

February 11, 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
Councilman Roth
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Also Present: Town Attorney McCarthy
Michael Handerman, Supervisor of Buildings and Grounds
Mark Heggen, Comptroller
Myla Kramer, Director of Parks, Recreation and Community Affairs
Barbara McHugh, Director of Community Development
Steven Myers, Director of Building and Development
Michael Shahan, Town Administrator
Walter Smead, Assessor

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett thanked all involved in making the Winterfest a huge success.

Resolution No. 37 of 2008, a resolution commemorating the 40th anniversary of the Clifton Park Summer Recreation Program.

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

WHEREAS, in 1967 the newly organized recreation committee of the Clifton Park Republican Club announced that a Summer Recreation Program for youngsters of the Town was the aim of the committee, and

WHEREAS, the Clifton Park Republican Club started the ball rolling with a contribution of \$150 and \$3,500 was contributed by the Town of Clifton Park, as well as donations from other community groups and organizations, and

WHEREAS, Eugene Stefanacci, a faculty member in Shenendehowa's physical education department, was the first Summer Recreation Director, and

WHEREAS, in 1968, when the full program began, participants included 5,043 boys and girls who attended the Summer Recreation Program where the activities included swim day at Saratoga State Park Pool, Arts and Crafts, Storytelling, Singing, Tennis, Field Days, Learn to Swim and Adult Physical Fitness, and

WHEREAS, in 1968, when the full program began, William K. Collins was the Chairman of the Clifton Park Summer Recreation Commission and the Town of Clifton Park appropriated \$7,100 for that year's Summer Recreation Program, and

WHEREAS, in 2007 participants included 23,077 adults and seniors who attended 26 summer recreation programs, as well as 5,465 people who were pool members and staff at the camps numbered 94 and staff at the pools, 67, and

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WHEREAS, in 2008 the summer recreation program will have grown to include one full day camp, five half day camps, one pre-school camp, and twenty-two other recreation programs for residents of all ages; now, therefore, be it

RESOLVED, that the Town Board, on behalf of the many residents past and present who have availed themselves of the many Summer Recreation programs over the past forty years, wish to thank all who have supported and worked to create the Town of Clifton Park Summer Recreation Program as we know it today.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Supervisor Barrett presented the following resolution to Gene Stefanacci, expressing appreciation to him for his dedication and service to the Town of Clifton Park. Mr. Stefanacci served at Town Councilman from 1988 to 1991. He noted one of the first projects in 1967 was to clear the area for Collins Park on Moe Road.

Resolution No. 38 of 2008, a resolution honoring the first Town of Clifton Park Summer Recreation Director, Eugene J. Stefanacci, Jr.

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

WHEREAS, in 1967 the first Summer Recreation Program was held for the youngsters of the Town of Clifton Park funded by donations from various organizations, as well as a contribution from the Town, and

WHEREAS, in 1967 Eugene J. Stefanacci, Jr., a faculty member in Shenendehowa's physical education department, became the first Summer Recreation Director, and

WHEREAS, during that first Summer Recreation Program Mr. Stefanacci conducted weekly registrations to determine the needs for the following week and then planned accordingly, and

WHEREAS, in 1968 when the full program began under Mr. Stefanacci, the Town funded programs were expanded and participants included five thousand forty three boys and girls who attended the Summer Recreation Program where the activities included swim day at Saratoga State Park Pool, Arts and Crafts, Storytelling, Singing, Tennis, Field Days, Learn to Swim and Adult Physical Fitness; now, therefore, be it

RESOLVED, that the Town Board pause in its deliberations to honor Eugene J. Stefanacci, Jr., 6 Wooddale Drive, Ballston Lake, for his contribution to the community, especially to the youth of Clifton Park who have benefited from the vision of Mr. Stefanacci some forty years ago.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

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PUBLIC HEARING, 7:10 PM
TO CONSIDER A LOCAL LAW REGARDING
PARTIAL EXEMPTION FROM RESIDENTIAL PROPERTY TAXES ON PROPERTY
OWNED AND OCCUPIED BY VETERANS OF THE COLD WAR

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on February 7, 2008.

Town Assessor Walter Smead summarized the proposed local law explaining this is for veterans who did not serve during war time and, therefore, were not entitled to a real property exemption. This proposed legislation fills in that gap and allows those veterans to apply for an exemption. Mr. Smead said this is a "peace time" exemption and gives those veterans a 15 percent exemption with a \$12,000 cap, which is equalized. If the veteran is disabled, even during peace time, there is a \$40,000 cap that is also equalized. He stated the exemption lasts for ten years and reviewed necessary paperwork. Mr. Smead stated this does not apply to school taxes.

