

March 3, 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
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Absent: Councilman Roth

Also Present: Town Attorney McCarthy
Mark Heggen, Comptroller
Myla Kramer, Director of Parks, Recreation and Community Affairs
Kathleen Maynard, Director of Planning
Barbara McHugh, Director of Community Development
Michael Shahan, Town Administrator

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett announced the Vista Restaurant is the winner of the "Town of Clifton Park Best Soup Contest".

Supervisor Barrett presented the following resolution to Rotarian Eric Hamilton. Mr. Hamilton introduced Rotarians in attendance and thanked the Town Board for the recognition.

Resolution No. 74 of 2008, a resolution recognizing the 50th Anniversary of Shenendehowa Rotary and Fifty Years of Community Service to the Town of Clifton Park.

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

WHEREAS, the Shenendehowa Rotary was originally chartered on January 25, 1958 with fifteen members and now boasts over forty local business persons who live and work in our community, and

WHEREAS, the Shenendehowa Rotary has changed lives and made a difference in many ways by its many contributions to the Town of Clifton Park, such as their involvement in the creation of the Clifton Park/Halfmoon Library, being instrumental in the creation and building of Collins Park, tree planting in Clifton Park, Roadside Adoption and Clean-up of Park Avenue in Shoppers World, by annually providing grade appropriate dictionaries to all third graders in the Shenendehowa School District, annual College Scholarships to Shenendehowa High School Seniors who demonstrate the Rotary Motto "Service Above Self", annually honoring an Outstanding Citizen of the Year and Student of the year for significant contributions to the community, based on volunteerism and through selfless acts of service by non Rotary members, and annually sponsors a Shenendehowa student to attend the Rotary Student Leadership Training Conference at no cost to the student, and

WHEREAS, Rotary International is the world's first service club organization with more than 1.2 million members who volunteer their time and talent to further the Rotary motto "Service Above Self", and

WHEREAS, Rotarians provide humanitarian service, encourage high ethical standards in all vocations and help build good will and peace in the world, and

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WHEREAS, Rotary International regularly fund raises for the Eradicate Polio Campaign, helping to reduce Polio to a few isolated cases a year in only two remaining third world countries and has provided basic water purification systems to villages in Honduras, donated books and school supplies for poverty stricken and HIV/AIDS orphaned African children which led to construction of a school library in a small rural village in Zimbabwe: and

WHEREAS, Rotary is currently collecting donations for sewing machines and fabrics to send to villages in Zimbabwe so that villagers can make clothing for the many children who only have torn T-shirts and tattered shorts; now, therefore, be it

RESOLVED, that the Town Board, on behalf of the citizens of the Town of Clifton Park, pauses in its deliberations to recognize the 50th Anniversary of Shenendehowa Rotary, and the dedication of its members in volunteering their time and talents to serve our community, and through their International efforts needy communities around the world.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 75 of 2008, a resolution establishing three-year terms for Board members of the Industrial Development Agency (IDA).

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

WHEREAS, the Clifton Park Industrial Development Agency was authorized by a Special Act of the New York State Legislature pursuant to Chapter 630 of the Laws of 1980, and

WHEREAS, pursuant to said statutory authority the Industrial Development Agency is to be perpetual in duration, and

WHEREAS, the Town Board created the Clifton Park Industrial Development Agency by Resolution No. 215 of 1980, and

WHEREAS, James Angus, Chairman of the Clifton Park Industrial Development Agency, has requested that the Town Board establish staggered terms for current members of the IDA in order to insure continuity of its membership, and

WHEREAS, by Resolution No.1 of 2008 the Town Board appointed the following members of the IDA:

1. James Angus
2. W. Steven Seaboyer
3. Peter Fort
4. Rebecca D'Agati
5. Matthew Mazzone
6. David Krupski
7. Robert Wilcox

and

WHEREAS, Robert Wilcox has resigned from the Clifton Park IDA, effective February 7, 2008; now, therefore, be it

RESOLVED, that the current members of the Industrial Development Agency be reappointed, with terms to expire as follows:

1. James Angus, December 31, 2008
2. W. Steven Seaboyer, December 31, 2008
3. Peter Fort, December 31, 2009
4. David Krupski, December 31, 2009
5. Rebecca D'Agati, December 31, 2010
6. Matthew Mazzone, December 31, 2010

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 76 of 2008, a resolution scheduling a public hearing to consider an application for a Historic Conservation Easement.

