

May 12, 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 was led by Orenda students in Christina Stroud's 4th grade class, followed by the recitation of the Presidents of the United States.

Present: Councilman Paolucci
Councilman Hughes
Councilman Roth
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Also Present: Town Attorney McCarthy
Mark Heggen, Comptroller
Steven Myers, Director of Building and Development
Michael Shahen, Town Administrator
Donald Baker, Animal Control

MOTION BY Councilman Paolucci, seconded by Councilman Hughes, to approve the minutes of the April 28, 2008 meeting as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Hughes reported he and Councilwoman Walowit, Town Attorney McCarthy, two representatives of County Waste, along with representatives from DEC had a productive meeting regarding the mulching operation at the Transfer Station. He said they are looking at ways to remediate things, and most importantly to try to ensure that the odors are mitigated, as well as a way this operation can be brought under town control. He plans on following up directly with Scott Earl in a week or two. Councilman Hughes stated he is also collecting some financial information regarding the mulching operation. He said they have been meeting with the Hidden Crest residents for about a month, have toured the Transfer Station, and have gotten some ideas on how to make this a better operation with more accountability. He stated he found out about the problem about a month ago and thanked the residents of Hidden Crest for bringing it to the Town Board's attention.

Councilwoman Walowit said there is on-going progress. She reported Michael O'Brien, Steve Myers, representatives from DEC, and Jeff Vedder have been involved.

Supervisor Barrett said having lawn refuse picked up, recycled and disposed of free of charge has been a wonderful service for town residents and it is hoped this program will continue. Councilman Hughes said he definitely wants to ensure that yard waste will continue to be picked up for town residents.

Regarding the mulching operation, Councilman Roth reported he spoke with DEC representative Kevin Wood regarding the plan submitted by John M. McDonald Engineering to correct the violations and the plan is acceptable to DEC. A letter to that effect should be received this week. Councilman Roth said he doesn't know what the plan says regarding water runoff which is also a

concern as water running into the creek behind the Transfer Station runs into the Stony Creek Reservoir and, though the reservoir doesn't belong to the town, there is a responsibility. He reported there are two options regarding the water and whether it requires a SPDES permit or some kind of stormwater drainage situation to take the present runoff to make sure it goes no further than into the stormwater area. Councilman Roth said, to his knowledge, the facility is not being run by County Waste but by Troy Sand and Gravel. He reported there is nothing in the license and service agreement that Troy Sand and Gravel should be running the facility. He reviewed the agreement and noted some requirements have not been done. He continued, though it is the town's facility, the agreement only allows the town to take 1500 cubic yards annually of compost free to the Town of Clifton Park and a bill in the amount of \$4600 has been received from Troy Sand and Gravel for excessive amounts of compost taken in December of 2007. He asked Mr. McCarthy to review the agreement to find out why it is so one-sided and perhaps consider making up a new agreement that would be more favorable to the Town of Clifton Park and not to County Waste and Recycling. He noted the agreement he has is not signed. Councilman Roth reported the agreement states the town grants an exclusive non transferable license to County Waste over an area of approximately 14 acres and doesn't know why Troy Sand and Gravel is running the facility and not County Waste. Mr. McCarthy replied that was part of the discussion at today's meeting and he is looking at that situation with County Waste. Councilman Roth said the agreement also states what the town should be getting paid for the use of the facility but is silent as to the way. He reviewed the agreement which states starting in 2006 the town is going to receive \$50,000 per year for five years unless County Waste agrees to make \$200,000 worth of improvements at the mulching facility. He said no improvements have been made at the facility and the town has not received any money. He believes the town should have been paid and money put in an escrow account that if improvements were made the money would be returned. He questioned why Troy Sand and Gravel is working the mulching operation when they have no right to be there.

Supervisor Barrett said he doesn't believe the town could have gotten the permit without the money being spent and improvements made. He said stormwater retention ponds, swales, and site work have been done. Councilman Roth asked if the town has a report on improvements. He questioned why there is a problem with water runoff if there are retention ponds. Supervisor Barrett said there is a written report from DEC in October 2007 with no problems noted. In February Supervisor Barrett and Mike O'Brien met with Kevin Woods of DEC and there were no issues. Supervisor Barrett said the issues brought up in the latest report are being addressed.

