

Clifton Park Town Board Meeting Minutes

October 9, 2001

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

Absent: Councilman Paolucci

Also Present: Town Attorney Trainor
Ass't. Town Attorney Pelagalli
Louis Gerard, Superintendent of Highways
Patricia Haffner, Director of Parks, Recreation & Community Affairs
Michael Shahan, Town Administrator

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett encouraged everyone to support Clifton Park businesses noting the benefits of sales tax revenue.

Councilman Roth reported the dedication of the second Welcome to Clifton Park Sign is tentatively scheduled for October 18th.

REPORTS

Reports for September from the Justice Court, Highway, Parks, Recreation and Community Affairs, and Planning Departments, and Transfer Station were filed with the Town Clerk.

PUBLIC PRIVILEGE

Jenna Bongermينو, speaking for residents of Appleton Road, requested the town to have either the Rexford Water District or Clifton Park Water Authority water lines extended to residents on Appleton Road. She said residents requested water in 1984 and 1987 but were denied by the town stating the infrastructure in the Rexford Water District was not sufficient to handle adding Appleton Road residences. Mrs. Bongermينو said since that time significant improvements have been made to the Rexford Water District and it is

their hope that the time has come for Appleton Road to get water as it has never been closer. A fire hydrant on Grooms Road is less than a third of mile from Appleton Road and at the other end of Appleton, Nott Road has water. She stated the two major issues regarding water are quantity and quality, noting many of the residents of Appleton do not have palatable water and some do not have adequate water and have had wells run dry. Mrs. Bongermينو stated this is a quality of life issue.

Supervisor Barrett said water going down Route 146 will help. He can't say when public water will be available to Appleton Road residents but the initial steps are being put in place.

Councilman Speckhard, town liaison to the Rexford Water District, said the board members feel the need to get water to the western part of town. He explained the Town of Glenville supplies the water to the Rexford Water District and has a great deal to do with the policies of the Water District, particularly outside user policies and there can be no outside users without the approval of the Glenville Town Board. They have said however, given the need for it they would approve those uses. Councilman Speckhard said the Clifton Park Water Authority boundary with the Rexford Water District is the same so essentially outside users to the Rexford District are in the area that is overseen by the Water Authority. He said the current agreement between the Rexford Water District and the Town of Glenville stipulates that by the year 2005 the Water District is required to have a major backup water reserve and the Water District is doing this by hooking into the Clifton Park Water Authority system. He reviewed the plans for water to the Corporate Commerce zone noting that will bring water halfway to Rexford Water District and with the commitment of the Water Authority, Rexford Water District, and the Clifton Park Town Board water will be brought to the Rexford Water District at least by the year 2005. Councilman Speckhard noted there are two options for Appleton Road residents: 1) there is a possibility that an outside user application could be made to the Glenville Town Board for the residents of Appleton Road but this would require the residents to somehow be able to afford to connect into the Rexford Water District, with the approval of the Clifton Park Water Authority and 2) to be an inside user of the Clifton Park Water Authority but this can only happen when the Water Authority's pipe is extended. He said there continues to be an increase in intensity in the commitment to get water to the entire western part of town, particularly the northwestern and central quadrant. Councilman Speckhard said if the Appleton Road residents feel they can afford to hook into the Rexford Water District, he and other members of the Town Board will work with them to present a petition to the Glenville Town Board, as well as sit down with the Rexford Water District representatives, town engineers, and members of the Board.

Councilman Roth asked if the residents of Appleton Road decided to hook into the Rexford Water District, would they be eligible for any grants. Councilman Speckhard said he is not aware of any grants being received for residents to hook into the District.

Question from the floor as to why the entire cost has to be borne by the residents and what would the entire cost be. Councilman Speckhard said the law doesn't allow residents of the town to bear the costs of water or sewer for a small part of the town. He said the

cost would be the cost of the hookup plus the cost of the outside user fee. Councilman Speckhard said two things need to be done parallel at this point for a resolution sooner than the Water Authority pipe going down Route 146: 1) engineer's estimate of actual cost and 2) Town of Glenville's approval of hookup. He asked Appleton Road residents to send a letter to the Town Board of the exact number of residents and distance from the furthest resident to the closest water supply.