Town Attorney McCarthy noted this falls under the 1998 National Defense Authorization Act that recognizes Cold War Veterans.

Supervisor Barrett read the definition of Cold War Veteran as follows: "A male or female who served on active duty for a period of more than 365 days in the United States armed forces during the time period from September 2, 1945 to December 26, 1991 and who was discharged or released there from under honorable conditions and has been awarded the Cold War recognition certificate as authorized under Public Law 105-85, the 1998 National Defense Authorization Act".

The public hearing was opened for comments from the audience at 7:15 p.m.

Margaret Catellier, Royal Oak Drive, asked if there is an estimate of the number of people that would benefit from this. Mr. Smead replied it would be a minimal impact. He explained it is a state law that is administered by the town. Mr. McCarthy explained the state legislature amended the Real Property Tax Law to enable municipalities to provide this exemption if they chose. Ms. Catellier stated it was a "great idea".

Pam Marshall, Fairlawn Court, said people in this age category are probably getting the senior exemption and asked which would apply first, senior or veteran. Mr. Smead responded there is a formula and the senior and other percentage exemptions are usually done first and fixed dollar amounts are done last. He reiterated the veteran's exemption does not apply to school taxes.

Jim Baisley, Barkwood Lane, asked if the county is going to apply for this exemption. Mr. Smead replied once the town adopts the legislation, it affects the county tax. Supervisor Barrett asked if the county can adopt blanket legislation for all municipalities. Mr. Smead will research the county's role.

Supervisor Barrett said the proposal is a good one and the town should take advantage of any tax break available to veterans.

Councilman Hughes said it is appropriate that the Cold War Veterans get some type of recognition.

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 7:27 p.m.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 39 of 2008, a resolution awarding a contract for landscaping services for the Sherwood Forest Park District.

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

WHEREAS, quotes were received by the Town Board, as Commissioners of the Sherwood Forest Park District, for landscaping services for the District, and

WHEREAS, the only quote for the work to be done, which includes mowing, trimming of shrubs and trimming in the Sherwood Forest Park District, was submitted by Staucet's Landscaping LLC, Chevy Chase Lane, Clifton Park, in an amount not to exceed \$8275; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Sherwood Forest Park District, hereby awards the contract to Staucet's Landscaping, Clifton Park, for landscaping services at the Sherwood Forest Park District, at a cost not to exceed \$8275, to be budgeted from SP87125-24 (Sherwood Forest Park District-Maintenance).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 40 of 2008, a resolution awarding a contract for landscaping services for the Wyncrest Park District.

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

WHEREAS, quotes were received by the Town Board, as Commissioners of the Wyncrest Park District, for landscaping services for the District, and

WHEREAS, the lowest conforming quote for the work to be done which includes mulch, work, and installation of a landscape wall, was submitted by Silverleaf Landscaping, 2 Christopher Way, Clifton Park, in an amount not to exceed, \$3120; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Wyncrest Park District, hereby awards the contract to Silverleaf Landscaping, Clifton Park, for landscaping services for the Wyncrest Park District, at a cost not to exceed \$3120, to be budgeted from SP11-7140-24(Wyncrest Park District-Maintenance).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 41 of 2008, a resolution awarding a contract for landscaping services for Settler's Hill Park District.

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

WHEREAS, quotes were received by the Town Board, as Commissioners of the Settler's Hill Park District, for landscaping services for the District, and

WHEREAS, the lowest conforming quote for the work to be done, which includes, mulch work, mowing, trimming, weeding, fertilizing and seed and dirt work, was submitted by

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Silverleaf Landscaping, 2 Christopher Way, Clifton Park, in an amount not to exceed, \$3235; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Settler's Hill Park District, hereby awards the contract to Silverleaf Landscaping, Clifton Park, for landscaping services for the Settler's Hill Park District, at a cost not to exceed \$3235, to be budgeted from SP13-7146-24(Settler's Hill Park District-Maintenance).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 42 of 2008, a resolution awarding a contract for maintenance of nine gardens in the Clifton Knolls Park District.