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

WHEREAS, Paul and Louetta Littman, 18 Ferry Drive, Rexford, have requested inclusion in the Historic Conservation Easement program, and

WHEREAS, the Planning Board has reviewed the application and have agreed that the application meets the intent of the Historic Conservation Easement for their property for the duration of twenty-five years, and

WHEREAS, the Town's Historic Conservation Easement program requires public comment on properties proposed to be included in the program; now, therefore, be it

RESOLVED, that a public hearing is scheduled for March 17, 2008 at 7:10 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, to consider property located at 18 Ferry Drive, Rexford (SBL 287.016-01-26.0) for inclusion in the Historic Conservation Easement program, and be it further

RESOLVED, that the property owner give notice to all adjacent property owners and other entities as provided in the Town's Historic Conservation Easement legislation in advance of the public hearing and submit receipts of mailing to the Town Clerk's office prior to the date of the public hearing; and be it further

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

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

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Resolution No. 77 of 2008, a resolution appointing Douglas M. Strother to the Zoning Board of Appeals.

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

WHEREAS, due to the resignation of Eric Ophardt, an opening exists on the Zoning Board of Appeals, and

WHEREAS, Douglas M. Strother, 18 Thunderbird Drive, Ballston Lake, has been recommended to fill the position; now, therefore, be it

RESOLVED, that Douglas M. Strother, 18 Thunderbird Drive, Ballston Lake, is hereby appointed to the Zoning Board of Appeals to fill the unexpired term of Eric Ophardt, term to expire December 31, 2011.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 78 of 2008, a resolution in support of partnering with the Shenendehowa School District to support joint applications for funding under the Safe Routes to School Program.

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

WHEREAS, Section 1404 of the Federal Transportation Act of 2005 (23 U.S.C.A. Section 402), known as SAFETEA-LU, authorized the States to implement a Safe Routes to School Funding Program, and

WHEREAS, the Safe Routes to School Program is designed to enable Municipalities, and School Districts and other entities to apply for Grant Funding to enhance transportation alternatives within a two mile radius of Primary and Secondary Schools, and

WHEREAS, the purpose of the Safe Routes to Schools Program is to enable and encourage children, including those with disabilities, to walk and bicycle to school and to make bicycling and walking a safer and more appealing transportation alternative thereby encouraging a healthy and active lifestyle from an early age, and to facilitate the planning, development and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption and air pollution in the vicinity of schools, and

WHEREAS, these purposes and goals are compatible with stated Policy of the Town of Clifton Park, and projects designed and constructed according to these principles will complement the existing Town Wide Trails System within the Town, and

WHEREAS, the Town wishes to partner with Shenendehowa School District in applying for certain funding under the Safe Route to Schools Program; now, therefore, be it

RESOLVED, that the Town Board strongly supports the concept of a partnership with Shenendehowa Central School District and supports the assignment of appropriate staff to projects in the preparation and review of applications under this program in order to present joint applications for funding for projects under the Safe Routes to School Program; and be it further

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RESOLVED, that the Town Board supports educational and programmatic partnerships pursuant to the Federal SAFETEA-LU authorization for training and technical assistance, as well as the pursuit of other partnerships under the Safe Route to School Program with all qualified entities and with the Business Community within the Clifton Park Community.

Councilman Hughes said this program is to encourage students to use alternative routes to school other than busing. It incorporates safe access as well as a health component. The grant requires the school district to partner with a municipality. He reviewed possible connection points – allowing students to cross by Locust Lane, as well as Moe Road. Councilman Paolucci agreed these are good areas to be looking for connections.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 79 of 2008, a resolution authorizing the Supervisor to sign an amendment to the contract for a 2005 Citizen Corp Grant Program award extension.

