

**Clifton Park Town Board Meeting Minutes
February 5, 2007**

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 LED BY GIRL SCOUT TROOP 46

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

Also Present: Town Attorney McCarthy
Mark Heggen, Comptroller
Myla Kramer, Director of Parks, Recreation and Community Affairs
Kathleen Maynard, Director of Planning
Steven Myers, Director of Building and Development
Michael O'Brien, Environmental Specialist
Michael Shahan, Town Administrator

MOTION by Councilman Paolucci, seconded by Councilman Roth, to approve the minutes of the January 8 and 16, 2007 meetings as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett reviewed activities surrounding the town's Winter Fest celebration scheduled for February 10th.

Councilman Roth reported the Town Board has received information from the Town Attorney regarding the town leash and sign laws and asked, after review, that they submit comments to the Town Attorney.

PUBLIC HEARING, 7:10 PM
TO CONSIDER A LOCAL LAW AMENDING PLANNED DEVELOPMENT
DISTRICT NO. 2 – LIGHT INDUSTRIAL, (AKA SYSTEMATIONS AND 21ST
CENTURY PARK)

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on January 26, 2007. .

Tom Andress, ABD Engineering, representing the applicant, summarized the proposed local law explaining this is a 23 acre parcel located on Route 146, known as 21st Century Park. He noted this is a PDD with a Corporate Commerce zoning overlay. He said the initial intention was for this area to be created as part of Corporate Commerce for commercial type development, however, none of any of the property owners within the Corporate Commerce area have done any development. Mr. Andress stated though water and sewer are available, the location is a little far out for industrial type development. He reported there are wetlands on the property. He is asking the PDD be modified to add senior housing as a use. He continued the proposed senior housing could consist of approximately 51 units with buffering from Route 146 and a homeowners association with external maintenance.

Wayne Wagner, applicant and owner of property under discussion for 28 years, said senior housing gives a tax base with no school age children.

Jim Fitzgerald, coordinator of project, noted this is not assisted living but a project to be occupied by people, where one occupant is 50 or over, who are looking for maintenance free living. He said there is a need for this type of home for residents who sell their large homes and want to continue living in the Town of Clifton Park.

Supervisor Barrett noted this is a project with a lot of positives.

In response to Councilman Roth's questions regarding the number of units and buffering from the existing buildings, the number of units is 51 with the possibility of berming.

Mr. Wagner said there is a pre-school on the property and there would be synergy between the youngsters and senior citizens.

Councilman Roth expressed concern with the traffic flow, noting most traffic coming out of the development will flow east and asked for any information regarding traffic studies, stacking lanes, etc.

Mr. Wagner said he would be willing to have a traffic light installed at the entrance but this would be taken up during the Planning Board process.

Supervisor Barrett stated if this amendment is adopted, a full and complete Planning Board study will follow.

Councilwoman Walowit questioned number of entrances. Mr. Andress replied there is a secondary entrance. Mr. Fitzgerald said the secondary entrance will be for emergency vehicles.

Mr. Andress said the plans show a 60 to 70 percent green space on the front side of the project, along with berming.

Councilman Paolucci stated he has concerns about the exiting traffic, as well as the mitigation fees not covering what is needed.

Director of Planning Maynard responded all the Town Board's concerns - proposed access, emergency access, impacts on traffic have been looked at very closely in terms of the review process. She said a traffic study has been requested.

Councilman Paolucci stated he doesn't believe the traffic issue has been addressed. Mr. Andress compared traffic generated by an 80,000 square foot facility, townhouses with no age restriction, and senior townhouses, noting traffic volume would be significantly less with senior housing. He said a left turn lane going east is possible.

The public hearing was opened for comments from the audience at 7:40 p.m.

Jim Hammond, rents space at 21st Century Park, stated there has never been a congestion backup period at the intersection of Route 146. He asked if there have been any problems with traffic or accidents at the Sterling Heights subdivision entrances on Route 146 near Route 146A, noting Gold's Gym was built directly across from the subdivision. Mr. Hammond does not believe there will be any problem with traffic at the proposed project.

Bob Gauvreau, Oakwood Blvd., stated regarding school taxes, "empty nesters" will move out of their homes but families with school age children will move in. He said he hasn't heard the word "affordable" associated with this senior housing. Mr. Gauvreau said there will be children in these homes as only one person needs to be over 50. He doesn't think town residents will be able to afford these homes and people will be moving up from New York City.

Mr. Wagner responded homes will run from \$250,000 to \$300,000. He stated this is not subsidized senior housing.