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

WHEREAS, quotes were received by the Town Board, as Commissioners of the Clifton Knolls Park District, for the maintenance of nine gardens in the Clifton Knolls neighborhood, and

WHEREAS, the only quote for the work to be done, which includes clean-up, weeding, mulching, fertilizing and planting for the season, was submitted by Rainbow Gardens, 42 Par Del Rio Drive, Clifton Park, in an amount not to exceed \$9500; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Clifton Knolls Park District, hereby awards the contract to Rainbow Gardens, Clifton Park, for maintenance of nine gardens in the Clifton Knolls Park District, at a cost not to exceed \$9500, to be budgeted from SP37131-24 (Clifton Knolls Park District).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 43 of 2008, a resolution awarding a contract for landscaping services for Clifton Knolls Park District.

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

WHEREAS, quotes were received by the Town Board, as Commissioners of the Clifton Knolls Park District, for landscaping services for the District, and

WHEREAS, the only quote for the work to be done, which includes, weeding, fertilizing, spade mulch at the playgrounds and on Locust Lane, was submitted by Cliffside Services, Inc., Clifton Park, in an amount not to exceed, \$3880; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Clifton Knolls Park District, hereby awards the contract to Cliffside Services, Inc., Clifton Park, for landscaping

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services for the Clifton Knolls Park District, at a cost not to exceed \$3880, to be budgeted 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. 44 of 2008, a resolution permitting the consumption of alcoholic beverages at the Locust Lane Clubhouse for a Clifton Knolls-Mill Creek Civic Association event.

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

WHEREAS, Raymond Misiewicz, President of the Clifton Knolls-Mill Creek Civic Association, has requested permission to serve alcoholic beverages on March 8, 2008 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, the Clifton Knolls-Mill Creek Civic Association is authorized to serve alcoholic beverages on March 8, 2008, 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 Hughes, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 45 of 2008, a resolution hiring Wild Goose Chaser, Inc., New Lebanon, NY, to reduce the Canadian Geese from taking root in the field next to the Barney Road Pool.

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

WHEREAS, the Canadian Geese continue to be a problem in the field next to the Barney Road Pool, and

WHEREAS, the Town Board, as Commissioners of the Clifton Knolls Park District, has received a request from the Park District to authorize the hiring of Wild Goose Chasers, Inc. to chase the geese away before they lay their eggs, and

WHEREAS, the company utilizes border collies to herd and harass the birds until they leave, and

WHEREAS, Wild Goose Chaser has had success in the past; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Clifton Knolls Park District, hereby authorizes the hiring of Wild Goose Chaser, Inc., New Lebanon, NY, to reduce

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the Canadian Geese from taking root in the field next to Barney Road pool at a cost not to exceed \$7000 for the season, to be paid from SP37131-24 (Clifton Knolls Park District).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 46 of 2008, a resolution authorizing the hiring of a full time laborer in the Buildings and Grounds Department.

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

WHEREAS, a need exists for a full time laborer in the Buildings and Grounds Department, and

WHEREAS, Michael Handerhan, Buildings and Grounds Supervisor, has recommended that Daniel Welsh, 29 Schuyler Avenue, Latham, be hired to fill the Laborer position; now, therefore, be it

RESOLVED, that authorization is given to hire Daniel Welsh, 29 Schuyler Avenue, Latham, as a full time Laborer for the Buildings and Grounds Department, at Grade 3, Step 1, (\$27,358) effective immediately, to be paid from A-7110-Exxx (Buildings & Grounds Dept.-Employee).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 47 of 2008, a resolution reappointing George Donohue as an alternate to the Emergency Services Advisory Board.

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

WHEREAS, George Donohue's term expired December 31, 2007 and the Town Board wishes to reappointment him for a three-year term; now, therefore, be it

RESOLVED, that George Donohue, 6 Vischer Ferry Road, Rexford, is hereby reappointed to the Emergency Services Advisory Board as an alternate for Kevin Bowman from the Vischer Ferry Fire District, for a three-year term, term to expire December 31, 2010.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 48 of 2008, a resolution reappointing Gregory Amyot as an alternate to the Emergency Services Advisory Board.

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

WHEREAS, Gregory Amyots' term expired December 31, 2007 and the Town Board wishes to reappointment him for a three-year term; now, therefore, be it

RESOLVED, that Gregory Amyot, 10D Rovanten Park, Ballston Lake, is hereby reappointed to the Emergency Services Advisory Board as an alternate for Allan Atwell from the Jonesville Fire District, for a three-year term, term to expire December 31, 2010.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 49 of 2008, a resolution appointing Cheryle Stevens as an alternate to the Emergency Services Advisory Board.