Councilman Roth asked Mr. McCarthy if topsoil production is terminating. Mr. McCarthy replied this was discussed at today's meeting. Councilman Hughes stated all of these issues were discussed at the meeting but this is why he and Councilwoman Walowit are talking about potentially having the town run the operation. He stated they are looking at doing this in a very holistic way and to address it from top to bottom and not in half steps. Mr. McCarthy said McDonald Engineering's May 2, 2008 report, states the top soil production will terminate and all topsoil stockpiles will be moved off site. Supervisor Barrett said in speaking with Mr. Wood, though the topsoil was not in the original Clough, Harbour report it can very easily be added to the DEC permits and will not be an issue as far as he, Mr. Wood, is concerned. He said Mr. Wood is not adverse to topsoil production at the facility but topsoil cannot be the number one activity as the number one activity has to be the recycling of leaves, grass, and woodchips. Councilman Roth asked if the town takes the operation back will topsoil done there. Supervisor Barrett said he doesn't know but as far as he's concerned the number one focus is to continue the free service for the entire town at no cost to residents or town government when it comes to handling, recycling, creating mulch, and topsoil. He said the town does not want to adversely affect anybody that lives around the transfer station but the town has to be careful that whatever decisions are made that that free service that County Waste does continues. He stated if County Waste chose not to do the service or if it couldn't be continued as it currently stands, the town would have two choices either to stop the service or continue the program with town trucks, processing equipment and employees which could cost hundreds of thousands of dollars. Supervisor Barrett stated the mulching program has to be in compliance and run correctly and it is important to be good neighbors.

Councilman Hughes noted it is a vital service and nothing will be done to jeopardize it and with any proposed solutions that service will be kept in the fore-front.

5/12/2008

Supervisor Barrett said County Waste is a good corporate partner with a lot of great services done for the town's residents though this would not necessarily weigh into any decisions made at the town's composting station.

Councilman Roth stated some people might say everything County Waste has done has not been done in the interest of some residents, especially those of Hidden Crest.

Supervisor Barrett said DEC issued a written report in October 2007 stating there were no issues. He was later contacted by residents that there is an issue and the town is working with them. He noted only the most recent April report had issues. He reported Kevin Wood of DEC has stated the issues are being addressed and he is happy with the progress and with McDonald Engineering's report.

Councilman Roth said it is important to note that the residents went to DEC not the town. He asked Mr. McCarthy if the front gate at the mulching facility had been addressed at the meeting. Mr. McCarthy responded no. Councilman Roth said it had been mentioned to Jeff Vedder, Supervisor of the Transfer Station, that a gate would be installed so people could not come into the facility when the facility is closed. Mr. Vedder told Councilman Roth he would pursue this.

Councilman Roth announced the Community Arts and Culture Commission will have an Arts Roundtable on Tuesday, May 20th.

Councilman Roth announced Hazardous Waste Day is scheduled for September 20, 2008 from 8 a.m. to 4 p.m. No date has been set for the Bulk Pickup day as yet. Supervisor Barrett said this program will be held after September 20th.

Councilman Roth asked Supervisor Barrett to respond to Halfmoon Supervisor Wormuth regarding residents of the Town of Halfmoon participating in the Skate Park.

Councilman Paolucci reported he had conversations with Supervisor Wormuth last year. There are resident and non-resident rates at the Skate Park and Halfmoon would like to pay some portion of the difference between the two rates. He said the town is prepared to allow Halfmoon residents to pay the Clifton Park rate as long as there is an agreement with Halfmoon that they will pay the difference between the resident and non-resident rate.

Pam Crispino spoke of Barbara Scanlon's positive impact on the children that have attended her Nursery School for over 35 years.

Supervisor Barrett presented the following resolution to Barbara Scanlon and thanked her for her dedication to the children of the community.

Resolution No. 153 of 2008, a resolution honoring Town resident Barbara Scanlon, Founder of the Country Knolls Nursery School.