Question from floor as to what residents can be doing now to get water to Appleton Road. Councilman Speckhard said it will be a Clifton Park Water Authority pipe once it gets beyond the Corporate Commerce Zone so the Town Board cannot decide who can hook into it. He stated as long as the Water Authority pipe is not place, the Water Authority has no problem with users hooking in as outside users to the Rexford Water District. Councilman Speckhard reiterated two alternatives: 1) pursue outside user with the Rexford Water District or 2) wait until the Water Authority pipe proceeds out close enough to hook into at a reasonable cost. He reported up until the new agreement with the Rexford Water District the Town of Glenville prohibited outside users. Mr. Shahan recommended having the engineer look at the distance of Appleton Road residences from the Rexford Water District lines.

MOTION BY Councilman Speckhard, seconded by Supervisor Barrett, proposing that the Town Board, as Commissioners of the Rexford Water District pass a resolution asking Jack McDonald, engineer for the Rexford Water District, to examine this in terms of what would be the cost, at the closest point to the Rexford Water District, of hooking the residences of Appleton Road into the Rexford Water District and to get the information to the Town Board as quickly as possible.

ROLL CALL VOTE ON MOTION

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

Noes: None

MOTION CARRIED

It was noted the engineer could work with addresses that are on the petitions. (Clerk's note: Petition with 40 signatures requesting consideration of extending the town water supply to the households on Appleton Road by including Appleton Road into the Clifton Park Water District and/or the Rexford Water District received in Town Clerk's office September 11, 2001)

Supervisor Barrett asked Mr. Shahan to contact McDonald Engineering in this regard.

REPORT ON BILLBOARD LITIGATION

Assistant Town Attorney Pelagalli reviewed the background of the litigation against the Towns of Clifton Park and Halfmoon. It was felt the towns' laws on signage would not

meet a constitutional challenge. He explained both Halfmoon and Clifton Park have entered into a stipulation to resolve the litigation and this has been accepted and ordered by the District Court Judge. He reported Nichols Media Group, LLC was requesting twelve 14 x 48 foot signs in Clifton Park plus numerous smaller signs and the case has been settled so that only three 14 x 48 foot signs will be allowed and only on Route 9. Mr. Pelagalli said he has a draft signage law and recommended extending the moratorium for another few months until the new law is in place. He is proposing a new zone be put in place that will be limited to the three signs granted to Nichols Media, in addition, the numerous billboards which are scattered about Clifton Park will be amortized. Mr. Pelagalli said there is a provision in the draft legislation that whoever owns those signs will be able to keep them only for another three year period so in three years the town will only have the three billboards on Route 9 and the town will come out ahead in the whole process. It is anticipated the billboard zone will be in an area north of Route 146 and south of Kinns Road. He said the moratorium is justifiable while passing legislation.

REPORT ON EMERGENCY MANAGEMENT PLAN

Councilwoman Walowit reported a review the Emergency Management Response Plan began immediately after the Mechanicville tornado. She said William Sickinger was contracted with to work with town officials to review and prepare the proposed plan which Councilwoman Walowit feels will be used as a model by other municipalities. She expressed appreciation to Town Administrator Shahen and Chief of the Bureau of Fire Prevention Reed for work done on this plan.

William Sickinger, retired State Trooper, reviewed his credentials and qualifications and presented the old and proposed plans, noting the Plan is constantly evolving. (Clerk's note: Upon adoption, plan will be attached to minutes as well as on file in the Town Clerk's office).

Councilwoman Walowit said the Town Hall would be the Operations Center.

