuance of the proposed Bonds and the nature and location of the proposed Project, and a report of said public hearing has been made available to each member of this Board prior to this meeting, and

WHEREAS, pursuant to Section 147 (f) of the Code, this Board desires to allow the interest on the Bonds to be treated as excludable from gross income for federal income tax purposes; now, therefore, be it

RESOLVED, that, for the sole purpose of qualifying the interest payable on the Bonds for exclusion from gross income for federal income tax purposes pursuant to Section 147 (f) of the Code, this Board, as the elected legislative body of the Town of Clifton Park, New York, hereby approves the issuance of the Bonds by the IDA, provided that the Bonds, and the premium (if any) and interest thereon, shall be special obligations of the IDA, shall never be a debt of the State of New York, the Town of Clifton Park, New York, or any political subdivision thereof (other than the IDA), and that neither the State of New York, the Town of Clifton Park, New York nor any political subdivision thereof (other than the IDA) shall be liable thereon.

It was noted this will allow the YMCA to obtain tax free financing on the interest on the bonds at a better rate.

Councilman Roth asked what else will be in the building other than what is noted in the resolution. Ms. Maynard reported at a courtesy review at the Planning Board it was noted the building will be a childcare facility with interior changes for safety of the children and an outdoor play area.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 23 of 2007, a resolution authorizing the Supervisor to sign a 12 month contract with Thomson West/Westlaw for electronic legal research materials.

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

WHEREAS, Town Attorney Thomas McCarthy has requested the research materials be contracted for use by the Attorneys Office, and

WHEREAS, Westlaw electronic research materials provide a cost effective and space saving alternative to the creation of a full law library, while providing access to all necessary state and federal case law, statutes and regulations, as well as selected treatises, and

WHEREAS, the proposed cost for contracting the legal research materials has been budgeted per the attached schedule; now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to enter into a contract agreement with Thomson West/Westlaw, for electronic legal research materials of N.Y. Base CUSA & N.Y. CUSA Analytical, for twelve (12) months at a cost not to exceed \$104 per month, to be paid from A1420-007 (Legal-Dues).

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 24 of 2007, a resolution authorizing the amendment change to the

Management Agreement between the Town of Clifton Park and Arena Management Group LLC regarding the Clifton Park Ice Arena.

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

WHEREAS, Arena Management Group LLC has water treatment facilities and equipment in place to produce the highest quality ice for competitive skating, and

WHEREAS, Arena Management Group provides such systems for both ice rinks at the Clifton Park Ice Arena, including the rink utilized by the Town of Clifton Park, and

WHEREAS, the Management Agreement between the parties provides that the Town of Clifton Park will reimburse Arena Management Group LLC for the actual cost of each ice cut provided to the Town Rink, and

WHEREAS, the cost of the energy, electricity and water treatment systems has increased from \$2.00 per ice cut to \$4.00 per ice cut for the use of the Arena's treated water at the Facility, and

WHEREAS, the existing Management Agreement also provides that Arena Management Group will provide annual audited financial statements, but is silent as to the selection process for auditing firms and professionals, and

WHEREAS, the parties have met and mutually selected auditors charged with preparing such independent, audited financial statements, and

WHEREAS, the parties desire that the Management Agreement clarify and document actual practice regarding selection of auditors for the purpose of preparing annual audited financial statements; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign an amendment to the Management Agreement with Arena Management Group LLC, in order to compensate Arena Management Group LLC for the actual costs of providing high quality treated ice/water to the Town of Clifton Park operated rink at the Arena, and to document existing practice for the selection of auditors for the preparation of annual financial statements.

Councilman Roth addressed Mr. Goldman's comments from the January 8, 2007 Town Board meeting referring to "overdue certified audit". Councilman Roth stated the report was in the office on January 2nd. There is nothing in the agreement requiring a "certified" audit. He explained an RFP was prepared by Mr. Bobrow of Arena Management LLC, with town assistance, as it is the town's building and arena. Councilman Roth said it isn't specified in the Management Agreement as to how the RFP will be prepared and that is why this amendment is being added to the agreement. He said the Town Board does not participate in the audit. He further said he is not able to tell how

much of the information in the expenses was for ice cuts done during the year, however, he has seen electricity costs for the arena and the costs have significantly increased. Councilman Roth said he will have ice cut costs put together if Mr. Goldman still wants the information.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 25 of 2007, a resolution setting a public hearing to consider adoption of Local Law No. \_\_\_\_\_ of 2007, a Local Law amending Local Law No. 10 of 1967, The Zoning Code of the Town of Clifton Park, as amended and Local Law No. 3 of 1969 known as Planned Development District No. 2 – Light Industrial, (aka Systemations and 21st Century Park), as amended, to allow townhouses for seniors.

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

WHEREAS, an application to amend Local Law No. 3 of 1969, as amended, regarding the 21st Century Park PUD has been presented to the Town Board, and

WHEREAS, on December 15, 2006 the Planning Board provided a qualified positive recommendation to the Town Board, supporting the overall concept of senior housing at this site, but noted significant outstanding concerns; now, therefore, be it

RESOLVED, that a public hearing to consider Local Law No. \_\_\_\_\_ of 2007, a local law amending Local Law No. 10 of 1967, The Zoning Code of The Town of Clifton Park, as amended and Local Law No. 3 of 1969 known as Planned Development District No. 2 – Light Industrial, (aka Systemations and 21st Century Park), as amended, to allow townhouses for senior citizens is hereby scheduled for February 5, 2007 at 7:10 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park; and be it further

RESOLVED, that the Town Clerk shall publish appropriate notice of same.

#### ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Norman Goldman, London Square, read a prepared statement regarding the Trails, Ice Arena, New Position of Executive Assistant in Planning, and George Sarris.

Frank Berlin, Main St., read a letter from the Friends of Clifton Park Open Space dated January 16, 2007, attached.

Bill Koebbeman, Riverview Road, said he doesn't have the feeling that the Planning Board wants to hear from the public. He stated the public hearing isn't enough as changes will be made due to the public hearing and there no opportunity to comment on the changes. He asked if there was an education program for the ZBA and Planning Board when the western GEIS and zoning changes were adopted and to whom he could speak with in that regard. Supervisor Barrett responded Mr. Koebbeman can speak with him.

Mr. Berlin said there are an amazing number of people in town that volunteer in many different areas. He would like to see organizations list all the volunteer names and recommended having a recognition volunteer day or week. Supervisor Barrett said this has been discussed. Mr. Berlin further recommended researching getting water from the Town of Colonie.

Deputy Town Attorney Renzi spoke with regard to the George Sarris issue. He explained in 2003 he was Counsel to the Zoning Board of Appeals when Mr. Sarris made an application for a variance from one section of Town Code that has a five acre limitation on the harboring of poultry. The Zoning Board, after the hearing, denied the variance. He said at the December 18, 2006 meeting, ninety-nine percent of the forty minute discussion on the Sarris issue was on a different section of Town Code, that being the Land Conservation section. He explained that particular section deals with bulk and area minimum standards for carrying on certain activities within a Land Conservation zone. Deputy Attorney Renzi explained there is a 100,000 square foot minimum area requirement and Mr. Sarris' property contains approximately 70,000 square feet and this is the focus of the litigation. He stated Mr. Sarris has never applied for a variance from that section of code dealing with the Land Conservation zone.

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 10:04 p.m.

Patricia O'Donnell  
Town Clerk