

October 6, 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 Shahen, Town Administrator
Mark Heggen, Comptroller
Myla Kramer, Director of Parks, Recreation and Community Affairs
Steven Myers, Director of Building and Development
John Scavo, Director of Planning

MOTION BY Councilman Paolucci, seconded by Councilman Hughes, to approve the minutes of the September 8 and 15, 2008 meetings 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 the Exit 9 Study members have shown no serious consideration to building roundabouts in the study area.

Councilman Roth reviewed some statistics from the Household Hazardous Waste event, noting out of 1117 registrants, 1010 took advantage of the day, dropping off 642 TVs, 469 CRTs, and 22,176 pounds of other types of electronics. He understands the state may not reimburse for latex paint so this will be a town cost. Councilman Roth said volunteers and companies will be recognized at a meeting in November. This event will be held again in 2009.

**PUBLIC HEARING, 7:10 PM
TO CONSIDER THE ANNUAL PLAN FOR 2009
SECTION 8 HOUSING CHOICE VOUCHER PROGRAM**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on August 21, 2008.

James Mastrianni, Joseph E. Mastrianni, Inc., Program Administrator, noted this is a HUD requirement and the plan has not changed from last year. He explained Section 8 gives the elderly and disabled access to sanitary and safe housing. He explained a portion of participants rent, based on income, is paid directly by the federal government to the landlord. Mr. Mastrianni reviewed the family self-sufficiency program which is offered on a voluntary basis. He further noted a home ownership program is offered, though there are no participants as yet in the Town of Clifton Park. He distributed summary statistics, attached.

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Supervisor Barrett asked if any more slots are available. Mr. Mastrianni responded there has been no new funding.

The public hearing was opened for comments from the audience at 7:27 p.m.

Casey Morris, Riverview Road, asked if any priorities are given to homeless veterans from the Iraq war.

Mr. Mastrianni responded there is a mechanism that could be put in place called preference on the waiting list which would require an individual living or working within the Town of Clifton Park. This decision would be made by the Town Board. He reported currently there are 177 people on the waiting list who have been waiting for four years at least, and he doesn't feel these people should be shortchanged. He stated he is unaware of any specialized funding for a homeless veteran program.

Norman Goldman, asked how many on the waiting list are in Clifton Park.

Mr. Mastrianni said he doesn't have that information with him this evening.

Mr. Goldman said last year's numbers appeared relatively small considering the total population in the Town of Clifton Park and relatively large that in a community as affluent as Clifton Park that there would be anyone on the list. He said he made a suggestion to the Board that some of the town's surplus be set aside to establish a program that would run parallel to the Section 8 program and address the people from Clifton Park who are needy and who have been waiting for four years or more to eliminate the current waiting list.

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 7:35 p.m.

PUBLIC HEARING, 7:20 PM
TO CONSIDER AN INCENTIVE ZONING REQUEST
WINDHOVER FARMS

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on September 26, 2008.

Director of Planning Scavo reviewed the history of the application, noting the Planning Board held a public workshop and the recommendation in support of the Incentive Zoning request was sent to the Town Board for consideration. He explained tonight's public hearing is to look at the "first prong of a three-prong approach". Before the Town Board can make a decision whether to grant the incentive or not, SEQRA has to be completed in its entirety, meaning the environmental impacts of the over all project have to be looked at and SEQRA determination needs to be made. Mr. Scavo said this evening's public hearing plays a major role as residents that have lived in the area may understand geographic features that the Town Board may be unaware of. He stated this is an opportunity for the public to bring out environmental considerations for the Town Board to consider that could then be required of the applicant to also investigate. In addition, the Town Board has already looked at a couple of environmental considerations which will be discussed this evening.

Councilman Paolucci explained the land exchange process. Mr. Scavo said the code affords the ability for an applicant to propose to take an equal value of density elsewhere and transfer those development rights to a parcel.

