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January 14, 2008

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 arrived at 7:40 p.m.
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
Michael Shahan, Town Administrator

MOTION BY Councilman Roth, seconded by Councilwoman Walowit, to approve the minutes of the January 2, 2008 organizational meeting and the January 2, 2008 regular meeting as presented.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Director of Parks, Recreation and Community Affairs Kramer reviewed events planned for Winterfest to be held February 9, 2008.

Ms. Kramer introduced Shenendehowa High School students of Sallie Way's Design class, Ryan Traver and Patty Massa, winners of the Riverdays and Winterfest logo contest respectively, who explained their designs.

PRESENTATION TO THE BOARD

Paul Olund, Environmental Design Partnership, reviewed design of the proposed trail through Countrymen Estates North, showing boundaries, access points, and parking area. He reported undeveloped town parkland is located in the Stoney Creek Park District No. 1 and the park district has asked that a use plan be developed for the area. Mr. Olund said he has walked the site, met with the park district representatives to discuss various uses and based upon the meetings, a trail plan is being proposed. He reviewed the three neighborhood pedestrian accesses and the proposal of a stone dust path. Mr. Olund said there are classified wetlands on the site and it will be necessary to go through a permitting process to get across some of the wetlands. He will speak with the Highway Department regarding the proposed parking off Moe Road consisting of 5-6 spaces.

Supervisor Barrett stated it is important to minimize the impact to area homeowners.

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Councilman Paolucci asked if there has been any conversation with homeowners in the area. Mr. Olund said he has not spoken with homeowners but thinks the park district representatives have been in touch.

From the floor, park district representative reported a public meeting was held in June 2007.

Mr. Olund said they are asking the town to authorized further work to make sure all the requirements for conceptual design are satisfied in order to move on to do permitting work with DEC. He reported less than a tenth of an acre would be disturbed for the small bridge/footpath. The total length of the trail is 4500-5000 linear feet. Mr. Olund said none of the accesses are on private property; however, there is a property land ownership question at access B. He said a small playground may be installed near the Moe Road parking lot but basically the best use of the land is passive recreation. He reported tree disturbance will be minimal and the existing rough trails may be used if appropriate.

Brian Easton, Stoney Creek Park District No. 1, spoke from the floor stating the results of the survey were 7-1 in support of trails.

Councilman Paolucci asked for the cost estimate. Mr. Olund it depends on the width of the path, 6 to 8 feet, possibly in the \$40/linear foot range though this estimate is on the high side.

Mr. Easton said \$140,000 has been targeted for this project which could be incrementally done and there is no intention of bonding.

Hugh Matthews, Liberty Way, stated this is a significant amount of money for a stone dust trail. He said the results of the survey were never sent back to the residents. Mr. Easton said results were posted on the website. Mr. Matthews said further investigation should be done. He asked what provisions would be made that cars would not drive on the trail as it would be accessible to vehicles... Mr. Olund responded signage could be used. Mr. Matthews said Liberty Way is a "high speed" connection for people to drive from Moe Road to Lapp Road. He expressed concern with transient cars parking on Liberty Way. He stated he is against a \$200,000 walking trail. Supervisor Barrett asked Mr. Matthews to please call him.

Jonathon Fairbanks, Bridle Path, spoke in opposition to the proposed trail. He reported he walks the existing trails everyday in good weather and the trail doesn't need to be changed. He said the developers of Countrymen Estates North developed, at great expense, wetlands, aquatic vegetation, and numerous trees and off road vehicles started driving through causing damage and noise. He said the Moe Road access A is at a curve where the sight line is poor and there is planned litigation at access B where the resident has taken the property by adverse possession. Mr. Fairbanks stated any improvements to the trails will encourage ATVs and snowmobiles. He said there is a bridge behind his house that was put in by the Water Authority. The Supervisor said he will walk the existing trail with Mr. Fairbanks.

Supervisor Barrett reviewed concerns heard this evening: 1) access points, 2) there is a trail systems currently in existence, 3) people from outside the neighborhood will be using the trails and parking on the roads, 4) additional traffic, 5) wetland concerns, and 6) cost.