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

WHEREAS, Mrs. Scanlon opened the Country Knolls Nursery School in 1973 and has positively impacted over 2,100 Clifton Park youngsters, and

WHEREAS, Mrs. Scanlon, known for her kindness and warm smile, worked very hard to provide a rich learning environment for her "kids" through her educational efforts, techniques, and manner showing youngsters that "learning" could be fun, and

WHEREAS, Mrs. Scanlon diligently and thoroughly planned her programs to reflect not only her values and educational goals, but, designed a variety of methods to capture the interests of every child with programs that included crafts, reading, music and physical activity, and

WHEREAS, before it was popular, she included parents as volunteers and "helpers" in the school day where many strong friendships grew from the teaching partnerships, and

WHEREAS, Mrs. Scanlon was always passionate in her work, spending long hours planning her programs, and tirelessly running morning and afternoon sessions throughout the school year and in the summer incorporating new activities into her winning formula, and

WHEREAS, Mrs. Scanlon's personal interests and commitment extended beyond the children and she became not just teacher to many families, but mentor, friend and counselor, her insights into child development and family dynamics were frequently sought out, and

WHEREAS, her school became so popular, that she never advertised, nor needed to, relying on the "word-of-mouth" recommendations from her "kid's" parents, and

WHEREAS, while running a business Mrs. Scanlon managed to care for her aging mother, raise three children, Chair the Longkill I Park District Committee for several years, spearheading playground equipment upgrades and most importantly to provide a strong support system, and be the Number One Fan of her husband Bill's girl's basketball program and team at Shenendehowa High School, and

WHEREAS, Mrs. Scanlon was an innovative, modern, multi-tasking, career woman before those terms were common in our lives and language; now, therefore, be it

RESOLVED, that the Town Board pauses in its deliberations to honor Barbara Scanlon's, retirement from the Country Knolls Nursery School that she founded in 1973, and to thank her on behalf of the 2,100 of "her" kids, who were fortunate enough to have had Barbara Scanlon in their lives.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

REPORTS TO THE BOARD

Michael Daugherty, Director of CAPTAIN, thanked the Town Board for their support of CAPTAIN. He distributed CAPTAIN's Annual Report, as well as "After the Prom" t-shirts to the Board.

County Supervisor Anita Daly gave an update on County activities and provided information on the County Autism Committee. She spoke of Economic Development in the County and introduced two Clifton Park residents – Michael Relyea, Executive Director of the Luther Forest Technology Campus, and the President of Saratoga Economic Development Corporation, Dennis Brobston. Mr. Relyea gave an update on the Luther Forest Campus development and infrastructure and the AMD project. He stated Clifton Park sits in the impact zone of what is going to happen, noting this project on the 1300 acre Luther Forest site could employ upwards of 8000 people which could result in another 40,000-60,000 jobs multi-countywide. Mr. Brobston said it is necessary to see how other companies will fit in and would like to meet with the Town Board to discuss creating a good climate for companies to stay and expand.

PUBLIC HEARING, 7:10 PM TO CONSIDER A LOCAL LAW AMENDING LOCAL LAW NO. 6 OF 2007 CHAPTER 153 PARKS

(Clerk's Note: It was discovered after the public hearing was held that the notice had not been published)

Councilman Roth stated this legislation affects parks only and not preserves. He introduced members of the Kinns Road Park Committee in attendance, Bob Gauvreau and Peter Gonczlik. Mr. Gonczlik reviewed the history of the Committee – program, survey, and

publications, and stated for several months of their existence there were no incidents that occurred at the park. People from surrounding areas became aware that dogs could be walked without a leash and incidents started to happen. At that time Councilman Roth decided dogs should be leashed, however, park users asked if some lesser hours could be considered during which times dogs could be off leash.

In response to Councilwoman Walowit, Animal Control Officer Baker said Veterans Park does not get as much use as Kinns Road Park, though there have been problems there as well, no bites but some threatening activity. He said most people that report incidents do not want to sign complaints. Mr. Baker said he would like to see dogs leashed.