George Sarris, Woodside Drive, asked where the wetlands are on this site as it appears rain will come off rooftops and onto the road. Mr. Andress showed wetland locations on plans.

Supervisor Barrett said through the Planning Board process the DEC and Army Corps of Engineers will delineate wetlands.

Mr. Sarris asked if there is any chance the project can be stopped until Route 146 is

widened to four lanes.

Mr. Andress stated there are no DEC wetlands on the property.

Nancy Shafer, Baltusrol Drive, spoke in favor of the proposed project.

Bob Lee, Gloucester St., spoke in favor of the proposed project, noting it is very desirable for the town.

William Mackesey, South Hollow Drive, Chairman of the Trails Committee, expressed concern with the state's plan to widen Route 146, stating the Committee would like a good portion of right of way along Route 146 in order to have a hub trail from Route 146A west to the newly acquired Rexford Park land. He said it is important that the private road be wide enough for two cars and walking area for seniors.

Norman Goldman, London Square Drive, spoke in agreement with Mr. Gauvreau regarding families with children moving into town. He said seniors will move from other areas to be near their children. He said he admires Mr. Wagner for what he has done with the property. Mr. Goldman asked if there is an Empire Zone in the subject area. Supervisor Barrett responded no. Mr. Goldman stated seniors are not 50 – 55 years of age. He said this is not a senior housing project. If a light is placed on Route 146 for this project, Mr. Goldman would like to see access from Tanner and Waite Roads. He said water was put in for the Corporate Commerce zone and he would like to give more time for development of this zone as was the original intent. He is opposed to changing the zoning for this purpose. Mr. Goldman stated this project is not going to help people who are 70-80 years of age who need affordable senior housing.

Supervisor Barrett explained there were some state grants but landowners are paying for the water and sewer connections.

Mr. Wagner said only 8 acres out of 300 are being changed.

In response to comments about school taxes and families moving into “empty nesters” homes, Supervisor Barrett explained people who are downsizing will leave anyway and if senior housing isn't available, will move out of town. He said the town is trying to come up with a diversity of housing and options for seniors and has approved affordable housing and government subsidized housing but this has never come to fruition.

Joan Fitzpatrick, Clifton Knolls, spoke in favor of the project. She stated she has worked in the 21st Century building for 20 years and has never had a problem entering or exiting Route 146.

Paul Semanek, Majorca Lane, commended Mr. Wagner on the proposal. He said if the land was developed for offices and warehouses, it would consist of “big roofs and parking lots”. He further said this proposal shows an attractive, desirable place for people who want to stay in Clifton Park but don't want to keep the 2500-3000 square foot home.

Mr. Semanek stated Mr. Wagner is investing his own money and resources and there is a demonstrated need for this type of project.

Youseff Ballout, Torrero Drive, stated this project will be the same as Tallow Wood and children will be living there. He said the traffic issue is a very serious one. He noted the PDD area of the Corporate Commerce zone was left out of the open space western Clifton Park zoning. He stated everything in town will be impacted by this development, e.g. police, ambulance. Mr. Ballout said this should not be considered senior housing but as a regular neighborhood.

Supervisor Barrett responded this will be far different than Tallow Wood due to the fact that it is age restricted.

Fred Vorst, Schenectady, said the town will be way better off with residential than business in this area.

Susan Zobrie, Denkers Drive, spoke in favor of the proposed project.

Lisa Adams, Avocado Court, spoke in favor of the proposed project.

Sherry Quail, Dutch Meadow Drive, spoke in favor of the proposed project.

Patricia Zitch, Scotia, spoke in favor of the proposed project.

Supervisor Barrett reported this project is half of what was originally proposed.

Jim Baisley, Barkwood Drive, asked how many stories the houses will be and how many bedrooms. Mr. Wagner said these details will be covered at the Planning Board level.

Mr. Goldman said the town has been trying to discourage residential development and there appears to be support coming from the Supervisor. Supervisor Barrett stated he is an advocate for senior housing alternatives.

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 8:36 p.m.

PUBLIC PRIVILEGE ON RESOLUTIONS

Supervisor Barrett praised Messrs. Tracey and Coblisch for their dedication and volunteerism to the Town of Clifton Park in a variety of activities.

Resolution No. 26 of 2007, a resolution honoring the memory of Edward J. Tracey.

