

**Clifton Park Town Board Meeting Minutes  
February 26, 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**

Councilman Roth

Councilwoman Walowit

Supervisor Barrett

Town Clerk O'Donnell

Also Present: Town Attorney McCarthy

Mark Heggen, Comptroller

Kathleen Maynard, Director of Planning

Steven Myers, Director of Building and Development

Michael Shahan, Town Administrator

MOTION by Councilman Paolucci, seconded by Councilman Roth, to approve the minutes of the February 5 and 12, 2007 meetings as presented.

**ROLL CALL VOTE**

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth

Councilman Walowit, Supervisor Barrett

Noes: None

**MOTION CARRIED**

**ANNOUNCEMENTS AND COMMUNICATIONS**

Councilman Paolucci commended Superintendent of Highways Kukuk and the Highway Department staff for their excellent work in plowing and, in particular, the upkeep of the trails, during the last snowstorm.

Councilwoman Walowit reported on the Association of Towns meeting recommending a timekeeper at the public privilege portion of a meeting.

Supervisor Barrett expressed appreciation to Town Security for their efforts during the snowstorm.

### RECOGNITION

Supervisor Barrett recognized the Shenendehowa High School Cross Country Team and Coach Matt Jones for their outstanding year, achieving 1<sup>st</sup> Place at NYS Federation Championships, 1<sup>st</sup> Place State Class AA, and being ranked 7<sup>th</sup> nationally.

### REPORT TO THE BOARD

Joe McCrudden, Clifton Park Baseball, updated the Board on the 2006 World Series, noting Clifton Park has hosted four World Series. He reported between 30,000-40,000 people attended games, Saratoga County estimated the economic impact to be \$1.5 - \$2 million dollars during the week of the event, and 85 percent of hotel rooms were in Saratoga County. Mr. McCrudden presented a request, attached, for a \$25,000 town grant to sponsor the 2007 12 year-old Mid-Atlantic Regional Tournament and Upgrade Field 14.

Town Comptroller Heggen presented the January financial report, noting the majority of revenues received in January 2007 are 2006 revenues. He is in the process of closing the books for 2006.

Town Administrator Shahan, speaking with regard to the recent snowstorm on February 14th, said Town Hall was closed at 1:30 p.m. and Supervisor of Buildings and Grounds Handerman and most of his crew worked until 8:00 p.m. Regarding Grooms Tavern, Mr. Shahan explained due to a law effective January 1, 2007 a special crew had to come in since there was lead in paint on the walls. There will be a change order due to this work. He said Mike Handerman and his department are widening doors in order to make the entire downstairs ADA compliant. Mr. Shahan reported the work being done is coming in under budget.

### PUBLIC PRIVILEGE ON RESOLUTIONS

Bob Gauvreau asked if the public is notified when there are position openings. Mr. Shahan responded openings are usually posted on the website. Supervisor Barrett responded people come in and fill out applications all the time.

Norman Goldman said he would like to see openings announced. With regard to the amenity zoning request, he asked if the Town Board has addressed water issues.

Resident from Ray Road asked the Town Board to reserve their decision on the amenity zoning request until after the freeze and rains.

Resolution No. 53 of 2007, a resolution donating two (2) free hours of ice time for a CPYHA Hockey tournament.

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

WHEREAS, the Clifton Park Youth Hockey Association will be hosting the area Pee Wee Sectional Tournament February 23-25, 2007 at the Clifton Park Arena, and

WHEREAS, CPYHA has requested that the Town of Clifton Park donate free ice time for this event, and

WHEREAS, the Clifton Park Youth Hockey Association is a volunteer organization that supports local athletic competition, and charges no admission for this event, and

WHEREAS, the hosting of this event in the Town of Clifton Park confers a benefit to local businesses as well as the community as a whole; now, therefore, be it

RESOLVED, that the Town of Clifton Park will donate two (2) free hours of ice time for the Clifton Park Youth Hockey Association's Pee Wee Sectional Tournament.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 54 of 2007, a resolution authorizing the Supervisor to sign a purchase agreement with Image Data for a ScanPro1000 Microfilm Scanner for use by the Building & Development Department.