Kevin Daily, Esq., representing Berlin Atlantic Capital, the project developer, said the CR Zoning law is an awkward law to interpret and may have to be tweaked. He displayed maps of the site under discussion. He gave an overview of the proposed subdivision noting he is looking to build 44 lots on 131 acres. The property is currently owned by Eleven & Co. It is proposed to develop as a combination residential subdivision/horse farm. Mr. Daily reported the developers have joined the Farm Bureau and people at the Farm Bureau have said this subdivision is a legitimate agricultural purpose. He said 22 to 24 houses are allowed and he is asking for an additional 18 to 20 lots under the incentive zoning clause. Mr. Daily pointed to two sites owned by Carl and Mary

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Ann Springel, stating the developers have an agreement with the Springels to place a permanent conservation easement on their property. Under the interpretation of CR Zoning, he has identified 45 acres of upland on the Springel property with the potential of development which translates in 15 additional lots. Mr. Daily reported this was presented to the Planning Board at the workshop session. The 45 acres are part of the 104.22 on the Springel property which is being proposed to go into a permanent conservation easement. With the 131 acres this totals 235.34 acres in the total development for which he is proposing a yield of 44 lots or 5.35 acres per unit. He stated this does fit in with the town's legislative intent. Mr. Daily said it is necessary to acquire the additional lots under the incentive zoning to make this project economically viable. He reported the purchase price for this piece of land is \$1.25 million which is the going rate for developable land in Clifton Park. Mr. Daily said in addition it will be necessary to bring water and sewer lines and develop infrastructure on the property, which at this time does not include developing the horse farm and paddocks. He said if the incentive zoning is not received, the project will not go forward. He stated ultimately properties along the Grooms Road corridor will develop. Mr. Daily said this project will be an asset to the community.

In response to Councilman Paolucci's question regarding the wetland delineation being finalized, Mr. Daily said the wetland delineations are final and it will be necessary to get DEC to confirm, however, the developer doesn't want to spend the time and money for the DEC confirmation until the number of lots is finalized. He noted if this application is approved, the project will go to the Planning Board and the subdivision process will start and then DEC confirmation will be requested.

Councilman Paolucci noted the 45 acres of upland are on the Springel property.

Mr. Scavo reported Gil VanGuilder did the wetland delineation and he is sure when the Army Corp of Engineers looks at it, it will be considered accurate.

Mr. Daily said an additional three lots is being requested and money will be given for those three additional lots.

Councilman Paolucci noted there have been a number of requests for additional density and the law allows for one of two things to happen a developer can pay a unit fee to the Town Board so investment can be made into additional open space or, in this case, in exchange of development units from another parcel keeps the number of units the same in western Clifton Park and allows to keep contiguous areas of open space.

Mr. Daily pointed out the town-owned lands on the plans, noting adding the proposed lands could amount to several hundred acres of open space. He said the Western Clifton Park GEIS shows lands under discussion for incentive zoning as possible nature preserve.

Councilman Roth asked if the 45 acres is definitely developable land, that there is no unconstrained land on the site, and could be exchanged for the requested additional 15 lots. Mr. Scavo responded yes, the way it is shown on the map Planning has deemed as accurate, but does have to be validated by the ACOE and any approvals by the Town Board could be conditional upon that validation confirming that number. Councilman Roth asked where the validation stands at this point. Mr. Scavo said it is very costly for the ACOE to come out and he believes the applicant's intent is to wait until there is an actual number of units and is probably looking for a conditional approval contingent upon the ACOE validation. Mr. Daily said when the applicant gets into the normal subdivision procedure with the Planning Board the ACOE validation would be done. Councilman Roth said the town has had a lot of exchange of dollars for parcels and to this point the dollars have come out to zero because nothing has been done in any of those particular developments. He stated he favors land versus dollars and asked Mr. Daily if the project completely depends upon getting the 15 units plus the additional 3 requested. Mr. Daily responded the numbers are tight in terms of being able to make this a profitable venture. He stated he doesn't want to speak for the owners of the property in that regard but it might make it difficult and all the lots are needed.

In response to Councilwoman Walowit's question regarding open space on the Grooms Road parcel, Mr. Daily reported there are 28.51 acres of unconstrained areas and 77.42 of constrained land, noting this is a high percentage of the total of 131 acres and includes the paddock area and horse trails.

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Town Attorney McCarthy said this public hearing is being held in one aspect in conjunction with the Town Board's SEQRA Review. He reported a meeting and conference call was held last week to discuss a number of issues raised by Mr. Scavo. Mr. McCarthy said the town has retained the Girvin and Ferlazzo Law Firm, at the applicant's expense, to assist the Town Board in its review. Mr. Daily stated he didn't know it was at the applicant's expense.

Mr. Scavo read the six initial points he has discussed with Mr. Daily, attached. He said if the project does not comply with the set back requirements, that must be known now during the environmental process and also document what the potential benefits would be if a variance was applied for. He reviewed the town's design standard regarding site distances and traffic. Mr. Scavo reviewed involved SEQRA agencies – Planning Board, Clifton Park Water Authority, NYS Health Department, ACOE, potentially NYSDEC, Saratoga County Sewer District.