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

WHEREAS, the State Emergency Management Office (SEMO) has offered to extend the 2005 Citizen Corp Grant Program Award to enable the Town to expend the remaining funds from that 2005-2007 contract award, and

WHEREAS, the Town wishes to access remaining funds from the 2005 SEMO Grant Program Award; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign a contract with the State Emergency Management Office (SEMO), to extend the 2005 Citizen Corp Grant Program award until March 31, 2008.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 80 of 2008, a resolution authorizing the Supervisor to sign a contract accepting the 2007 Citizen Corp Grant Award for \$32,069.

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

WHEREAS, the New York State Emergency Management Office (SEMO) has approved Clifton Park's application for the use of Citizen Corps Council funds, up to \$32,069 to support Emergency Preparedness activities and education in the Town of Clifton Park during the performance period of July 2007 through June 2010; now, therefore, be it

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RESOLVED, that the Supervisor is authorized to sign a contract with the New York State Emergency Management Office (SEMO), accepting the 2007 Citizen Corp Grant Award for \$32,069 for the performance period of July 2007 through June 2010.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 81 of 2008, a resolution appointing an interim secretary to the Planning Board.

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

WHEREAS, due to the resignation of the Secretary to the Planning Board an opening exists for a new Secretary, and

WHEREAS, the Town Board wishes to appoint an interim secretary to the Planning Board until such time that a permanent Secretary is appointed, and

WHEREAS, the Town Board wishes to appoint Teresa Brobston, a current Town employee, as the interim secretary to the Planning Board; now, therefore, be it

RESOLVED, that Teresa Brobston is hereby appointed as the interim secretary to the Planning Board, effective immediately, at a pay increase of \$500 month, to be pro rated, as budgeted with a transfer from 8020-E0071, (Planning Department-Salary) to E2450 (Planning Board Secretary).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 82 of 2008, a resolution awarding a contract for Phase I Archeological Review for the Western Clifton Park Riverfront Access Project.

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

WHEREAS, the Town is moving forward with the design and development of the Western Clifton Park Riverfront Access Improvement Project on Riverview Road, and

WHEREAS, the State Historic Preservation Office (SHPO) has recommended that the Town undertake a Phase I Archeological Review of the project location on Riverview Road, and

WHEREAS, the Open Space Coordinator, Jennifer Viggiani, has requested and received quotes for the Phase I Archeological Review for Western Clifton Park Riverfront Access Project; now, therefore, be it

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RESOLVED, that upon the recommendation of Jennifer Viggiani, that the quote from Landmark Archeology, Inc. be accepted in an amount not to exceed \$4900, for the full Phase I (A and B), for analyzing the entire six acre site, to be paid from A-7105-135(General Fund Riverfront Development-Engineering).

Director of Planning Maynard reported this is a requirement of the state. She noted four quotes were received.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 83 of 2008, a resolution authorizing Barbara McHugh to attend the Teen Community Emergency Response Team (CERT) Train-the-Trainer course scheduled for March 8-10, 2008, in Oriskany, New York.

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

WHEREAS, the State Emergency Management Office (SEMO) will be conducting a three day train-the-trainer workshop to prepare trainers to train high school students on how to better respond to emergencies and disasters in the community, workshop to cover topics such as disaster medical operations, light search and rescue and team organization and management, and

WHEREAS, Barbara McHugh, Director of Community Development, has requested authorization to attend this conference, and

WHEREAS, attendance at this conference will confer a benefit to the residents of the Town of Clifton Park; now, therefore, be it

RESOLVED, that authorization is hereby given to Barbara McHugh to attend the SEMO Train-the Trainer workshop March 8-10 2008, at the New York State Preparedness Training Center in Oriskany, New York, tuition and lodging to be provided by New York State, total cost which includes meals and transportation, not to exceed \$200, to be paid from Citizen Corps Grant Award, (A-8762-00) Clifton Park Citizen Corp-Grant (Travel & Conferences).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 84 of 2008, a resolution authorizing the Town Attorney to attend a program on Public Sector Labor Law.