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

WHEREAS, Steven Myers has requested that a Microfilm Scanner be purchased for use by the Building and Development Department, and

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

RESOLVED, that the Town Supervisor is authorized to enter into a purchase agreement with Image Data, for a ScanPro1000 Microfilm Scanner, at a cost not to exceed \$4,995, to be paid from A-03620-0200 (Building & Development-Equipment)

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 55 of 2007, a resolution approving an amenity zoning request on the Earl Property located on Ray Road.

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

WHEREAS, under the Town's Open Space Incentive Zoning option, for a proposed subdivision in accordance with Section 208-43.16 of the Town Code, the applicant is requesting a density increase of up to 2 additional units in exchange for providing the public benefit of \$30,000 per unit for a total of \$60,000 to be placed in a dedicated Western Clifton Park Open Space Incentive Zoning Fund, and

WHEREAS, a project narrative, requested incentive and proposed amenity, subdivision calculations, site location map, constrained and unconstrained plan, and proposed layout was submitted to the Town Board in accordance with Section 208-43.16 of the Town Code, and

WHEREAS, the Planning Board conducted an advisory review of the proposal and held a Public Workshop for public input, and the Town Board has considered the Planning Board's advisory report, and

WHEREAS, the Town Board conducted a Public Hearing on January 8, 2007 to obtain public comments on the proposal, and

WHEREAS, an Environmental Assessment Form has been prepared for this proposal and the Town Board circulated a request to be Lead Agency under SEQRA for 30 days, and

WHEREAS, the Town Board has reviewed the Environmental Assessment Form and finds that the proposed project including the incentive can be adequately supported and will not significantly impact the environment nor reduce the availability of facilities for projects permitted as of right, and

WHEREAS, the proposal provides a public benefit of funding to be used towards securing permanent open space for the public; now, therefore, be it

RESOLVED, the Town Board hereby establishes itself as Lead Agency for this proposal under SEQRA and authorizes the preparation of a Negative Declaration and Findings Statement by the Town Engineering Consultant, and be it further

RESOLVED, that the Town Board hereby approves the density increase request of up to a maximum of 2 additional units for the property in exchange for open space benefits for the Town of Clifton Park and the applicant is hereby required to pay in full the amount of \$60,000 to be placed in the designated Western Clifton Park Open Space Incentive Zoning Fund, and such fund may only be utilized by the Town of Clifton Park to acquire lands and interests to lands in Western Clifton Park.

Ms. Maynard reported she, the town engineer and the applicant's consultant walked the property to look at the current situation and, at present, one house has been constructed on the property. She stated town engineer Joe Grasso felt there was not a direct correlation from the property being constructed and the standing water issue. Ms. Maynard said it is important to look at the proposed subdivision, not just for amenity zoning, but for the entire 13 units being proposed. She said they looked at potential measures to mitigate some of the issues discovered as result of site visit. Supervisor Barrett said there are 11 possible lots for development plus the 2 through amenity zoning. Ms. Maynard said the current house and driveway were designed and constructed as was needed to be. She said there are two minor maintenance concerns brought up, that being the two culverts that go under the roadway that allows the water to drain from the site. It is felt if they are cleaned out, it will help ensure the culverts will function as meant to but will not solve all the problems. Supervisor Barrett reported, in addition to the \$60,000 for the two lot amenity zoning, Mr. Earl will donate 43 acres as open space. He asked if this will help with the drainage. Ms. Maynard said another 3/10ths of an acre has been added by ACOE. It was noted wetlands on the property have been delineated but no sign-off has been received. Ms. Maynard explained 50 percent of the site is required to be set aside as permanent open space. She will contact Highway Superintendent Kukuk regarding specifics on cleaning the culverts.

Councilman Speckhard asked what the probability is of any negative effects with the water situation on Ray Road. Ms. Maynard said they did not find a correlation but she would highly recommend monitoring the area and it definitely bears more investigation.

Ms. Maynard stated she feels comfortable that there is not a connection with this direct project, however, she continued, that's not to say there is not potentially a larger situation to look at but at this point she trusts the technical knowledge that Mr. Grasso provided. Supervisor Barrett said this will be look at in depth during the Planning Board process.