The public hearing was opened for comments from the audience at 7:50 p.m.

Vincent Obremski, Appleton Road, noting he sold the land in question to the Carl Springel, stated houses cannot be built on that land as it is all wetlands and, therefore, the transfer of land for houses cannot be done. He doesn't believe a horse farm is feasible.

John Bologna, Goldfield Lane, questioned why trees have been marked behind his property. He expressed concern that neighbors had been told there would be no development in the woods. He said the water level has risen and there is standing water in the woods behind his property and is very concerned about the proposed development. He asked what the tax consequence would be for the town. Mr. Bologna said it is his understanding that in CR Zoning a certain number of acres or dollars is set aside for lot premiums but not both. He said the paper work received through FOIL and what was discussed at the Planning Board workshop is different.

Mr. Scavo reported two or three different concepts have been submitted. The first concept spoke of 60 acres of upland and the delineation showed 45 and looking at the entire file starting from the prior concept to the most current could cause potential confusion.

Mr. Daily said notices were sent to everyone within 500 feet of the property line. He said the distance measured from the nearest house in Settler's Hill to the nearest proposed house is 1048 feet while the distance from one house to the next in Settler's Hill is 26 feet. Mr. Daily said the flagged area may be the upland area on the other side of the wetlands.

Casey Morris, Riverview Road, asked Mr. Daily to define "farmer". She asked if "keyhole" lots are permitted in CR zoning. Mr. Myers said he has not revisited this as yet, though keyhole lots are not specifically exempt but normally not allowed in the CR zone. Ms. Morris asked Mr. Myers to follow through with a written determination. She stated the plan includes wetlands that were flagged by DEC in October 1994. She asked how the wetland delineation was determined. Mr. Scavo stated it was verified by Gil VanGuilder survey crews in the field putting in GPS calculations that then could be downloaded for the computer and overlaid on a base map. He stated it does not have the ACOE verification at this point.

Supervisor Barrett said if the additional lots were approved and when the complete wetlands delineation takes place and it is found there is less upland than previously determined, at that point they would be limited as to the amount of new lots.

Ms. Morris said she doesn't want to see the town going too far down the "administrative road" before finding out how much is wetlands. She stated there has not been any determination of how much hydrofic vegetation has occurred since 1994, the hydrology has not be recertified since then and there have probably been significant changes in the wetlands of that area. She asked the project not continue any further without having an ACOE verification as projects in the future will want to do delineation by GPS. She further stated wetland delineation by the ACOE should be done before this project goes forward, noting this would be a scientific determination.

George Wickswat, Grooms Road, stated the town spent \$400,000 and \$800,000 respectively to keep King Crest Farms and Riverview Orchards as open space for the future which was money well spent. The Town spent \$800,000 to keep Riverview Orchards undeveloped money well spent. He stated it does not make sense to fund Conservation Easements in the neighborhood

and then ignore the characteristics of the area and allow a housing development at double the density normally allowed. Mr. Wickswat stated the trade of the Springel land is not an equitable trade. He reviewed the value of the land currently under the Conservation Easement. He reported residents in the area feel the proposed density is too high for the area. He said there is no provision for 40-50 cars and horse trailers coming in on a weekend for a show, the runoff of the land of the water and manure. He reported all but one out of 50 signed a petition in opposition to the proposed development. Mr. Wickswat commented being a member of the Farm Bureau has nothing to do with being a farmer. If the Farm Bureau has agreed with this project, there should be a letter stating their qualifications and asserting that this is an adequate business plan. At the workshop the purchase price of \$1.25 million was mentioned as well as development costs of another \$1.25 million. Mr. Wickswat recommended plans be on line 72 hours before a public hearing and that the proposal featured be considered frozen from the 72 hours forward.

Chris Schmid, Beechwood Drive, spoke in support of the proposed project as a very unique new idea. He stated the ACOE is a year and a half behind and residents have to trust the licensed surveyor who would not put his license on the line.

Alex Scaringe, Grooms Road, said the area under discussion preserves historic Clifton Park, noting Grooms Tavern and King Crest Farms. He reported within the area there are five horse farms and he doesn't believe any of them are full. It is his understanding there are over 260 homes for sale in Clifton Park and with the current economic state doesn't see anyone buying \$600,000 and above homes. Mr. Scaringe said the project is too dense and needs to be scaled down and the town needs to see if this is an appropriate project.