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

WHEREAS, Edward J. Tracey, member of the Town of Clifton Park Fire Code Appeals Board for twenty-four years, being appointed in March of 1983, died on January 4, 2007, and

WHEREAS, Mr. Tracey has served the Town of Clifton Park and its residents by his involvement with the Shenendehowa Senior Center, Shenendehowa United Methodist Church and the Jonesville Food Pantry, as well as the Fire Code Appeals Board, and

WHEREAS, Mr. Tracey had a total commitment to the well being of the Town of Clifton Park; now, therefore, be it

RESOLVED, that the Town Board expresses their sympathy to the family of Edward J. Tracey and pauses in its deliberations to honor his memory for his dedication and service to the Town of Clifton Park.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 27 of 2007, a resolution honoring the memory of Edward J. Coblisch, Sr.

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

WHEREAS, Edward J. Coblisch, Sr., member of the Town of Clifton Park Fire Code Appeals Board for twenty-one years, being appointed in February of 1986, died on January 2, 2007, and

WHEREAS, Mr. Coblisch has served the Town of Clifton Park and its residents by his involvement with the Vischer Ferry Volunteer Fire Department, Clifton Park Elks and American Legion, as well as the Fire Code Appeals Board, and

WHEREAS, Mr. Coblisch had a total commitment to the well being of the Town of Clifton Park; now, therefore, be it

RESOLVED, that the Town Board expresses their sympathy to the family of Edward J. Coblisch, Sr., and pauses in its deliberations to honor his memory for his dedication and service to the Town of Clifton Park.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 28 of 2007, a resolution authorizing change order No. 1 for the Senior Center Roof Replacement.

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

WHEREAS, Resolution No. 300 of 2006 authorized a contract for Senior Center Roof Replacement in an amount of \$65,811, and

WHEREAS, a Change Order was prepared by McDonald Engineering which provides the breakdown of individual item costs, and

WHEREAS, the Change Order results in a decrease of \$4,304 for Senior Center Roof Replacement from the current amount of \$65,811 to arrive at a new contract amount of \$61,507; now, therefore, be it

RESOLVED, that Supervisor Barrett is hereby authorized to sign Change Order No. 1 dated January 4, 2007, to Mid-State Industries, Ltd; and be it further

RESOLVED, that the decrease amount of \$4,304 be released from encumbrances A-1624-200 (General Fund – Senior Center – Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 29 of 2007, a resolution authorizing the Open Space Coordinator to attend the Upper Hudson Agricultural Leadership Forum.

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

Whereas, Jennifer Viggiani, Open Space Coordinator, requests authorization to attend the

Upper Hudson Agricultural Leadership Forum to be held in Albany, NY, for nine sessions between January and April, 2007, and

WHEREAS, the Clifton Park Open Space Coordinator's duties include coordination of the Town's long term planning and coordination with state, regional and local entities throughout the region, and

WHEREAS, her attendance at this conference will further the Town's goals of awareness and coordination of Open Space planning and programs with other state and local governments and regional programs in the area and thereby confer a benefit upon and be in the best interest of the Town of Clifton Park; now, therefore, be it

RESOLVED, that the Planning Department is hereby authorized to send Open Space Coordinator Jennifer Viggiani to the Upper Hudson Agricultural Leadership Forum, consisting of nine sessions, at a cost not to exceed \$150, to be paid from budget item A-8021-1 (Planning Dept.- Training & Conferences).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 30 of 2007, a resolution authorizing an employee from the Building Department to attend the Northern Adirondack Code Enforcement Educational Conference.

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

WHEREAS, Code Enforcement Officers are required by New York State Statute to undergo 24 hours of in-service training on an annual basis, and

WHEREAS, the Northern Adirondack Code Enforcement Educational Conference is designed to give their members the needed hours to complete the 24 hour statutory requirement for in-service education for all Code Enforcement Officers to maintain their certification and attendance at this seminar would provide a public benefit to the Town; now, therefore, be it

RESOLVED, that the Building Department is authorized to send Sam Chase to the Northern Adirondack Code Enforcement Conference in Lake Placid, NY, March 5-8, 2007, at a cost not to exceed \$750, to be paid from A-3620-001 (Building Dept.-Travel & Conferences); and be it further

RESOLVED, that Sam Chase be authorized to use a Town vehicle for his transportation to and from this conference.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 31 of 2007, a resolution authorizing change order No. 1 for the reconstruction of Vischer Ferry, Longkill and Ushers Road.