The public hearing was opened for comments from the audience at 8:30 p.m.

Lorna Kirchner, Lilac Court, said she stopped going to Kinns Park in the fall. She filed a complaint and called in November to see when court appearance would be and was told check back in January, at which time she was told case was dismissed. She asked how setting hours will help someone who files a complaint and can't get it acted upon. She stated she does not have a problem in surrounding towns. She stated signs should state "have dog on leash" instead of projecting the exception of "under owner control". Mr. Kirchner stated this is a multi-faceted problem. Laws should be changed to allow Animal Control to enforce them and signs changed to tell public what is expected of them.

Peter Gonczlik, member of Friends of Kinns Road Park, said the group asked for more hours in the afternoon than what the proposed legislation allows, as well as weekend hours. Results of the survey show the lowest usage to be between 3:00 and 5:00 p.m. and from dawn to 9:00 a.m. on weekends. Mr. Gonczlik said he believes this request to be fair and reasonable. He referred to the Friends of Kinns Road Park brochure "Guidelines for Enjoying Kinns Road Park with your Dog".

Jennifer Wilhelm, Barkwood Lane, member of Kinns Road Park Committee, stated the goal was to keep Kinns Road leash free, safe and fun for all users. The Friends tried to get dog owners to see the side of the other park users; to be proactive and more responsible while exercising their dogs. She said after a year there was at best minimal improvement. Ms. Wilhelm stated she is not opposed to changing the leash law in the park but there are a number of owners whose dogs are under control off leash and feels these people and dogs should not be punished. She asked that the town consider instituting a behavior or temperament test; if dogs pass, they earn off leash rights. She stated she would be happy to work with the town to develop such a test. As far as the proposed hours, Ms. Wilhelm said there is no possible way to please everyone. She has concerns for safety since many of the hours will be in the dark.

Dave Kalish, Dater Farms Way, Halfmoon, reported he is in the park around 6:00 a.m. and finds the park pretty empty except for others walking their dogs, however, on weekend mornings the park is deserted until 8:00 a.m. He requested weekend off leash hours be considered.

Peter Herron, Robinwood Drive, speaking with regard to the proposed times, said at least four months of the year it will be dark and it would be more sensible to have morning hours and two hours before sunset. He asked if the Friends determined how many people were walking with or without dogs, as well as other activities.

Mr. Gonczlik reported survey results of park usage showed 51 percent of the respondents were not dog owners, while 41 percent were.

Bill Koebeman, Riverview Road, spoke in favor of dogs being on leash.

Peter Lanahan, Riverview Road, read a prepared statement in favor of a leash law except at the dog park, attached.

Joe Bushman, Tanner Road, spoke in opposition to the proposed legislation. He stated he frequents the park almost daily and dogs generally get along. He stated there are many parks in town for other activities. He said a dog can't be legitimately exercised in the Mary Jane Row Dog Park. Mr. Bushman said the hours proposed are not safe. There are limited places to take dogs for exercise. He said he has not seen any problems in Kinns Road Park.

Bill McCarthy, Friar Tuck Court, stated his family room looks out on the path and has never had to worry about his children going outside to play. He feels everyone is very conscientious about trying to accommodate everyone's needs and there should be a place that is permissible for dogs to run. He said the proposed hours are too limited in terms of weekends and later in the day. Mr. McCarthy suggested people who choose not to have dogs around should use other parks.

Frank Berlin, Main Street, Jonesville, recommended that Kinns Road Park be a dog park but require a permit and tag. He has noticed at Veterans Park (aka MacElroy Park) dog owners are not cleaning up after their dogs. He stated there should be a leash law, as well as permit system at Veterans Park.

Norman Goldman, London Square, said signs should reflect dogs should be on a leash but noted there is no simple solution.

Margaret Catellier, Royal Oak Drive, suggested the committee look to make the Mary Jane Row Park a good place to exercise dogs. She stated laws are for the protection of everybody and a leash law will protect everybody.

Judy Ehrlich, Plaid Place, said regulations already exist in Kinns Road Park and enforcement should be stepped up.