Daniel Wickswat, Grooms Road, said the project is too dense and not appropriate for the area. He stated the town needs more agriculture.

Paul Rickard, Grooms Road, noting he is a former horse owner, spoke in favor of the project. He said it is important to look beyond the number of houses and look at the ethic that is being maintained and this will be value added to the community.

Norman Goldman, London Square, stated 1 to 8 is what was intended for the western part of town, and he doesn't see any reason to go above that. He said specific criteria has been put in place that has affected several hundred people and their property values in the western part of town and the law should not be "tweaked" for this project. He asked if there will be a search for more Indian artifacts on the total property involved.

John Heiden, Droms Road, expressed concern with drainage caused by the proposed project of 44 houses. He asked if the Town Board has thought about purchasing the land with town surplus and making community gardens. He asked if there will be a set contract to remove horse manure. He questioned how many horses will be allowed.

Bob Czub, Miller Road, defined farmer as "a family that makes its sole living off the farm". He said if what is happening tonight happened years ago, there would be no Clifton Park as it is today. He expressed concern about all the negativity about something that he believes is a pretty good idea. He said if the project meets all requirements, then he is in agreement it should go forward. Mr. Czub said there could be opportunity for farmers who cut hay and grow crops as it relates to servicing some that might be in the project. He stated if a group feels that a project is worthy of going after and they're willing to meet all requirements then he believes it should go forward. Mr. Czub said sometime, somewhere, something is going to be put on that property.

Isabel Prescott, Riverview Road and owner of Riverview Orchards, said town programs have to be optional for landowners to do something with their land other than just sell it for development. She noted she has used available town funds and hopes her farm will be there forever. She said she is surrounded by 49 landowners and wonders if the Right to Farm law and Agricultural Law will be good enough for her. Referring to the Incentive Zoning law, Ms Prescott said the intent has been to preserve open space. She commented whoever thought when that law was written that we would transfer the sending area on land that is already being saved because it is wetland. She asked why a transfer of development right would be allowed on something that there would be no plan on developing in the future. She feels there is a loophole in the law and the applicant

is taking advantage of it. She doesn't believe the application is the intent of the law. Ms. Prescott stated to call any part of this project a farm is a total misnomer.

In response to Frank Berlin's question, Supervisor Barrett said he believes Mr. Daily included everything combined when he figured 5 plus acres per lot. Mr. Berlin stated this is not the way the Open Space Plan was set up and this project is not part of the Open Space Plan.

Ray Scaringe, Grooms Road, presented two sets of petitions to the Board, one noting 333 neighbors think the project is too dense and the other petition residents think accepting the land as open space in exchange for lots is not equitable. He was pleased with the original proposal of Curnyn Meadows. He said if a law is "tweaked" it should be in favor of the whole and not just a single entity. Mr. Scaringe stated the piece of land proposed for open space doesn't give anything and the opportunity for it to be a hiking or biking trail or nature preserve on private property says to him this could be a "double dip" situation.

Mr. Daily explained his comment about "tweaking" referred to cumbersome and hard to understand areas of the CR Zoning law and his comment was about what could subsequently be done in the future by the town and not having anything to do with his project. He stated there was no intention to get around the current town law and this proposal is coming in exactly as the law is written.

Charles Eells, Grooms Road, King Crest Farm, said he agrees with most people this evening, however, Mr. Daily has options to own that piece of land and in this country people can do what they want to do with their land within the law. His concern is that the Board understands every piece that the applicant wants to do and that it is within the law. Mr. Eells explained the project impacts his farm as it is on three sides of his property. He continued this project will impact him economically, noting it will be necessary to increase the cost of his insurance liability due to people adjacent to his property, and will impact environmentally due to increased water runoff. Mr. Eells said the plan appears to have only one pond on the west side to collect water runoff. He asked the Town Board and Planning Board to really understand the plan before approval is given to this project.

Amanda Stevens, Grooms Road, stated the character of the area is agricultural and rural and development as proposed could change the character of the area. She agreed with offering community gardens at the site. She said there are other good projects that could come along for that land and asked the Board to take into account smart growth policies, set energy standards, better green space, environmentally innovative project could be integrated into the development.

Vince Krawiecki, Grooms Road, spoke in agreement with Mr. Obremski that this is not an equitable transfer of land; he said the Springel property is wetland.