Comments from the floor that the Moe Road parking lot will be a gathering spot for unsupervised teenagers, the access near Huntwood will have an environmental impact, access B is very invasive, and questioned how people will determine what is private property and what is town parkland.

Norman Goldman recommended people come and speak at the podium rather than from the floor.

Virginia Parson, from the floor, stated the parking area proposed is very dangerous.

Mr. Olund suggested bollard posts be used at the access points to prevent motorized vehicles from driving on the trail.

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Councilwoman Walowit asked if the \$200,000 includes posts and fencing. Mr. Olund responded yes but stated the \$200,000 is a high estimate and asked not to be held to that figure. He explained the cost would depend on trail widths and surface and the project can be prioritized and done in phases.

Councilman Paolucci said the Presentation this evening is to give the Town Board information to consider spending \$6100 to further study the site to see what is feasible.

Paul Bylenock, from the floor, said the most important thing at this point is if a stone dust trail can be done and in order to get an answer, a permit must be received from DEC. He said if a stone dust trail cannot be done, it may change the whole concept.

Comment from the floor asked that survey results and plans be made available to residents of the area before \$6100 is spent.

Concern from the floor regarding size of equipment to be used and amount of trees to be removed.

Supervisor Barrett said there would be some minor clearing.

REPORTS TO THE BOARD

Town Comptroller Heggen reported most January and February revenues, e.g. sales tax and cable, are classified as 2007. He said there is a good handle on encumbrances. The interfund transfer that Highway receives from Clifton Knolls Leaf District is not included in the Highway fund as yet.

Town Administrator Shahan reviewed the 2007 Security Staff Report, noting number of appearance tickets written: after hours in the park - 115 tickets, alcohol in the parks - 49 tickets, noise complaints – 11 tickets, burning – 18 tickets, parking – 519 tickets. Court Officer reported 11,916 court attendees for 2007.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 10 of 2008, a resolution honoring the memory of former Town Councilman, Deputy Supervisor and Planning Board member, John A. Palm.

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

WHEREAS, John A. Palm, who served the Town of Clifton Park as Town Councilman from May of 1971 to 1985, Deputy Supervisor from 1977 to 1983 and as a member of the Planning Board, from 1966 to 1971, died on January 3, 2008, and

WHEREAS, Mr. Palm was a respected member of the community and an active member of the Jonesville United Methodist Church where he served on many committees, and

WHEREAS, Mr. Palm was also a member and past president of the Burnt Hills-Ballston Lake Rotary and was past vice chairman of the Shenendehowa PTA; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park and the community as a whole, expresses both sorrow at the loss of Mr. Palm and sympathy to the family and pauses in its deliberations to recognize his service to his community and to honor his memory.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

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Resolution No. 11 of 2008, a resolution honoring Joshua Michael Ellis for attaining the rank of Eagle Scout.

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

WHEREAS, Joshua Michael Ellis, 4 Berkshire Drive East, Clifton Park, of Boy Scout Troop 246, has attained the rank of Eagle Scout, and

WHEREAS, Joshua has earned twenty-one merit badges and has served his troop in a variety of leadership roles, including Troop Quartermaster and Assistant Senior Patrol Leader, and

WHEREAS, for Joshua's Eagle Scout Project he completed a major community service project which entailed leading a group of adult and youth volunteers to upgrade, restructure, and renovate, the baseball field at the Double H Hole in the Woods Ranch in Lake Luzerne, New York, and

WHEREAS, Double H Hole in the Woods Ranch is used by kids and teens, ages six to sixteen, with critical illnesses; now, therefore, be it

RESOLVED, that Joshua Michael Ellis, 4 Berkshire Drive East, Clifton Park, of Boy Scout Troop 246, is hereby recognized and honored for having attained the rank of Eagle Scout.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 12 of 2008, a resolution rescheduling the February 19, 2008 Town Board Meeting to February 25, 2008.

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

WHEREAS, members of the Town Board will be attending the Association of Towns Meeting in New York as scheduled for February 17-20, 2008, and

WHEREAS, the third Town Board Meeting for the month of February is scheduled for February 19, 2008; now, therefore, be it

RESOLVED, that the Town Board Meeting scheduled for February 19, 2008 is hereby rescheduled to February 25, 2008 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 Hughes, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

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Resolution No. 13 of 2008, a resolution authorizing Philip Barrett, Lynda Walowit, Michael Shahan, Janice Semanek, Thomas Paolucci, Scott Hughes, and Thomas McCarthy to attend the Association of Town's Meeting.