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

WHEREAS, an opening exists for an alternate representative from the Clifton Park-Halfmoon Fire District No. 1, to the Emergency Services Advisory Board, and

WHEREAS, the Board of Fire Commissioners of the Clifton Park-Halfmoon Fire District No. 1 has recommended that Cheryle Stevens, 3 East Lawn Court, Clifton Park, be appointed to fill the position; now, therefore, be it

RESOLVED, that Cheryle Stevens, 3 East Lawn Ct., Clifton Park, is hereby appointed to the Emergency Services Advisory Board, from the Clifton Park-Halfmoon Fire District No. 1, as an alternate for Daniel Kittay, for a three-year term, term to expire December 31, 2010.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 50 of 2008, a resolution awarding a contract for landscaping services for the Stoney Creek II Park Lane Park District.

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

WHEREAS, quotes were received by the Town Board, as Commissioners of the Stoney Creek II-Park Lane Park District, for landscaping services for the District, and

WHEREAS, the only quote for the work to be done, which includes mowing, tree pruning, fertilizing, weed control, spring clean-up and weeding in the Stoney Creek II-Park Lane

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Park District, was submitted by Silverleaf Landscaping, 2 Christopher Way, Clifton Park, in an amount not to exceed \$15,511; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Stoney Creek II-Park Lane Park District, hereby awards the contract to SilverLeaf Landscaping, Clifton Park, for landscaping services at the Stoney Creek II-Park Lane Park District, at a cost not to exceed \$15,511, to be budgeted from SPO7120-24 (Stoney Creek II-Park Lane Park District- Park District-Maintenance).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 51 of 2008, a resolution authorizing Michael Dudick, Chairperson of the Zoning Board of Appeals, to attend the Association of Town's Meeting.

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 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 Michael Dudick 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.

Councilman Paolucci reported this will complete Mr. Dudick's yearly education requirement.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 52 of 2008, a resolution authorizing the Town Supervisor to sign an Inter-Municipal Agreement with the Town of Halfmoon, to plan, design, engineer and construct a scenic hiking and biking trail along the former Erie Canal Towpath between the two Towns.

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

WHEREAS, the New York State Department of Transportation (NYSDOT) has awarded a Grant to the Town of Clifton Park, as sponsor, and to the Town of Halfmoon, as partner, under the Federal Transportation Enhancement Program that provides Federal aid for highway projects which are not on the State highway system, and that may qualify for state aid under the "Marchiselli Program" for such a hiking and bicycle trail along the former Erie Canal towpath between the two towns to be known as the Erie Canal Towpath Connector Trail, and

WHEREAS, the project costs have been estimated at \$2,100,000, with grant funds totaling \$1,680,000, and

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WHEREAS, the Grant Program requires that the recipients provide a match from local and/or State funds totaling \$420,000, (the sponsor match), and

WHEREAS, the Town Boards of the Towns of Clifton Park and Halfmoon wish to enter into a Cooperative agreement pursuant to the Authority of General Municipal Law §119 regarding their respective rights, duties and responsibilities of the project, and to determine their respective contributions toward the "sponsor match"; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign an Inter-Municipal Agreement with the Town of Halfmoon to plan, design, engineer and construct a scenic hiking and biking trail along the former Erie Canal Towpath between the two Towns.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 53 of 2008, a resolution authorizing the implementation, and funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore.

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

WHEREAS, a Project for the Erie Canal Towpath Community Connector, Town of Clifton Park, P.I.N. 1757.68 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds, and

WHEREAS, the Town of Clifton Park desires to advance the Project, by making a commitment of 100% of the non-federal share of the costs, of Preliminary Engineering and Construction; now, therefore, be it

RESOLVED, that the Town Board hereby approves the above-subject project, and it is hereby further

RESOLVED, that the Town Board hereby authorizes the Town of Clifton Park to pay in the first instance 100% of the federal and non-federal share of the cost of Preliminary Engineering and Construction work for the Project or portions thereof, and it is further

RESOLVED, that the sum of \$2,100,000 (Two million one hundred thousand dollars and no cents) is hereby appropriated from the capital projects account H30, and made available to cover the cost of participation in the above phase of the Project, and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Town Board of the Town of Clifton Park shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Town Supervisor of the Town of Clifton Park be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Town of Clifton Park with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

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RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 54 of 2008, a resolution authorizing the Supervisor to sign a contract with subcontractor Eileen LaCourse to run a Girl's Volleyball Camp as part of the Summer Recreation Program.

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

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 a contract with Eileen LaCourse, 4 Rosewood Drive, Clifton Park, to run a Girl's Volleyball Camp as part of the Summer Recreation Camp.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 55 of 2008, a resolution authorizing three staff members of the Department of Parks, Recreation and Community Affairs to attend the New York State Recreation and Park Society Annual Conference and Business Expo.