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

WHEREAS, Resolution No. 240 of 2005 authorized a contract for reconstruction of Vischer Ferry, Longkill and Ushers Road in an amount of \$3,960,677.87, and

WHEREAS, a Change Order was prepared by Clough Harbour & Associates LLP which provides the breakdown of individual item costs, and

WHEREAS, the Change Order results in a decrease of \$129,191.67 for reconstruction of Vischer Ferry, Longkill and Ushers Road from the current amount of \$3,960,677.87, to arrive at a new contract amount of \$3,831,486.20; now, therefore, be it

RESOLVED, that Supervisor Barrett is hereby authorized to sign Change Order No. 1, dated January 2, 2007, to Kubricky Construction Corp.; and be it further

RESOLVED, that the decrease amount of \$129,191.67 be released from encumbrances H9-5112-00200 (Ushers & Vischer Ferry Roads Capital Projects-Permanent Improvement Hwy-Equipment).

Councilman Paolucci noted this project came in nine months ahead of schedule.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 32 of 2007, a resolution authorizing the Comptroller and Assistant

Comptroller to attend the NYS Government Finance Officers Association Annual Conference and Special Training Session.

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

WHEREAS, Comptroller Mark Heggen has requested that he and Assistant Comptroller Denise Burrall be authorized to attend the NYS GFOA Annual Conference and Special Training Session to be held on March 28-30, 2007 in Albany, NY, and

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

RESOLVED, that Comptroller Mark Heggen and Assistant Comptroller Denise Burrall are hereby authorized to attend the NYS GOFA Conference March 28-30 in Albany, NY, at a cost not to exceed \$560 to be paid from A-1315-1 (Comptroller-Conf-Training) to be vouchered appropriately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 33 of 2007, a resolution authorizing the Supervisor to sign a three year lease with City Capital, with service provided by Electronic Business Products for a Lanier LD120D Digital Copier for use by the Clifton Park Sewer District No. 1.

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

WHEREAS, Michael O'Brien, Facilities Manager of Clifton Park Sewer District No. 1, has requested that a new Digital Copier be leased for use by the Clifton Park Sewer District No. 1, and

WHEREAS, the proposed cost for leasing the copier has been budgeted per the attached schedule; now, therefore, be it

RESOLVED, that authorization be given to transfer \$1,500 from G7-8111-200 (CP Sewer Dist. No. 1-Equipment) to G7-8110-3 (Sewer Admin – Copier); and be it further

RESOLVED, that the Town Supervisor is authorized to enter into a lease agreement with City Capital and service from Electronic Business Products, for a Lanier LD120D Digital Copier, for thirty-six (36) months at a cost not to exceed \$92 per month and service at

\$.011 per copy.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 34 of 2007, a resolution authorizing Sanford Roth, Lynda Walowit, Michael Shahen, Thomas Paolucci, and Paul Pelagalli to attend the Association of Towns Meeting.

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

WHEREAS, the New York State Association of Towns will be holding its annual meeting from February 18 - 21, 2007 in New York City, consisting of seminars and other educational meetings, and attendance at those seminars and meetings would provide a public benefit to the Town; now, therefore, be it

RESOLVED, that the Comptroller is authorized to reimburse Sanford Roth, Lynda Walowit, Michael Shahen, Thomas Paolucci, and Paul Pelagalli for reasonable transportation, meals and lodging after attending the New York State Association of Towns meeting in New York City from February 18 - 21, 2007, to be vouchered appropriately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 35 of 2007, a resolution donating two (2) free hours of ice time for a Clifton Park Youth Hockey Association hockey tournament.

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

WHEREAS, the CPYHA has committed to host the “Between the Pipes” Tournament Friday, February 9, 2007 at the Clifton Park Arena, and

WHEREAS, CPYHA has requested that the Town of Clifton Park donate free ice time for this event, and

WHEREAS, the CPYHA is a volunteer organization that supports local athletic competition and charges no admission for this event, and

WHEREAS, the hosting of this event in the Town of Clifton Park confers a benefit to local businesses, as well as the community as a whole; now, therefore, be it

RESOLVED, that the Town of Clifton Park will donate two (2) free hours of ice time for the Clifton Park Youth Hockey Association’s “Between the Pipes” Tournament.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 36 of 2007, a resolution authorizing the conveyance of a portion of land from the Town of Clifton Park to Clifton Park Water Authority, per attached Exhibit A.