Animal Control Officer Don Baker said tickets cannot be issued unless the officer sees the offense committed or someone signs a complaint. Enforcement will not correct the problem due to people who are irresponsible but number one issue is public safety. He stated people will not sign complaints.

Ken Burak, Leonardo Drive, stated there is no comparison between Kinns Road Park and the Dog Park. He said he has never seen an aggressive dog situation at Kinns Road Park and has had very positive experiences at Kinns Road. He asked the Town Board to reconsider the proposed legislation.

Kelly McCarthy, Friar Tuck Court, path is by backyard, said she thoroughly enjoys the park and would not have dogs if she didn't have the privilege of walking dogs off leash in the park. She said with 63 acres, people should be able to share the park. She spoke in opposition to the proposed legislation and would prefer to see afternoon and weekend hours.

Tracey Eberle, Newport Drive, asked the Board to consider having the park available to off leash dogs daily from 3:00 to 5:00 p.m. in order to enable people to use the park in winter months as the proposed hours would be in total darkness. She spoke against the proposed legislation.

Supervisor Barrett asked Councilman Roth if any consideration was given to indexing the hours to sunrise and sunset, noting this information is on the internet.

Councilman Roth stated the law could be changed to comply with sunrise and sunset hours. The proposed legislation was based upon his recommendations in order to offer the availability of walking dogs unleashed. He said whatever the Board wants to do is fine with him but he didn't want to completely keep people from walking dogs off leash. Councilman Roth stated he would not disagree with indexing the hours.

Frank Poore, Willow Brook Lane, spoke against the legislation. He said he uses the park everyday and the percentage of people using the park for other than walking dogs is pretty small. He questioned the results of the survey and who was contacted. He said 50 percent of the time dogs should be allowed off leash. Mr. Poore said public safety should be the number one concern. He asked the Town Board to look at the issue further before any decision is made. He said the needs of the many should be met and not at the expense of a few.

Ed Ehrlich, Plaid Place, frequent user of Kinns Road Park, said there is a trail in the park that could be designated during hours when dogs are off leash. He said at least 90 percent of park users are dog walkers.

5/12/2008

Bob Gauvreau, Oakwood Drive, Kinns Road Park Committee member, expressed appreciation to Councilman Roth, Peter Conczlik and Don Baker for their work regarding the park as it is a difficult situation. He noted dogs can be walked off leash any where in town except the Common (clerk's note: also Collins Park) as long as the dog is under the owner's control. He questioned the meaning of "under control". He spoke in favor of a town wide leash law. Mr. Gauvreau stated people are afraid and intimidated by dogs and no one can predict what a dog will do under certain sets of circumstances.

Supervisor Barrett said comments can still be submitted.

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 9:40 p.m.

Supervisor Barrett reported resolution regarding the sewer district has been pulled since Facility Supervisor Michael O'Brien could not be in attendance this evening.

PUBLIC PRIVILEGE ON RESOLUTIONS

Councilman Roth explained the Ice Arena Management Agreement is being amended in order to have the arena audit conducted in the same time frame as the town's audit since the same auditors are being used. Statement from floor noting in all other contracts the contractor has their own auditor and then audit given to the town.

Resolution No. 154 of 2008, a resolution awarding the contract for the conversion of microfilm documents to digital and for the software required for managing the images.

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

WHEREAS, professional services quotes were received by the Building and Development Department for the conversion of microfilm documents to digital and for the software required for managing the images, and

WHEREAS, Steve Myers, Director of Building and Development, has recommended that the combined quote of General Code be accepted in an amount of \$38,587, (\$28,725 for the conversion microfilm documents and \$9,862, for the software required for the imaging); now, therefore, be it

RESOLVED, that authorization is given to accept the quote from General Code in an amount not to exceed \$38,587, to be paid with \$37,000 from A-3620-70 (Building & Development-Grant expense) and \$1,587 from A-3620-200 (Building & Development-Equipment Line).

Director of Building and Development Myers explained this is a continuation of a transfer of records to the computer. The records will be shipped out and returned in digital form.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 155 of 2008, a resolution to forward the Ushers Woods PDD application to the Planning Board for conceptual review only.