Councilman Roth stated he cannot support the request as this appears to be an area identified in the GEIS as an agricultural portion, an open space resource and an area that should have special protection. If this is the case, he's not sure anything more than the base zoning, and maybe not even the base zoning, should be considered in this area. He's not sure 11 is a proper number. Councilman Roth is concerned with rainy springs, and he is not ready to create "Lake Clifton Park". He needs to see more information related to stormwater management, what is proposed, location of homes, and feels he doesn't have anything close to that to be able to render a decision. He said he has not seen an Environmental Assessment form for this project and would like to see correspondence from NYSDEC and ACOE regarding jurisdictional determinations. He expressed concern with standard statements being missing from forms.

Councilwoman Walowit does not recall getting an Environmental Assessment form. She noted the resolution states the project will not significantly impact the environment. Ms. Walowit said she is not ready to move forward with this resolution.

In response to Councilman Paolucci's question regarding wetland delineation, Ms. Maynard said ACOE wants to see updated mapping. The applicant's engineer, Scott Lansing, gave Ms. Maynard mapping that reflects 3/10<sup>th</sup> of an acre that has been added as part of the wetlands. Councilman Paolucci spoke in agreement with Councilman Roth, stating he did not envision cramming extra houses in between wetlands. He said he has a problem going forward simply because the delineation issue has not been defined. He doesn't think the site is conducive to adding extra houses. Councilman Paolucci stated this is not what the Board had in mind when talking about amenity zoning and he cannot move forward with the request.

MOTION BY Councilman Speckhard, seconded by Supervisor Barrett to table the resolution.

**ROLL CALL VOTE ON MOTION**

Ayes: Supervisor Barrett

Noes: Councilman Paolucci, Councilman Speckhard,  
Councilman Roth, Councilwoman Walowit,

**MOTION DEFEATED 4-1**

**ROLL CALL VOTE ON RESOLUTION**

Ayes: None

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

**RESOLUTION DEFEATED 5-0**

Supervisor Barrett said he would have liked to have gotten more information to make sure the Town Board is careful in their assessments but it is important to the look at the Town Board's responsibilities. He stated it is important to remember with the open space zoning, the amount of usable acreage is being divided by three.

Resolution No. 56 of 2007, a resolution awarding the bid for Contract No. 6- Electrical Work for the Grooms Tavern Building in the Town of Clifton Park.

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

WHEREAS, on February 13, 2007, bids were received for the above referenced contract, and

WHEREAS, the low bid for Contract No. 6- Electrical Work for the Grooms Tavern Building was submitted by the Phoenix Electric Co., Inc. in the total bid amount of \$28,447, and

WHEREAS, as per letter from McDonald Engineering, dated February 15, 2007, McDonald Engineering has reviewed the bids and has recommended to the Town Supervisor that the total bid in the amount of \$28,447 submitted by Phoenix Electric Co., 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 to Phoenix Electric Co., Inc. in the amount of \$28,447.

ROLL CALL VOTE

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

Noes: None

**DECLARED ADOPTED**

Resolution No. 57 of 2007, a resolution appointing Stacy Clifford to the Clifton Park Water Authority Board.

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

WHEREAS, there is a vacancy on the Clifton Park Water Authority Board due to the departure of John Marzola, whose term expires 12/31/08, and

WHEREAS, the Town Board has selected Stacy Clifford, 47 Sterling Heights, Clifton Park, to fill this vacancy; now, therefore, be it

RESOLVED, that Stacy Clifford, 47 Sterling Heights, Clifton Park, is hereby appointed to serve on the Clifton Park Water Authority Board to fill the remaining term of John Marzola through 12/31/08.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 58 of 2007, a resolution scheduling a public hearing to consider a Local Law of 2007 Emergency Access Systems.

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

WHEREAS, the Town of Clifton Park has recognized the importance of providing the Town's Emergency Services personnel rapid entry into locked buildings in the case of an emergency, and.

WHEREAS, the proposed legislation provides for the placement, in secured locked containers, of keys to important areas within a structure and information that may be vital and necessary to the health, safety and welfare of the occupants and responding emergency crews; now, therefore, be

RESOLVED, that a public hearing be held on Monday, March 12, 2007 at 7:10 p.m. in the Wood Memorial Room, 1 Town Hall Plaza, Clifton Park, to consider adoption of a Local Law of 2007 regarding Emergency Access Systems; and be it further

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

ROLL CALL VOTE



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

Noes: None

DECLARED ADOPTED

Resolution No. 59 of 2007, a resolution hiring a substitute driver for the Senior Express.