Ed Krawiecki, Grooms Road, lives next door to the project. He said to take property that has little chance of development in consideration for lots on a parcel that lies in the middle of a beautiful agriculture area doesn't make sense. He said this will forever change the character of the area and will put additional pressure on already struggling farms in the immediate area. Mr. Krawiecki said "come walk in a farmer's shoes and live a farmer's life" and you will have a very different definition of farmer. He commented the need for additional stables and riding arenas doesn't seem to exist. He asked the Town Board to talk with real farmers and neighbors that will be affected by this project and already have water issues as a result of development around the area. He asked the Town Board to take this opportunity to keep the character of the sensitive west end of town as it is and vote no on the proposed land swap and project.

Supervisor Barrett noted important comments and good feedback were received this evening.

Mr. Daily stated this project will meet the definition of farm as described in the Agriculture and Market law. He explained it is intended to have a homeowners' association that will own the farm, farm buildings, paddocks and common areas. Mr. Daily said the stormwater issue is a matter for the Planning Board, however, water will be retained on the property. He commented this project may offer an opportunity for a higher and better use for the adjoining farming area.

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Councilman Paolucci noting there is currently a term Conservation Easement on the property, would like to understand the Planning Board's recommendation in supporting the transfer, as well as their rationale in making that decision. He asked Mr. Scavo to research this.

Mr. Scavo explained in similar projects, the ACOE doesn't come out and do the delineation; the applicant does the delineation and the ACOE verifies the delineation.

Councilman Roth asked that someone from the town look the area.

Councilman Hughes said he would like to walk the property.

Supervisor Barrett said he has been out to the area.

Supervisor Barrett asked the Town Board if they would like to keep the Public Hearing open. The Town Board agreed to close the Public Hearing but will still receive information and written comments.

Everyone was given an opportunity to speak in favor of or against the Incentive Zoning request and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 9:37 p.m.

Town Attorney McCarthy reviewed the SEQRA process. The resolution on the agenda this evening only declares the Town Board as lead agency which means the Town Board is the agency primarily responsible for the workup of the environmental concerns under the SEQRA process. He emphasized this does not approve the project.

PUBLIC PRIVILEGE ON RESOLUTIONS

Question from the floor if these were end of the year budget transfers. Mr. Heggen responded no, these are transfers needed to be made to balance the budget at this time, as has been done in previous years. Budget transfers will also be done at the end of the year.

Resolution No. 267 of 2008, a resolution scheduling a public hearing to consider an application for the Conservation Easement program.

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

WHEREAS, Isabel Prescott (Riverview Orchards), 660 Riverview Road, Rexford, has requested inclusion in the Conservation Easement program for farming purposes, and

WHEREAS, the Planning Board has reviewed the application and have agreed that the application meets the intent of the Conservation Easement provision and provides protection of a 91.96 acre parcel, and

WHEREAS, the Town's 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 October 20, 2008 at 7:20 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, to consider property located at 660 Riverview Road, Rexford, (SBL 282.-1-69-1 and 282.-1- 69.2) for inclusion in the 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 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.

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ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 268 of 2008, a resolution scheduling a public hearing to consider an application for a Historic Preservation Conservation Easement.

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

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

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

WHEREAS, the Town's Historic Preservation 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 October 20, 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 Preservation 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 Preservation 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, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 269 of 2008, a resolution authorizing the Director of Building and Development to advertise for bids to demolish an unsafe structure at 23 Boyack Road, Clifton Park.

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

WHEREAS, Chapter 77 of the Clifton Park Town Code provides that the Town Board may order, after notice and a hearing, the demolition and removal of a building upon its finding that the building is unsafe, dangerous and incapable of being safely repaired, and

WHEREAS, Steven Myers, Director of Building and Development, has submitted a written report pursuant to Town Code Section 77-4, and has reported his opinion that a residential structure at 23 Boyack Road has become dangerous to the public as a result of fire, and

WHEREAS, on September 8, 2008, at 7:10 pm a public hearing was conducted for the owners of 23 Boyack Road, Clifton Park, to show cause before the Town Board why the building at that location should not be demolished and the resulting debris removed within 30 days, and

WHEREAS, a representative of Loretta Parks spoke and stated that his company would embark on some sort of solution as far as a partnership, or buy the property and renovate it, and

WHEREAS, bid specifications have been prepared by John M. McDonald, Engineering, P.C. for the demolition and removal of the structure at 23 Boyack Road; now, therefore, be it

RESOLVED, that the Director of Building and Development is authorized to advertise for bids, on or after October 8, 2008, to demolish an unsafe structure at 23 Boyack Road, Clifton Park, unless satisfactory arrangements are made by October 8, 2008 in regard to the structure.