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

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has requested authorization for herself, Robin Dutcher and Kathy Boni to attend the New York State Recreation and Park Society Annual Conference and Business Expo, to be held in Saratoga Springs, New York, and

WHEREAS, their attendance at this conference will confer a benefit upon and be in the best interest of the Town of Clifton Park; now, therefore, be it

RESOLVED, that Myla Kramer, Robin Dutcher and Kathy Boni are hereby authorized to attend the New York State Recreation and Park Society Annual Conference and Business Expo, March 30-April 2, 2008, in Saratoga Springs, New York, at a cost not to exceed \$789 for all three attendees, to be paid from A-7021-001-Parks and Recreation (Training & Conference).

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ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 56 of 2008, a resolution authorizing the Town Supervisor to enter into an agreement with the Clifton Park-Halfmoon Emergency Corps. Inc. (CPHM) and the Town of Clifton Park for the provision of Emergency Medical Services and Emergency Ambulance Service.

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

WHEREAS, a need exists for the provision of emergency medical services within the geographical boundaries of the Town of Clifton Park, and

WHEREAS, Clifton Park-Halfmoon Emergency Services is organized and operated for the purpose of the provision of health care and education services across a broad spectrum of the communities it serves; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to enter into an agreement with The Clifton Park-Halfmoon Emergency Corps. Inc. for the provision of Emergency Medical Services and Emergency Ambulance Service, term of the Agreement from January 1, 2008 through December 31, 2008, in accordance with the attached Agreement.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 57 of 2008, a resolution adopting Local Law No. 1 of 2008, a Local Law establishing the Conifer Village Senior Housing Planned Development District, and amending Local Law No. 10 of 1967, the Zoning Code of the Town of Clifton Park, as amended.

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

WHEREAS, the applicant has applied for the establishment of a Planned Development District and for a resolution effecting a change to the Town Code which would modify the existing Zoning code to allow and encourage age restricted affordable Senior residential housing with a mandate that at least 80 % of the units are to be occupied by at least one person 55 years or older, in addition to management/maintenance personnel, surviving spouses, and nurses and other care personnel as may be required, and

WHEREAS, a public hearing was held on February 4, 2008, in order to receive public comment on the application to establish a Planned Development District in the area of Route 146 & Waite Road, formerly zoned Corporate Commerce, and

WHEREAS, on November 20, 2007, the Planning Board sent a memorandum to the Town Board supporting the overall concept of senior housing at the site of the existing Corporate Commerce Zone, and recommending approval of the PDD, and

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WHEREAS, the Board recognizes the need for expanded opportunities for such housing within the Town; now, therefore, be it

RESOLVED, the Town Board hereby adopts Local Law No. 1 of 2008, a local law establishing the Conifer Village Senior Housing Planned Development District and amending Local Law No. 10 of 1967, the Zoning Code of the Town of Clifton Park, as amended, as per the attached Exhibit A; and be it further

RESOLVED, that the Town Clerk file said notice with the New York State Department of State as required by law.

Supervisor Barrett reviewed the proposed rents, noting the formula is in the proposed legislation. The proposed legislation also includes the sunset provision.

Andrew Sciocchetti, developer of Conifer Village, reported he has met with a few Board members of the Shenendehowa Senior Center and will give a full presentation at their full Board meeting this week. He is hopeful the seniors will be on board with this project as the deadline for submission to the state is the end of the month. Mr. Sciocchetti said plans are to take the seniors to see other Conifer senior living facilities.

Councilman Paolucci asked why the Town Board is discussing this proposal tonight in advance of the senior meeting as this could be brought up on February 25th.

Andy Cross, Conifer Village Project Director, responded the project does not need the seniors on board to submit the application but their participation makes the application more competitive. He stated the due date of the application is February 27th and Conifer will not wait until then to submit. He expects to submit on February 23rd.

Mr. Sciocchetti stated there is a large expense just to submit the application, as well as documentation and narrative writing with third party specialists. He said a couple of weeks are necessary in order to complete a competitive application. Mr. Sciocchetti said without the tax credit, it will be impossible to offer the proposed rents.

Councilman Hughes questioned the impact fees and asked if any thought had been given towards a new senior van. Mr. Sciocchetti said the fee is \$70,000 and it is earmarked on the developer's end as an impact fee to the town since the town provides the transportation. It would be up to the town to allocate where the money would be spent. Councilman Hughes hopes that priority consideration would be given to have an additional van that would benefit all seniors across town. Mr. Sciocchetti stated that is the intent of the developer. Supervisor Barrett agreed, noting being awarded tax credits for this type of housing is of public benefit, e.g. seniors and town.