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

WHEREAS, a need exists for a substitute driver for the Senior Express, and

WHEREAS, James Krolak, 23 Terrace Ct, Ballston Lake, has been recommended to fill the position; now, therefore, be it

RESOLVED, that James Krolak, 23 Terrace Ct, Ballston Lake, be appointed to fill the position of substitute driver, for the Senior Express, at Grade 1, Step 3, to be paid from A6772-E666 (Community Support – Senior Support- Sub Driver), effective immediately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 60 of 2007, a resolution authorizing the Supervisor to sign a 36 month lease with Key Equipment Finance, Inc., with service provided by Repeat Business Systems, for a Ricoh Aficio 3045 Copier for use by the Town Clerk's Office.

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

WHEREAS, Patricia O'Donnell, Town Clerk, has requested that a new copier be leased for use by the Town Clerk's Office, and

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

RESOLVED, the Town Supervisor is authorized to enter into a lease agreement with Key Equipment Finance, Inc., with service from Repeat Business Systems, for a Ricoh Aficio 3045 copier, for 36 months at a cost not to exceed \$234 per month and service at \$.0079 per copy to be paid from A1410-003 (Town Clerk-copier).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Norman Goldman, London Square Drive, read a prepared statement reiterating his concerns with the “Executive Assistant–Planning Board” position in the Planning Department and with the Arena Financial Reports. Supervisor Barrett explained this was a typo from the County and should have read “Planning Department”.

Karen Nagy, Ray Road, thanked the Town Board for listening to residents’ concerns and for voting against the Ray Road resolution. She said the Board has to be careful about approving resolutions before receiving adequate information.

In response to Bob Gauvreau’s question regarding position openings, Mr. Shahan said notice of open positions would be on [cliftonpark.org](http://cliftonpark.org). Mr. Gauvreau stated he is available for appointment to any of the various town boards. Supervisor Barrett said a resume and application can be submitted to his office. Mr. Gauvreau agreed that Superintendent of Highway Kukuk is doing an excellent job.

George Sarris, Woodside Drive, agreed with the defeat of the amenity zoning for Ray Road resolution, stating only five units should be constructed on that land and there should be very strict conditions about the use of herbicides and pesticides because all of that will drain into the wetlands. He said not everything that is zoned residential should have a building on it.

Supervisor Barrett said landowners have rights and it is the town’s responsibility to manage growth properly. He said the new Western Clifton Park Zoning reduces density enormously.

Doug Shepherd, Birchwood Drive, asked the Town Board to consider getting rid of the problem of the two Birchwood Drives with the same Clifton Park mailing address as this is a serious situation. (Clerk’s note: one in the Town of Halfmoon and one in the Town of Clifton Park both with 12065 zip code). He congratulated the Town Board for taking

their time with the Ray Road issue. He stated it is very important to get a handle on the aquifer and water table that exist in the Ray Road area and to understand the connectivity. Mr. Shepherd further stated stormwater cannot be discharged into wetlands.

Youseff Ballout, Torrero Drive, agreed with the Town Board's decision regarding the amenity zoning request. He said it is important to look at the intent of open space zoning.

John Nagy, Ray Road, explained when the "Charlie Brown Park" land on Ray Road was donated to the town it was very wet and when it was filled in his land became very wet. He said trees are dying as his woods are wet year round. He would like to see the number of houses proposed reduced.

Mr. Goldman continued reading his statement. He applauded the decision taken by the Town Board regarding the amenity zoning request.

Councilman Paolucci said there are certain rights inherent in zoning and certain development that is allowed but it important to be more proactive as the town has been in trying to establish an open space fund and actively seeking out and purchasing open areas to preserve, as well as by changing the zoning to limit density. He said thirty years down the road there will be significantly less houses in Clifton Park because of the actions of this Town Board.

Supervisor Barrett, speaking with regard to the Ray Road project, explained the zoning creates a base line and even this base line may not be available based on further study. He noted this goes for any project.

Councilman Paolucci stated he believes in property rights and feels the Town Board has found a proper balance for the future of the town.

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

Motion carried at 9:11 p.m.

Patricia O'Donnell

Town Clerk