Director of Building and Development Myers reported he has spoken with Ms. Park's attorney and there are two contracts in hand at this time and if it all works out it will not be necessary to go forward. However, this situation has been ongoing for one year and he needs to have the authority to go forward if the contracts don't work out. Supervisor Barrett said he agrees with moving forward, however, but wants to give Ms. Parks every opportunity to work it out. Mr. Myers expects the decision from the attorney will be after October 8th but he will pursue an answer by the end of the week.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 270 of 2008, a resolution authorizing the closing of Dyer Drive and a portion of Main Street, Jonesville, for a Halloween Parade to be held on October 25, 2008.

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

WHEREAS, the Jonesville Fire Company has requested authorization to close Dyer Drive and a portion of Main Street on October 25, 2008 from 4:30 p.m. to 5:30 p.m. to hold a Halloween Parade for the children of the local community; now, therefore, be it

RESOLVED, that the Town Highway Superintendent is authorized to close Dyer Drive and a portion of Main Street to Jonesville Station #1, on October 25, 2008 from 4:30 p.m. to 5:30 p.m. to facilitate a local social event of the Jonesville Fire Company, and be it further

RESOLVED, that the Fire Company, with the approval and advice of the Highway Superintendent, shall block the roadway off but shall open it immediately in case of emergency service needs such as fire, police or ambulance protection, and be it further

RESOLVED, that the Jonesville Fire Company shall be responsible for all clean-up activities on Town property or on the street Right-of-Way resulting from the social activity; and be it further

RESOLVED, that a copy of this resolution be sent to the Jonesville Fire Department, the Ballston Lake Ambulance Corps., Sheriff's Department and the State Police.

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ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 271 of 2008, a resolution authorizing the budget transfers specified in Exhibit A.

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

WHEREAS, the Comptroller has recommended that certain budget adjustments contained in Exhibit A be made to address the needs of all funds as well as other miscellaneous expenditures as set forth in Exhibit A; now, therefore, be it

RESOLVED, that the budget transfers specified in Exhibit A be adopted per the Comptroller's recommendations.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 272 of 2008, a resolution reducing the cost of game ice for a fund raiser to benefit "The Colon Club".

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

WHEREAS, the Arctic Foxes Women's Ice Hockey Team will host its Sixth Annual "Cross-Checking for Colon Cancer" Women's Ice Hockey Tournament, November 7-9, 2008, to help raise awareness about Colon Cancer, and

WHEREAS, the Colon Club is dedicated to raising awareness of colorectal cancer in interesting and "out of the box" methods since it is a disease that many find difficult to talk about, and

WHEREAS, its goals are to educate as many people as possible, as early as possible, about the risk factors and symptoms of colorectal cancer, and to encourage people to get screened when it is appropriate for them, and

WHEREAS, this year seventeen teams will be participating, eight from out of town/out of state, conferring a benefit to local businesses, and

WHEREAS, the group has requested that the Town of Clifton Park reduce the cost of one sheet of game ice, which is approximately \$275; now, therefore, be it

RESOLVED, that the total ice time usage fee be reduced by \$275 for the Sixth Annual "Cross-Checking for Colon Cancer" Women's Ice Hockey Tournament hosted by the Arctic Foxes Women's Ice Hockey Team, to be held on November 7-9, 2008 at the Clifton Park Ice Arena.

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Councilman Roth reported Mr. Bobrow, Manager of the Ice Arena, asked if the general fund would reimburse him so he could show that as income to the arena. He said he told Mr. Bobrow no, but asked him to record how much the Town Board took away from his bottom line in his yearly report. Mr. Bobrow agreed.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 273 of 2008, a resolution waiving the Site Plan and Building Department fees for the planned and approved construction of the Northstar Church to be located on Ashdown Road, Clifton Park.

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

WHEREAS, Northstar Church, Clifton Park, New York, has submitted plans to the Town of Clifton Park for the construction of a new church on Ashdown Road, and

WHEREAS, Northstar Church is a not for profit organization serving the Town of Clifton Park and its surrounding area, and

WHEREAS, the Town has waived Building and Planning Department fees in the past for not for profit religious organizations; now, therefore, be it

RESOLVED, that the Town Board waives the Site Plan and Building Department fees associated with the construction of the Northstar Church.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 274 of 2008, a resolution hiring a substitute driver for the Senior Express.