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

WHEREAS, the Town of Clifton Park acquired land by deed dated July 18, 2005 and recorded in the Saratoga County Clerks Office on August 11, 2005 in Book 1728 of Deeds at page 279, and

WHEREAS, at the time of the acquisition it was the intent of the Town to convey a portion of said lands to the Clifton Park Water Authority for the building of a Pump Station, and

WHEREAS, the Town of Clifton Park now wishes to convey to the Clifton Park Water Authority a portion of land the for the pump station, and

WHEREAS, the Clifton Park Water Authority wishes to accept the land for their designated purposes; now, therefore, be it

RESOLVED, that the Supervisor is authorized to execute the conveyance by Bargain and

Sale Deed briefly described as follows:

Street Name of Owner

NYS Route 146 Town of Clifton Park
(Rexford Water District)

and be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt of an approval by the Town Attorney and Town Engineer of all necessary documents, provisions of a title report which is acceptable to the Town Attorney, and upon payment of all taxes and assessments if any, and be it further

RESOLVED, that there be appended to the within resolution a copy of the recorded conveyance after it has been returned from the Saratoga County Clerk.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 37 of 2007, a resolution authorizing the Town, through the Citizen Corps Grant, to sponsor a (CERT) Community Emergency Response Training.

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

WHEREAS, the Town wishes to sponsor a CERT Training for (6) six weeks on Thursday evenings, March 8 through April 19 at 7:00 pm for residents at no charge, and

WHEREAS, the goal is to add to the Group of CERT Trained Volunteers available to assist the Town during disasters, emergencies and major incidents; now, therefore, be it

RESOLVED, that the Town Board of Clifton Park authorize CERT Training for residents to be paid from A-8761 (Citizen Corps Grant Expense) for instruction, supplies, equipment and shirts.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 38 of 2007, a resolution authorizing the Town to establish a rate for CERT and Citizen Corps instructors.

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

WHEREAS, it is necessary to establish a rate for instructors for their CERT and Citizen Corps programs; now, therefore, be it

RESOLVED, that the rates are hereby established for CERT and Citizen Corp instructors as follows: NYS Certified Instructor \$25 per hour, Assistant & Specialized Instructor \$20 per hour for Public Emergency & Preparedness Trainings and Programs, to be paid from A-8762-00015 (Citizen Corps-Other) and A-8761-00015 (CERT-Other) as appropriate.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 39 of 2007, a resolution appointing a Summer Recreation Director.

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

WHEREAS, an opening exists for a Summer Recreation Director, and

WHEREAS, Lori Hughes, 36 Evergreen Ave, Clifton Park, has been recommended to fill the position; now, therefore, be it

RESOLVED, that Lori Hughes, 36 Evergreen Ave, Clifton Park, is hereby hired as Summer Recreation Director at a salary of \$8,576, as budgeted, to be paid from A-7310-E8000 (Summer Rec.-Program Coordinator).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 40 of 2007, a resolution transferring funds from contingency to support Clifton Park River Days.

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

WHEREAS, the Clifton Park River Days celebration is scheduled for October 5-7, 2007 and all events will be held around the Mohawk River, and

WHEREAS, town Girl Scout and Boy Scout troops will volunteer at various events throughout River Days, including Fishing Derby contest, 5K Race and Fun Run, Scavenger Hunt, tour of newly acquired town riverfront property, barbeque and concert, and

WHEREAS, it is necessary to transfer \$5,000 from the contingency fund to A-8510-200 (Special Events) to support this event; now, therefore, be it

RESOLVED, that the Town Board authorizes \$5,000 be transferred from the contingency fund to A-8510-200 (Special Events) in order to support Clifton Park River Days scheduled for October 5-7, 2007.

Councilman Speckhard thanked everyone involved with the planning of this event, Myla Kramer, Jennifer Viggiani, Mike Shahan, John Scherer, Mike O'Brien, and Isabel Prescott.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 41 of 2007, a resolution transferring funds from contingency to support the Grand Re-opening of Historic Grooms Tavern.

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

WHEREAS, the Grand Re-Opening of Historic Grooms Tavern is planned for April 14, 2007 with various events planned for the following week, and

WHEREAS, the tentative schedule includes presentations by the Not So Common Players, Author/Book Lectures, Town Board meeting, Historic Preservation meeting and other festivities during the week, and

WHEREAS, it is necessary to transfer \$2,500 from the contingency fund to A-8510-200 (Special Events) to support this event; now, therefore, be it

RESOLVED, that the Town Board authorizes \$2,500 be transferred from the contingency fund to A-8510-200 (Special Events) in order to support the Grooms Tavern Grand Re-Opening.

Councilman Speckhard thanked everyone involved as noted above.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 42 of 2007, a resolution authorizing bus transportation for Sanford Roth and Lynda Walowit to the Association of Towns Meeting February 18-21, 2007.