REPORT ON TOWPATH TRAIL

Eric Hamilton Chairman of the Clifton Park Trails Advisory Committee, presented the draft Master Plan for the historic Erie Canal Towpath Trail, presented by the Clifton Park Trails Advisory Committee and Halfmoon Historical Society Trails Committee. This is proposed as a study of the bike and pedestrian needs along the southern part of Clifton Park and Halfmoon. He reported the Committee divided the Towpath into ten segments from Route 9 in Halfmoon, west to Rexford and Route 146. The segment from Ferry Drive to the power dam is an eight foot wide crushed stone surface and is being considered as the design to continue the Towpath through the Vischer Ferry Preserve and proposed to connect the Towpath trail in the Preserve underneath the Northway Bridge to Canal Road in the Town of Halfmoon. Mr. Hamilton said the Committee plans to hold public availability sessions for communities within the towpath area. Councilman Speckhard asked if one of the purposes of the trail is to develop further use of the river. Mr. Hamilton responded the purpose is to connect the neighborhoods along the trail,

though it will provide better access to the river and recreation. Councilman Speckhard said Environmental Specialist O'Brien is doing a study of the riverfront in terms of needs and future development and asked to what extent those two efforts might be coordinated. Mr. Hamilton said he has spoken with Mr. O'Brien and this could be a major consideration.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 273 of 2001, a resolution asking John M. McDonald Engineering to estimate the cost of providing water service to Appleton Road.

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

WHEREAS, residents of Appleton Road have petitioned the Town Board to investigate the feasibility of providing municipal water service to their homes, and

WHEREAS, John M. McDonald Engineering has provided similar studies of the water service in that area of the Town; now, therefore, be it

RESOLVED, that the Town Board hereby requests that McDonald Engineering provide an estimate of the cost to the residents of Appleton Road of providing municipal water service to their homes from either the Rexford Water District, the Corporate Commerce zone, or alternatively from Clifton Park Water Authority facilities proposed for the future.

Councilman Speckhard requested that a report on hooking into the Rexford Water District be received first, as that alternative seems to be the most likely.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 274 of 2001, a resolution adopting Local Law No. 12 of 2001, a Local Law "Extending the Six Month Moratorium on the Review, Approval and the Issuance of Permits for Billboards, Off Premises Signs and Advertising Signs in the Town of Clifton Park" for an additional ninety days and amending Local Law No. 5 of 2001, and Local

Law No. 27 of 1989, Signs as amended by Local Law No. 8 of 1992.

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

WHEREAS, a public hearing was conducted on October 1, 2001, relative to extending the six month moratorium on the review, approval and the issuance of permits for billboards, off premises signs and advertising signs in the Town of Clifton Park for an additional ninety days and no comments were received; now, therefore, be it

RESOLVED, that Local Law No. 12 of 2001, a Local Law "Extending the Six Month Moratorium on the Review, Approval and the Issuance of Permits for Billboards, Off Premises Signs and Advertising Signs in the Town of Clifton Park" for an additional ninety days and amending Local Law No. 5 of 2001 and Local Law No. 27 of 1989, Signs, as amended by Local Law No. 8 of 1992 is hereby adopted and the Town Clerk is directed to file appropriate notice of same.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 275 of 2001, a resolution adopting Local Law No. 13 of 2001, to be known as a local law regarding the use of Town Sewer Systems.

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

WHEREAS, a public hearing was held on October 1, 2001 to consider the adoption of a Local Law regarding the use of Town Sewer Systems and no negative comments were received, and

WHEREAS, the Town Board feels it is in the best interests of the Town to have a Town wide policy in place to govern the use of Town-owned sewers; now, therefore, be it

RESOLVED, that Local Law No. 13 of 2001, a Local Law to be known as "Town of Clifton Park Sewer Use Law" is hereby adopted effective immediately and the Town Clerk is directed to file notice of same.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 276 of 2001, a resolution setting a public hearing to consider extending the ninety day moratorium on communication towers in Clifton Park and amending Local Law No. 9 of 2001, Local Law No. 11 of 1996 and Local Law No. 2 of 1998.