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

WHEREAS, a need exists for a substitute driver for the Senior Express, and

WHEREAS, William Wink, 20 Northcrest Drive, Clifton Park, has been recommended to fill the position; now, therefore, be it

RESOLVED, that William Wink, 20 Northcrest Drive, Clifton Park, be appointed to fill the position of substitute driver, for the Senior Express, at Grade 1, Step 3, \$12.17 per hour, to be paid from A6772-E2350 (Community Support-Senior Support-Sub Driver), retroactive to September 15, 2008.

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ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 275 of 2008, a resolution authorizing the issuance of a Mass Gathering Permit to the Mohawk-Hudson Region Sports Car Club of America, (a not for profit organization) and waiving the statutory time period for said application.

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

WHEREAS, the Mohawk-Hudson Region Sports Club has requested that the Town issue a Mass Gathering Permit for the purpose of utilizing the parking lot of Clifton Park Center, near Dunkin Donuts and the 99 Restaurant for the purpose of an autocross Sunday, October 19, 2008, between the hours of 7:00 am and 5:00 pm, and

WHEREAS, the Town has been provided with information concerning this activity, and

WHEREAS, the Town has been named as an additional insured on the required insurance policy; now, therefore, be it

RESOLVED, that the Town Board is satisfied with the information provided that the potential effect of the proposed public assemblage will have minimal effect upon the public health, safety and welfare of the people and property of the Town of Clifton Park, and be it further

RESOLVED, that the Town Board hereby waives the time limit for the public assemblage permit as set forth in Section 64-5 of the Town Code; and be it further

RESOLVED, that the Town Board hereby directs that a permit be issued to the Mohawk-Hudson Region, Sports Car Club of America for the purpose of conducting an autocross, to be held in the parking lot of Clifton Park Center, near Dunkin Donuts and the 99 Restaurant on Sunday, October 19, 2008, between the hours of 7:00 am and 5:00 pm.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 276 of 2008, a resolution authorizing the Town Supervisor to accept the Request for Qualifications (RFQ) from the first choice firm of Foit-Albert as the prime engineering consultant for the negotiation of the final scope and contract amount for the Erie Canal Towpath Community Connector Trailway Project.

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

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 Enhancements Program (TEP) that provides Federal aid for highway projects which are not on the state highway system, and that may qualify for aid under the

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“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 Community Connector Trail, and

WHEREAS, the total project costs were estimated in 2006 to be \$2,100,000, with grant funds totaling \$1,680,000, and thus requiring a sponsor match of \$420,000, and

WHEREAS, the Town Boards of Clifton Park and Halfmoon have executed a cooperative inter-municipal agreement, pursuant to Section 119 GML, regarding their rights, duties, and responsibilities of the project and to determine their respective contributions toward the “sponsor match” (Clifton Park 60% and Halfmoon 40%), and

WHEREAS, the Town of Clifton Park, as sponsor, has executed the NYSDOT grant contract, and

WHEREAS, a public process for a Request for Qualifications (RFQ) was conducted to solicit qualified professional engineering design firms, and

WHEREAS, the joint reviewing committee for the Towns of Halfmoon and Clifton Park in the RFQ process rated Foit-Albert as the most qualified firm to meet the project needs based on their qualifications submitted for review and consideration; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park authorizes the Town Supervisor and the Town Attorney in consultation with staff, to negotiate the final scope and contract amount with the first choice firm of Foit-Albert as the prime engineering consultant.

Councilman Paolucci explained the committee rated the four firms that submitted qualifications. Mr. Scavo said the submission of Foit-Albert was excellent. He introduced Fred Mastrianni, Foit-Albert, Project Manager. Mr. Scavo said this resolution is certifying the review process and the next step will be to negotiate a cost with Foit-Albert. He said the Town of Halfmoon will be part of that negotiation. Mr. Scavo explained under the RFQ process, if an agreement regarding price can't be reached, the town can go to the company ranked number two on the list.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 277 of 2008, a resolution declaring the Town Board as Lead Agency for review of the Windhover Farms incentive zoning application under SEQRA.

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

WHEREAS, the Town Board of the Town of Clifton Park has received an application on behalf of BAC Infrastructure Management and Development for an eighteen (18) lot increase in permitted single-family dwelling unit density pursuant to Town Code Article VB in connection with the proposed development of 131.12 acres of land, located on the north side of Grooms Road approximately one-half mile west of Grooms Corners, into a forty-five (45) single family detached home building lots and a horse farm, together with related improvements (“the Project”), and

WHEREAS, the State Environmental Quality Review Act and the regulations there under require the Board to undertake a review of the potential environmental impacts, if any, associated with the Project before approving the application;

NOW, THEREFORE, BE IT RESOLVED that the Board makes the following findings:

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1. The potential Project under consideration will require review under the State Environmental Quality Review Act (“SEQRA”).