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

WHEREAS, a letter agreement between Mr. Larry Boni of Boni Builders, LLC and Boni Enterprises, LLC has been signed with Architect Dominick J. Ranieri, dated March 16, 2008, copy attached, requesting the preparation of a "New Urbanism" plan of development for the proposed active senior PDD project at Ushers Woods, and

WHEREAS, the request for such a plan was made to the developer of the project by members of the Town Board, Planning Department, and Planning Board, and

WHEREAS, the project developers have indicated that they have completed wetland studies, mapping, archeological report, endangered species study and a traffic study, all to be forwarded for review by the Planning Department and the Planning Department Engineers, and

WHEREAS, the forwarding of the PDD application at this time would allow the project to be introduced while waiting for a plan to be submitted by Mr. Ranieri, and

WHEREAS, upon completion of a design plan by Mr. Ranieri, a presentation would be made to the Town Board in order to preview the work product; now, therefore, be it

RESOLVED, that the Ushers Woods PDD be forwarded to the Planning Board to begin the conceptual review of this project.

Councilman Paolucci questioned the second "Whereas". Supervisor Barrett said this refers back to the hiring of the architect. Councilman Roth said this PDD application was filed in March 2007 and since that time he and others have walked the site and there were concerns expressed about the project. He reported former Director of Planning Kate Maynard said there was a concept called "new urbanism" which would address the way the homes would be placed on the site. She recommended this should definitely become part of the project. Councilman Roth said the developers have agreed to do this and have asked that the PDD request be moved to the Planning Board for review and comment back to the Town Board. Councilman Paolucci emphasized that the Town Board is not initiating the development.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 156 of 2008, a resolution authorizing the Town Receiver of Taxes & Assessments and two Seasonal Clerks to attend the Tax Collector's Seminar.

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

WHEREAS, Lorraine Varley, Receiver of Taxes & Assessments, has requested permission to attend the New York State Association of Town's Tax Collector's Seminar, along with Irene Botch and Rosemary Maguire to be held in Glens Falls, NY, June 8-11, 2008, at a cost of \$815, and

WHEREAS, the amount has been budgeted for 2008 in budget line item A-1330-1 (Tax Collector Travel & Conferences) and their attendance at the Seminar would provide a benefit to the Town's citizens; now, therefore, be it

RESOLVED, that Lorraine Varley, Irene Botch and Rosemary Maguire are hereby authorized to attend the Tax Collector's Seminar in Glens Falls, NY from June 8-11, 2008, at a cost not to exceed \$815, to be vouchered appropriately, to be paid from budget line item A-1330-1 (Tax Collector Travel & Conferences).

5/12/2008

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 157 of 2008, a resolution authorizing the Supervisor to sign Amendment No. 3 with the Arena Management Group, LLC.

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

WHEREAS, the Management Agreement between the Town and Arena Management Group, LLC was signed on May 21, 2001, and

WHEREAS, Amendment No. 3 is specifically intended to amend the first amendment to the Management Agreement, dated June 7, 2004 to enable Arena Management Group, LLC to access the Reserve Account from time to time for cash flow purposes only, consistent with the Management letter from Cusack and Company, presented to the Board in February of 2008, and

WHEREAS, this amendment does not alter or reduce the requirement that the Ice Arena maintain the reserve account at existing levels on a quarterly basis, and to account for all transfers from the reserve account which is for “cash flow “ purposes; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign Amendment No. 3 to the Management Agreement; to amend the existing agreement, per the attached, and be it further

RESOLVED, that the parties agree that each and every provision of the May 21, 2001 Management Agreement, as amended, which is not specifically amended herein, shall remain in full force and effect and is hereby reaffirmed and ratified by the parties in its original form.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Superintendent of Shenendehowa Schools Oliver Robinson highlighted school budget points and the importance of the school and town collaboration.

Judy DeLeonardis, Hidden Crest, speaking with regard to the mulching operation at the Transfer Station, expressed concern with serious health issues from the particulates in the air, mold in the mulch, and pesticides in grass clippings. She requested the area be returned to the original size and be a town run operation only.