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

WHEREAS, the Town of Warrensburg has reserved a bus for transportation to and from the Association of Town's Meeting in New York City at a non-refundable cost of \$90 per seat; now, therefore, be it

RESOLVED, that transportation to the Association of Town's Meeting for Sanford Roth and Lynda Walowit be authorized through the Town of Warrensburg, at a cost of \$90 per seat (non-refundable).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Linda Russell, Via da Vinci, spoke in support of George Sarris. She asked the Board to look at the issues and the work he does.

James Scott, Scotia, Treasurer of Saratoga Wetlands and Wildlife Watch, spoke in support of Mr. Sarris, stating the town has erred in their interpretation of the zoning of Mr. Sarris' property. He said the tax map and zoning map show that the Sarris property in question is in a land conservation zone. Mr. Scott requested that an independent investigator review this issue.

Town Attorney McCarthy reviewed the eight-page Supreme Court decision. He said he finds these repeated attempts by people to call into question the integrity of the law to be ludicrous. He stated the Town Board did not decide this case; it was decided by a Supreme Court judge and is currently on appeal. Town Attorney McCarthy further stated this is a public comment period and not an interrogatory session and the Town Board does not have to respond to verbal questions.

Supervisor Barrett said a residential area cannot be labeled a wildlife preserve.

Frank Berlin, Main Street, said he is happy with the Sherwood Dawson Trail and noted sometimes the eminent domain process has to be used. He distributed information and expressed concern with the Luther Forest Tech Park and the potential health and safety risks from byproducts.

Supervisor Barrett hopes eminent domain will not have to be used.

Bill Mackesey, South Hollow Drive, stated the Sherwood Dawson Trail is a vital hub for the trail system. He is not in favor of eminent domain and would like to avoid it. He reviewed methods of transportation on the trail which excludes motorized vehicles other than motorized wheelchairs.

Fred Vorst, Schenectady, spoke in support of Mr. Sarris.

Gigi Georgio, Schenectady, member of Saratoga Wetlands and Wildlife Watch, spoke in support of Mr. Sarris.

Supervisor Barrett stated the fact that there are wetlands on Mr. Sarris' property has nothing to do with the activities.

Peter Voss, Eastside Drive, spoke in support of Mr. Sarris.

Town Attorney McCarthy reiterated this is not the forum in which the case was decided. He explained there were a series of laws that were challenged by Mr. Sarris, both challenges were turned back in a clear court decision.

Deputy Town Attorney Renzi said he read in the paper that Mr. Sarris stated he would not settle with the town. Mr. Renzi stated there has never been any cooperation from the other side.

Norman Goldman, London Square Drive, displayed an exhibit regarding the town's financial oversight of the first year of the management agreement. He believes the operation of the town's ice rink was conducted in accordance with the town's direction and to his knowledge the work done in upgrading and maintaining the proper operation of the facility has been handled well. He read various notations from the exhibit regarding audited reports.

George Sarris, Woodside Drive, stated the town was not working in good faith, particularly in the manner the town came about their decision. He emphasized the land under question is a sanctuary, not a wildlife preserve and stated he does not need permission to do what is especially permitted. He stated he does not have a facility for wildlife control.

Town Attorney McCarthy said anybody who was competent as a witness could have submitted an affidavit to the court in support of Mr. Sarris. He stated this case will be determined in court and not at a town board meeting.

Mr. Sarris insisted he does not live in a residential zone or district. He stated an outside investigator is needed.

Youseff Ballout, Torrero Drive, said these allegations may be completely wrong, however, it would be in the Town Board's best interest to create the independent investigative body to look at the issue.

Supervisor Barrett said the Town Board will not shirk their responsibility, will not give in to public pressure and will uphold town laws.

Mr. Goldman continued his review of timeline and comments of ice arena audits. He reiterated his concerns surrounding electronic voting machines and that voters be allowed to use paper ballots. He stated he is very sympathetic to Mr. Sarris. Mr. Goldman apologized to Deputy Town Attorney for accusations he made against him previously.

Councilman Paolucci said the Board welcomes comments from the public but finds misrepresentations made at this and other Town Board meetings deplorable.

Jim Baisley, Barkwood Lane, stated he has been attending Town Board meetings for the last five years and feels he is qualified to take an independent voice. It is his feeling the Town Board has been treated unfairly on a few issues. He said the Town Board and employees have done a lot for the residents of Clifton Park.

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 10:30 p.m.

Patricia O'Donnell
Town Clerk