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April 9, 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 Hughes  
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  
Richard Kukuk, Superintendent of Highways  
Kathleen Maynard, Director of Planning  
Barbara McHugh, Director of Community Development  
Steven Myers, Director of Building and Development  
Michael Shahan, Town Administrator

#### ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett announced events planned for the Grand Re-Opening of Historic Grooms Tavern beginning April 14<sup>th</sup>. He further announced the April 16, 2007 Town Board meeting will be held at Grooms Tavern. Shuttle buses will be available at 6:00 p.m. at the Town Hall to bring people to the meeting.

#### PRESENTATION TO THE BOARD

Isabel Prescott, Chairman of the Friends of Historic Grooms Tavern, presented the Town Board with a check in the amount of \$3500 to be put toward restoration of the wagon shed and expressed appreciation for all the work the town has put into restoration of the Tavern.

Supervisor Barrett thanked Ms. Prescott and the Friends of Historic Grooms Tavern for their work in raising funds for the Tavern.

Joe Grasso, Clough Harbour & Associates, reported bid specs are being prepared for the Sherwood

Dawson Trail project. He reviewed the progress of the proposed trail beginning in 2005. He anticipates the bid opening, as well as the beginning of construction, in summer 2007 with the project taking two months for completion. The project consists of a 3200-foot long segment along the west side Route 146A from Route 146 to Dawson Trail and a second segment along the south side Kinns Road starting at Nottingham Way North and extending to a point across from Carlton Road. Mr. Grasso stated agreements have been reached for all easements and rights of way acquisitions and final contract documents and plans are being prepared for final sign off by Saratoga County Department of Public Works, as well as DOT. A full Environmental

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Jason Dell, Lansing Engineering, representing Massaroni Builders, described the subject property along Tanner Road consisting of 28.81 acres of which approximately 8.5 are wetlands leaving 20.27 acres of unconstrained land. The land is zoned Conservation Residential. The proposed project consists of seven lots with the additional two lots requested under amenity zoning. He reported the subdivision will result in 20.6 acres of permanent open space of which 12.3 acres is unconstrained land. The applicant will run water down Tanner Road to the proposed cul de sac, a sewer force main will connect to the existing Falcon Ridge subdivision and stormwater will be managed on site.

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

Norman Goldman, London Square Drive, said this request seems to follow the same pattern as the Ray Road project, which the Town Board did not approve, as it seems to be in the middle of wetlands.

Supervisor Barrett asked where the wetlands mapping stands at this point.

Mr. Dell said the mapping has been completed and the correspondence has been submitted to the town. The Army Corps of Engineers and DEC are currently reviewing the wetlands. He reported the ACOE is not issuing jurisdictional delineations for projects at this time.

Youseff Ballout, Torrero Drive, speaking with regard to the seven lots proposed, said there hasn't been approval regarding wetlands and urged the Town Board to step back and allow the process to take its full measure before any decisions are made regarding amenity zoning.

Director of Planning Maynard explained ACOE does not allow any development on federal wetlands and DEC does not allow development within the wetlands and additionally in the 100 foot buffer.

Supervisor Barrett said whatever the Town Board decision is regarding amenity zoning, the project will have to go through the full Planning Board process.

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 7:31 p.m.

#### PUBLIC PRIVILEGE ON RESOLUTIONS

In response to a question from the floor, Superintendent of Highways Kukuk stated there is a warranty on the Broom Sweeper.

Resolution No. 109 of 2007, a resolution authorizing Clough Harbor and Associates LLP to prepare plans, specifications and bid documents for Sherwood Dawson Trail.

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

WHEREAS, the Town Board has received the necessary contracts for acquisition of property, and has received a written letter of intent for the final rights of way and drainage easements necessary for the completion of the Sherwood Dawson Multi-Use Trail, and

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RESOLVED, that the Town Board hereby establishes itself as Lead Agency for this proposal under SEQRA and authorizes the preparation of a negative declaration findings statement by the Director of Planning; and be it further

RESOLVED, that the Town's consulting engineers are authorized to prepare plans, specifications and bid documents necessary to place the construction project for the Sherwood Dawson Trail out to bid pursuant to applicable laws for municipal projects.

Comptroller Heggen stated CHA's cost for preparation of bid documents is part of the original cost allocated in 2005.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 110 of 2007, a resolution authorizing John Scherer, Town Historian, to attend the Association of Public Historians Conference.

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

WHEREAS, the Director of Parks, Recreation and Community Affairs has recommended that John Scherer, Town Historian, be permitted to attend the Association of Public Historians Conference in New Hartford, New York, April 29-May 1, 2007, and

WHEREAS, John Scherer's attendance at the Association of Public Historian's Conference would confer a benefit to the Town; now, therefore, be it

RESOLVED, that John Scherer is authorized to attend the Association of Public Historians Conference in New Hartford, New York, April 29-May 1, 2007, at a cost not to exceed \$301 (\$163 for registration and \$138 for lodging) to be paid from budget line item A7510-1(Historian-Training/Conference).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 111 of 2007, a resolution authorizing Steven Myers, Director of Building and Development, to purchase a 2007 Dodge Durango 4x4 for use by the Building Department.

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RESOLVED, that Steven Myers, Director of Building and Development, is hereby authorized to purchase a Model Year 2007 Dodge Durango 4x4 under State Contract Group 40550, from Warnock Automotive Inc, East Hanover, NJ, as described in Schedule A, for use by Building Department personnel, at a cost not to exceed \$22,000 to be paid from A-3620-200 (Building-Equipment), as budgeted.