ROLL CALL VOTE

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

Noes: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 58 of 2008, a resolution granting Philip Heitman, DBA Lake Auto Parts, the right to move the front fence of the establishment to a point not less than thirty feet from the centerline of Route 146A.

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

WHEREAS, Phillip Heitman, as President of Lake Auto Parts, operates a Business defined under Section 138 of the Town Code, and

WHEREAS, Mr. Heitman has requested relief from the setback requirements for the fencing required by Section 138-12A in order to provide adequate room within the fenced area of the premises to store, retain and display automobiles for sale in a damaged condition as well as those for sale for parts, and

WHEREAS, Steven Myers, Director of Code Enforcement, has recommended that the Business be allowed to move it's fence forward to a point no less than thirty feet from the centerline of the roadbed of Schaubert Road, and

WHEREAS, the Board wishes to grant relief from the setback request for fence fronting on Schaubert Road, with the express condition that all vehicles stored, retained, displayed or otherwise present at Lake Auto Parts shall be within the fence at all times, whether for sale as intended to be fit for operation on Public Highways or not; now, therefore, be it

RESOLVED, that Phillip Heitman, DBA Lake Auto Parts, 503 Schaubert Road, Ballston Lake, is hereby granted the relief to move the front fence of the establishment to points no less than 30 feet from the centerline of the road of Schaubert Road; provided all other provisions of Section 138 are otherwise complied with and adhered to, and provided that the fence never encroaches upon Saratoga County Right of Way, and be it further

RESOLVED, this grant of relief from the fence setback requirements of Section 138-12A is not intended to, nor shall it be construed to be permission to otherwise extend, change or alter the nature of the Business or its status as a nonconforming use under the Town's Zoning Code, and be it further

RESOLVED, that this relief is expressly contingent on Lake Auto Parts compliance with the Town Board's condition that all vehicles, whether intended for use upon the Public Roadways or not, and whether stored or retained for sale, for "junk" or for parts, shall be within the fence at the property at all times; and be it further

RESOLVED, that the Code Enforcement officer retains authority to issue tickets or citations for violation of the conditions of this permit.

Councilman Roth said the area is very unsightly. Mr. Myers explained everything that has to do with the junkyard side of the business will wind up behind the fence. He noted the owner also sells vehicles and town legislation reads if the vehicle is not "road worthy" it has to be behind the fence. Phillip Heitman NYS law states any vehicle dropped at his property without a title or abandoned vehicle form must stay out of the fence for 30 days. He stated every vehicle on his property is a registered vehicle through NYS. He said he has agreed to move the fence and there will not be any more cars outside the fence. Mr. Myers said 25 feet is the minimum required by the county and the 30 feet will give plenty of room in which to work. He reported Mr. Heitman has had his junkyard inspection for 2008 and everything is fine. Mr. Myers said the fence will be moved as soon as weather permits.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Councilman Paolucci said he supports senior housing in town, that Conifer Realty is a very reputable company and the projects they have done are an asset to the communities. He believes the town is in a situation with the zoning and studies done in the western part of town and wasn't comfortable voting yes, noting it was less about the project and more about where we are with Corporate Commerce zoning. Councilman Paolucci emphasized the importance of studying the situation in order to see what is appropriate in that area, noting the town needs to be prepared for future economic boom when the tech park in Malta becomes a reality.

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Supervisor Barrett said he shares some of Councilman Paolucci's concerns but can't get past the need for affordable senior housing and if the Board says no to this project, they're may not be another opportunity. He stressed the need for diversity in housing. He stated this project will help families stay together.

Councilman Roth has asked Director of Planning Maynard to look at areas that could be changed to Corporate Commerce.

Supervisor Barrett said there are areas zoned for business that are more convenient and closer to Northway exits.

Councilman Hughes stated this is the right project at the right time and it is paramount to keep families together. He further stated it is also important to take a comprehensive view of corporate commerce zoning.

PUBLIC PRIVILEGE

Pam Marshall, Fairlawn Court, spoke in favor of the project particularly because there are large contiguous wetlands and the flow of wildlife won't be restricted. She reiterated her desire to see handicapped accessible trails and paved paths included in the project.

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

Motion carried at 8:42 p.m.

Patricia O'Donnell
Town Clerk