2. The potential Project under consideration is one for which a determination of significance must be made; and

BE IT FURTHER RESOLVED, that the Board proposes to declare itself lead agency with respect to the proposed Project under consideration within the meaning of 6 NYCRR 617.2(u), and directs that a Full Environmental Assessment Form, and any other supporting documentation, once completed, be provided to all involved agencies, together with a request that such agencies consent to the lead agency designation as soon as practicable but in no event later than thirty (30) calendar days of said mailing.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 278 of 2008, a resolution adopting the budget for New York State Agriculture and Markets Grant, “Town of Clifton Park Agri-Tourism Marketing and Educational Project”, and authorizing the transfer of the Town’s share of the matching grant.

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

WHEREAS, Resolution No. 14 of 2008 authorized the Town Supervisor to sign a contract with the New York State Department of Agriculture and Markets for the Clifton Park Agri-Tourism Marketing and Educational Contract No. T010989, and

WHEREAS, in April of 2008 the Town of Clifton Park was awarded the sum of \$14,075 for the “Town of Clifton Park Agri-Tourism Marketing and Educational Project” which requires a 50% matching contribution from the Town, either through cash expenditures or in-kind charges, and

WHEREAS, the Town wishes to create the Town of Clifton Park Agri-Tourism Project to support Agri-Tourism development and regional competitiveness at a total cost of \$28,150, and

WHEREAS, Resolution No. 304 of 2007 authorized the Town Supervisor to sign an Agri-Tourism Project Matching Grant in an amount of \$14,075 with the New York State Department of Agriculture and Markets, and

WHEREAS, the Parks and Recreation Department has prepared a budget for the New York State Agriculture and Market Grant “Town of Clifton Park Agri-Tourism Marketing and Educational Project” for \$28,150, per Exhibit A, and

WHEREAS, it is necessary to increase revenues and expenditures by \$14,075; now, therefore, be it

RESOLVED, that the Town Board hereby adopts the budget for New York State Agriculture and Markets Grant “Town of Clifton Park Agri-Tourism Marketing and Educational Project”, per Exhibit A.

Councilman Hughes noted there will be an interactive website and brochures available.

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ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 279 of 2008, a resolution authorizing an additional cost for William Seward to complete the Clifton Park Action Park promotional video.

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

WHEREAS, Resolution No. 189 of 2008 authorized William Seward to create a marketing/promotional video for the Clifton Park Action Park at a cost of \$12.50 per hour, not to exceed \$120, and

WHEREAS, the Town of Clifton Park has requested that revisions be made to the video at an additional cost of \$36.25; now, therefore, be it

RESOLVED, that authorization is hereby given to authorize an additional two and one-half hours for William Seward to complete revisions to the Clifton Park Action Park promotional video, at a cost not to exceed \$36.25, to be paid from A-7200-015(Action Park-Merchandise/Marketing).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 280 of 2008, a resolution adopting the Section 8 Housing Choice Voucher Program for 2009.

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

WHEREAS, the Town of Clifton Park operates a Section 8 Housing Assistance Payments Program funded by the U. S. Department of Housing and Urban Development, and

WHEREAS, the Town of Clifton Park is required by the U. S. Department of Housing and Urban Development to prepare and adopt a written Annual Plan that establishes local policies for administration of the Section 8 Housing Choice Voucher Program in accordance with regulations of the U. S. Department of Housing and Urban Development, and

WHEREAS, the Town Board of the Town of Clifton Park has caused a written Annual Plan for 2009 to be prepared establishing local policies for administration of the Section 8 Housing Choice Voucher Program in accordance with regulations of the U. S. Department of Housing and Urban Development, and has reviewed such written plan; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby adopts the Annual Plan for 2009 for operation of the Town of Clifton Park Section 8 Housing Choice Voucher Program.

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ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Norman Goldman, London Square, asked what action would be called for if a section of the Mary Jane Row Dog Park fence came down during a storm. With relation to an applicant's ethics form, he asked if applicants need to amend the form if a donation is made. The Town Clerk stated forms are not filed in the Town Clerk's office but stay in the Planning Department file. Mr. Scavo said the form should be updated but the mechanism to do so lies with the applicant.

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 10:25 p.m.

Patricia O'Donnell
Town Clerk