Introduced by Councilman Roth who moved its adoption, seconded by Supervisor Barrett.

WHEREAS, the New York State Association of Towns will be holding its annual meeting from February 17-20, 2008 in New York City, 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 Philip Barrett, Lynda Walowit, Michael Shahan, Janice Semanek, Thomas Paolucci, Scott Hughes and Thomas McCarthy for reasonable transportation and lodging after attending the New York State Association of Town's meeting in New York City from February 17-20, 2008, to be vouchered appropriately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 14 of 2008, a resolution reappointing Susan Nielsen as Clerk to the Town Justice.

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

WHEREAS, it is desirable to reappoint Susan Nielsen as Clerk to the Town Justice-Exempt; now, therefore, be it

RESOLVED, that Susan Nielsen, 7 Sandalwood Drive, Clifton Park, is re-appointed as Clerk to the Town Justice-Exempt, with term to expire December 31, 2008, at a salary as budgeted.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 15 of 2008, a resolution of support of the Association of Town's positions to be voted on at the Association of Town's Meeting.

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

WHEREAS, the Association of Town's Annual Meeting will be held February 17-20, 2008, and

WHEREAS, resolutions concerning various topics have been prepared by the Association of Town's Resolutions Committee and sent to the Town's to review prior to the annual meeting; now, therefore, be it

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RESOLVED, that the Town Board, after having reviewed the resolutions, has authorized Delegate Lynda Walowit to vote to adopt the proposed resolutions on behalf of the Town of Clifton Park.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 16 of 2008, a resolution authorizing Environmental Design Partnership to prepare Phase II, of the design for parkland development in Countrymen Estates North.

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

WHEREAS, Resolution No.342 of 2006, at the request of the Stony Creek Park District No. 1 advisory committee, authorized Environmental Design Partnership to create a conceptual design for development of parkland located northwest of the Countrymen Estates North subdivision, and

WHEREAS, the Town Board now wishes to authorize Environmental Design Partnership to prepare Phase II of the design which includes verification of current wetlands, delineation and stakeout, DEC permitting for trails to cross wetlands and for general project coordination for parkland development in Countrymen Estates; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Stony Creek Park District No. 1, hereby authorizes Environmental Design Partnership to prepare Phase II of the design for parkland development, at a cost not to exceed \$6100, to be paid from SP9-7145-200 (Stony Creek Park District No. 1, Countrymen Estates North-Equipment).

Councilman Roth said in fairness to residents and people who spoke this evening, he would like to table this resolution until the first meeting in February in order to give the Supervisor and Open Space Coordinator Jennifer Viggiani a chance to look at the area. Supervisor Barrett asked Town Attorney McCarthy when the legal issue might be resolved. Mr. McCarthy said he can't give a definitive timeframe but expects the park district to be able to have pedestrian access through area designated B on plan. Comment from the floor stating delay is not of major concern. Supervisor Barrett thanked Brian Easton and the park district volunteers for the time and effort put into this project.

MOTION TO TABLE by Councilman Roth, seconded by Councilman Paolucci.

ROLL CALL VOTE ON MOTION

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

Noes: None

MOTION CARRIED

Resolution No. 17 of 2008, a resolution authorizing the Supervisor to sign contracts with 2008 Summer Recreation Independent Contractors, per Schedule "A".

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

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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 2008 Summer Recreation Independent Contractors, per Schedule "A".

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 18 of 2008, a resolution reappointing Mark Kazmierczak as Chairman of the Historic Preservation Commission.

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

WHEREAS, Mark Kazmierczak, 394 Vischer Ferry Road, has been serving as the temporary Chairman of the Historic Preservation Commission, and

WHEREAS, the Town Board wishes to reappoint Mark Kazmierczak, as Chairman of the Historic Preservation Commission; now, therefore, be it

RESOLVED, that Mark Kazmierczak, 394 Vischer Ferry Road, a member of the Commission, is hereby appointed as Chairman of the Historic Preservation Commission, for a one year term, term to expire December 31, 2008.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 19 of 2008, a resolution placing the title of Town Attorney on the Town of Clifton Park's Salary Matrix.