A discussion ensued on the use of hybrid vehicles. It was noted they are costly and would not fit the needs of the town at this time.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 112 of 2007, a resolution setting a Public Hearing for May 7, 2007 at 7:10 p.m. regarding re-establishing Hotel/Motel parking requirements within the Town Code.

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

WHEREAS, it is necessary to re-establish parking requirements for Hotels/Motels and deleting reference to Section 208.90; now, therefore, be it

RESOLVED, a public hearing is hereby scheduled for May 7, 2007 at 7:10 pm in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, regarding re-establishing Hotel/Motel parking requirements within the Town Code; and be it further

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

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 113 of 2007, a resolution setting a Public Hearing for May 7, 2007 at 7:20 p.m. regarding a proposed amendment to the International Center PDD.

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

WHEREAS, a request has been received requesting a change to Local Law No. 10 of 1999, Article XLI (41), The International Center PDD, and

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Director of Planning Maynard reported this project has received approval from the Historic Preservation Commission.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 114 of 2007, a resolution awarding the bid for a Six Wheel Broom Sweeper for the Town's Highway Department.

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

WHEREAS, Highway Superintendent Richard Kukuk has identified a need for a new Six Wheel Broom Sweeper with a conveyor belt, and

WHEREAS, on March 15, 2007, bids were publicly opened and read and the bid of Wm. H. Clark Municipal Equipment Inc. in the amount \$164,979 has been determined to be the only responsible bidder for the appropriate equipment needed by the Highway Department, and

WHEREAS, Richard Kukuk has reviewed the bid and has recommended that the bid of Wm. H. Clark Municipal Equipment Inc., 589 Third Ave Extension, Rensselaer, of \$164,979 be accepted; now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced bid in the amount of \$164,979 to Wm. H. Clark Municipal Equipment Inc., to be paid from DAO-5130-00219 (Highway-Machinery & Equipment).

Superintendent of Highways Kukuk reported with proper maintenance this sweeper should last 10-20 years. It was noted this will be a 5-year lease.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 115 of 2007, a resolution hiring summer help for the Buildings and Grounds Department.

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

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ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 116 of 2007, a resolution awarding a contract for twelve tree plantings and mulch installation in the Clifton Knolls Park District.

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

WHEREAS, quotes were received by the Town Board, acting as Commissioners of the Clifton Knolls Park District, for tree plantings and mulch installation in the Clifton Knolls Park District, and

WHEREAS, the lowest conforming quote for the work to be done totaled \$3,116 from Mandy's Spring Nursery, Inc.; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Clifton Knolls Park District, hereby awards the contract to Mandy's Spring Nursery, Inc., County Rt. 2, Granville, NY, for twelve tree plantings and mulch installation at the Clifton Knolls Park District, at a cost not to exceed \$3,116 to be paid from SP37131-24 (Clifton Knolls Park District-Maintenance).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 117 of 2007, a resolution proclaiming August 7, 2007 as "National Night Out".

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

WHEREAS, the "24th Annual National Night Out" provides a unique opportunity for Clifton Park to join forces with thousands of other communities across the country in promoting cooperative police-community crime prevention efforts, and

WHEREAS, the Town Citizen Corps Council and CERT members play a vital role in assisting the State Police and Sheriff's Department through joint crime, drug and violence prevention efforts in the Town of Clifton Park and are supporting "National Night Out 2007" locally, and

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organizing a Youth Foul Shooting Contest on the Clifton Common, at 6:00 PM on August 7, 2007, in support of National Night Out; now, therefore, be it

RESOLVED, that we, the Clifton Park Town Board, do hereby call upon all citizens to join us, the Citizen Corp Council and the National Association of Town Watch in supporting the "24<sup>th</sup> Annual National Night Out" on August 7, 2007; and be it further

RESOLVED, that the Clifton Park Town Board hereby proclaims August 7, 2007 as "National Night Out" in Clifton Park.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Roth,  
Councilwoman Walowit, Supervisor Barrett  
Noes: None

DECLARED ADOPTED

Resolution No. 118 of 2007, a resolution authorizing Lorraine Varley, Receiver of Taxes, to attend the New York State Association of Towns Tax Collectors Seminar.

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

WHEREAS, the New York State Association of Towns will be holding its annual meeting from June 10-13, 2007 in Syracuse, consisting of seminars and other educational meetings, and attendance at those seminars and meetings would provide a public benefit to the Town; now, therefore, be it

RESOLVED, that the Comptroller is authorized to reimburse Lorraine Varley, Receiver of Taxes, for the registration fee in the amount of \$85, lodging for 3 days in the amount of \$505, and for reasonable transportation associated for attending the New York State Association of Towns Tax Collectors Seminar held in Syracuse, NY, June 10-13, 2007, to be vouchered appropriately and to be paid from A – 1330-1 (Receiver of Taxes-conferences).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Roth,  
Councilwoman Walowit, Supervisor Barrett  
Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Bill Mackesey, South Hollow Drive, thanked the Town Board and Town Attorney McCarthy for their work in moving the Sherwood Dawson Trail forward. He also thanked all involved with the Trails Forum held April 5<sup>th</sup> reporting there are a great number of people in favor of a trail from Englemore Road to Crescent Road.

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

Motion carried at 8:20 p.m.

Patricia O'Donnell  
Town Clerk