Judy Brodeur, Eastside Drive, distributed photos and read a statement, attached, expressing concern with the water problem on Eastside Drive.

Director of Building and Development Myers said he is aware of the situation on Eastside Drive and the 104 Eastside Drive septic system that filled in what was a “wet weather” pond on the property. He stated there is no longer any natural drainage and the only fix is to ditch out towards the road, have the water treated and then drain into the lake. Mr. Myers will call DEC to ask if a SPDES permit is required.

Town Administrator Shahan said the project was started in 2005 without any engineering drawings done. McDonald Engineering has done a preliminary study and estimates a cost of \$200,000 - \$270,000. He will call Mr. Kukuk. Mr. Shahan explained it will be necessary to go out to bid on the project.

Bill Koebbeman, Riverview Road, said he applauds the town's effort on land conservation. He displayed a map of the Route 146 park area. He reviewed wetlands location on the property, noting there are 20 acres of wetlands on the property but 2 acres are isolated wetlands, which are no longer regulated by the Army Corp of Engineers but are no different than when they were being regulated by the ACOE. He read from Article 24 of the Environmental Conservation Law. He asked that the town leave the isolated wetlands at the Route 146 Park in a natural state.

Frank Berlin, Main Street, Jonesville, spoke against the town hooking up to county water. He expressed concern regarding nano pollution coming from the proposed Luther Forest Tech Park.

Councilman Hughes reported, based on information received from the Chairman of the Clifton Park Water Authority, it cost 67 cents per 1000 gallons for the Water Authority to get water out of the ground and the County's offer, at present, is \$2.05 per 1000 gallons. He said there is the potential of millions of dollars in connection costs to the county pipes, as well as annual escalator charges.

George Peterson, Riverview Road, stated he supports the Route 146 Park plan. He said the Town Board has done many things that have been beneficial to the western part of town. Mr. Peterson said the park will enhance home values and the residential character of the neighborhood. He reviewed various activities he feels would be appropriate for the park, including a dog park.

Norman Goldman, London Square Drive, reviewed his statement read at the May 5, 2008 Town Board meeting. He stated he doesn't see the timing of the arena audit as a particular issue.

Marilyn Hubbard, Route 146, Rexford, said residents are not concerned with a park at Route 146 but of a soccer complex. She reviewed the description of the Open Space Program found on the town's website. She stated there is a big difference between an active park and the proposed soccer complex which does not fit in with any part of the stated description of the Open Space Program. Ms. Hubbard reported 150 people attended the residents' Park meeting where 30 people commented on the plan for the soccer complex. She said concern was expressed with traffic, that the area was not appropriate for soccer fields, and that the estimated cost of \$6 to \$8 million to develop soccer fields is inappropriate. Ms. Hubbard stated there was not one positive comment regarding a soccer complex and recommended better use of space at the Common or the purchase of more appropriate and centrally located land. Ms. Hubbard said there is no objection to a park in the Route 146 area but a soccer complex is not needed.

George Hubbard, Route 146 Rexford, stated he attended the residents' meeting and no one rose to defend the soccer complex proposal. He said the plans for a soccer complex were made before residents could review plans.

Youseff Ballout, Torrero Drive, said it would have been proper for Councilman Hughes to recuse himself from the Ushers Road PDD request. He felt Councilman Paolucci should have acknowledged his friendship with Water Board appointee John Ryan.

Councilman Hughes said McDonald Engineering has put good steps together to remediate the mulching problem; however, it is important to look at the Transfer Station in a more holistic way by examining if the town can take over the operation for the benefit of residents.

Pam Marshall, Fairlawn Court, said initially the town did the composting at the landfill. She stated it has been touted as a big benefit that County Waste is doing and she doesn't see any benefit in putting it back in the town's hands.

Jim Baisley, Barkwood Lane, said a permit was received a couple of years ago to expand the Transfer Station and now County Waste is bringing in other towns' waste.

5/12/2008

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 10:55 p.m.

Patricia O'Donnell
Town Clerk