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

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WHEREAS, Town Attorney Thomas McCarthy has requested authorization to attend a program on Public Sector Labor Law in Latham, New York on March 12, 2008, and

WHEREAS, attendance at the program will confer a benefit to the Town of Clifton Park; now, therefore, be it

RESOLVED, that authorization is given for Thomas McCarthy to attend a program on Public Sector Labor Law on March 12, 2008 in Latham, New York, at a cost not to exceed \$150, to be paid from A-142-001 Legal (Training-Conference).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Supervisor Barrett explained Resolution No. 69 of 2008 was tabled at the February 25, 2008 Town Board meeting after discussion as to whether or not this proposed Maxwell Drive PUD is senior housing. He referred to an email from Director of Planning Maynard, dated March 3, 2008, attached, noting there is no senior housing component to the project.

MOTION BY Councilman Paolucci, seconded by Councilwoman Walowit, to remove Resolution No. 69 of 2008 from the table.

ROLL CALL VOTE ON MOTION

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

Noes: None

Absent: Councilman Roth

MOTION CARRIED

MOTION BY Councilman Paolucci, seconded by Councilwoman Walowit, to amend Resolution No. 69 of 2008 by changing the public hearing date to March 17, 2008.

ROLL CALL VOTE ON MOTION

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

Noes: None

Absent: Councilman Roth

MOTION CARRIED

Resolution No. 69 of 2008, a resolution scheduling a public hearing to consider adoption of Local Law No. _____ of 2008, a Local Law Amending Local Law No. 2 of 1967, as amended by Local Law No. 10 of 1996, of the Town Code, entitled "Local Law Relating to Zoning for the Town of Clifton Park, providing for the Creation of a Planned Unit Development District to be known as Maxwell Drive PUD.

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

WHEREAS, an application has been presented to the Town Board for a change in the Zoning Code of the Town of Clifton Park to enable the construction of multi-family residential units on Maxwell Drive, and

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

RESOLVED, that a public hearing to consider adoption of Local Law No. _____ of 2008, a Local Law Amending Local Law No. 2 of 1967, as amended by Local Law No. 10 of 1996, of the Town Code, entitled "Local Law Relating to Zoning for the Town of Clifton Park providing for the creation of Maxwell Road Planned Unit Development District is hereby scheduled for March 17, 2008 at 7:20 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.

Councilman Paolucci asked Ms. Maynard to give the Town Board the most updated plans for the proposed PUD.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

PUBLIC PRIVILEGE

Al Czerpak, Via da Vinci, speaking with regard to the proposed Maxwell Drive PUD, stated he has seen a great deal of wildlife in the site and asked that the project be sensitive to the area and the future of Clifton Park. He said the character of the development will be different than what people in the Renaissance development are accustomed to for R-1 zoning, noting this PUD is high density housing in a sloping area with wetlands. He continued the proposed area is a sensitive area – esthetically and environmentally and exists as a hollow. Mr. Czerpak stated this area is intended for R-1 single family homes. He asked that this area be kept R-1 and be developed as R-1. He said if this is happening in the sensitive Plank/Maxwell Road area that contains a trout stream and wildlife, it could happen to any other neighborhood in town.

Mr. Czerpak presented petitions from the Renaissance neighborhood "objecting to the approval of any PUD action or related action connected the application by RSPJ Holding Company to allow extension of the town privilege for a PUD at the lands bounded by Maxwell Drive, Plank Road, Via Da Vinci and Mooney Way". (Clerk's note: Petition is dated August 27, 2007 and signatures dated in September 2007)

Youseff Ballout, Torrero Drive, asked about the process of appointing people to various boards and recommended advertising the positions. He spoke in agreement with Mr. Czerpak regarding keeping the proposed PUD area R-1.

Councilman Paolucci said it is his understanding part of the property under discussion is zoned business. Ms. Maynard said the two larger parcels are R-1 and the southern portion is B-1.

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MOTION BY Councilman Paolucci, seconded by Councilman Hughes, to go into Executive Session for the purpose of discussing litigation. Motion unanimously carried at 7:50 p.m.

No action was taken.

MOTION BY Councilman Paolucci, seconded by Councilwoman Walowit, to return to the regular meeting. Motion unanimously carried at 8:25 p.m.

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 8:26 p.m.

Patricia O'Donnell
Town Clerk