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

WHEREAS, Town Administrator Michael Shahan has recommended that the title of Town Attorney be placed on the Town of Clifton Park's Salary Matrix along with all other Full Time Titles; now, therefore, be it

RESOLVED, that the title of Town Attorney is hereby placed on the Salary Matrix, at Grade 14, Step 9, Year 2; and be it further

RESOLVED, that the annual salary difference of \$172 be paid with a transfer of \$172 from A-1420-1(Legal-Travel & Conferences) to A-1420-E693 (Legal-Employee).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

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Resolution No. 20 of 2008, a resolution appointing Laura W. Andruski as Chairperson of the Community Arts and Culture Commission and Sally Burke as Secretary to the Commission.

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

WHEREAS, a need exists for a Chairperson and a Secretary for the newly created Community Arts and Culture Commission, and

WHEREAS, Laura W. Andruski has been recommended to be the Chairperson of the Commission and Sally Burke the Secretary; now, therefore, be it

RESOLVED, that Laura W. Andruski, 7 Sylvan Lane, Clifton Park, is hereby appointed as Chairperson of the Commission; and be it further

RESOLVED, that Sally Burke, 9 Evergreen Terrace, Ballston Lake, is hereby appointed as Secretary to the Commission at Grade 1, Step 1, \$11.70 per hour, not to exceed \$480, to be paid from A-7750-2200 (Community Arts and Culture Commission-Secretary).

Councilman Roth reported the Commission has had their first meeting and the members' talents are most impressive. He noted this Commission was former Councilman Speckhard's vision. Meetings are scheduled for the 3rd Tuesday of the month except July and August.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 21 of 2008, a resolution scheduling a public hearing to consider adoption of Local Law No. _____ of 2008, a Local Law providing for the creation of Conifer Village Senior Housing Planned Development District.

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

WHEREAS, an application has been presented to the Town Board for a senior housing development, and

WHEREAS, on November 20, 2007 the Planning Board provided a qualified positive recommendation to the Town Board supporting the overall concept of senior housing at this site; now, therefore, be it

RESOLVED, that a public hearing to consider Local Law No. _____ of 2008, a local law providing for the creation of Conifer Village Senior Housing Planned Development District is hereby scheduled for February 4, 2008 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.

Supervisor Barrett explained the applicants are under a time constraint and need an answer from the Town Board by the end of February in order to get their application into the state in hopes of getting tax credits awarded to the project.

Councilman Paolucci said this site is in the Corporate Commerce zone which was excluded from the Western Clifton Park study as a GEIS had already been done. This is the second substantial change from Corporate Commerce type activity to a more residential nature. He stated, though

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he is in favor of the senior housing, he questions moving forward without the Town Board considering what is going to be done with the Corporate Commerce zone. Councilman Paolucci said traffic impacts from the project on the northern side of Route 146 are still unknown. He feels there are other ramifications to approving this project and will be voting no on this resolution.

ROLL CALL VOTE

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

Noes: Councilman Paolucci

DECLARED ADOPTED

PUBLIC PRIVILEGE

Norman Goldman, London Square Drive, said he was surprised that the Board even considered the Stoney Creek Park District No. 1 resolution this evening since certain information was only available on the web and the sketch in hand is not as detailed as the plans presented. Mr. Goldman reiterated his concerns regarding the arena management report from a few years back.

Jim Baisley, Barkwood Lane, representative from the Huntwood development to the Stoney Creek Park District No. 1, speaking with regard to the proposed trail, said residents of the park district received a letter inviting them to tonight's Town Board meeting. He reported the park district has been working on trail plans for three years. Mr. Baisley further reported the park district holds a meeting every month and once or twice a year mailings are sent to residents. He distributed pictures of the 20 foot easement that goes between two houses. He said it has been left up to those residents as to the type of screening they would like. Mr. Baisley stated if residents see or hear motorized vehicles on town property they should call town Security.

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

Motion carried at 9:00 p.m.

Patricia O'Donnell
Town Clerk