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

WHEREAS, the Town of Clifton Park has received applications for the erection of cellular phone towers and other types of communication towers, and

WHEREAS, the Town of Clifton Park desires to consult experts regarding the erection of the same and desires to have research conducted regarding citizen input and the need for the aforementioned towers; now, therefore, be it

RESOLVED, that a public hearing be set for 7:30 p.m. on October 15, 2001 in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, to consider amending Local Law No. 9 of 2001, Local Law No. 11 of 1996 and Local Law No. 2 of 1998 and imposing a ninety day moratorium on communication tower applications in Clifton Park.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 277 of 2001, a resolution authorizing the Highway Superintendent to install a stop sign at the intersection of Birch Hill Court and Birch Hill Road and remove a dead end sign.

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

WHEREAS, a study of the intersection of Birch Hill Court and Birch Hill Road has been conducted by McDonald Engineering, and

WHEREAS, McDonald Engineering has recommended that a stop sign be installed at the intersection of Birch Hill Court and Birch Hill Road, and

WHEREAS, the Highway Superintendent agrees with McDonald Engineering's recommendation; now, therefore, be it

RESOLVED, that the Highway Superintendent is hereby authorized to install a stop sign at the intersection of Birch Hill Court and Birch Hill Road and to remove the dead end sign that is no longer needed.

Councilman Speckhard reported he has had a request from a resident to table this resolution for one week in order for the resident to speak with the Highway Superintendent.

Highway Superintendent Gerard said these resolutions are on the agenda this evening because he received petitions and letters from residents.

MOTION by Councilman Speckhard, seconded by Councilwoman Walowit, to table the resolution until the October 15th Town Board meeting.

ROLL CALL VOTE ON MOTION

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

Noes: None

Absent: Councilman Paolucci

MOTION CARRIED

Resolution No. 278 of 2001, a resolution authorizing the Highway Superintendent to install a stop sign on Denim Drive at the intersection of Plaid Place.

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

WHEREAS, a study of the intersection of Plaid Place and Denim Drive has been conducted by McDonald Engineering, and

WHEREAS, McDonald Engineering has recommended that a stop sign be installed at the intersection of Plaid Place and Denim Drive, and

WHEREAS, the Highway Superintendent agrees with McDonald Engineering's recommendation; now, therefore, be it

RESOLVED, that the Highway Superintendent is hereby authorized to install a stop sign at the intersection of Plaid Place and Denim Drive.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 279 of 2001, a resolution authorizing the Highway Superintendent to install a stop sign at the intersection of Burning Bush Boulevard and Thunderbird Drive.

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

WHEREAS, a study of the intersection of Burning Bush Boulevard and Thunderbird Drive has been conducted by McDonald Engineering, and

WHEREAS, McDonald Engineering has recommended that a stop sign be installed at the intersection of Burning Bush Boulevard and Thunderbird Drive, and

WHEREAS, the Highway Superintendent agrees with McDonald Engineering's recommendation; now, therefore, be it

RESOLVED, that the Highway Superintendent is hereby authorized to install a stop sign at the intersection of Burning Bush Boulevard and Thunderbird Drive.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 280 of 2001, a resolution awarding the bid for replacing the sidewalk at Town Hall.

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

WHEREAS, on September 27, 2001 bids were publicly opened for the above referenced contract, and

WHEREAS, the low bidder for this contract is Bast Hatfield Inc., in the amount of \$46,000.00, and

WHEREAS, McDonald Engineering has reviewed the bid and has recommended to the Town Supervisor that the bid of Bast Hatfield, Inc. be accepted; now, therefore, be it

RESOLVED, that the Town board hereby accepts and awards the above referenced bid to Bast Hatfield, Inc. in the amount of \$46,000.00.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 281 of 2001, a resolution in connection with a block party to be held on Blue Jay Way.

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

WHEREAS, the residents of Blue Jay Way wish to conduct a block party the weekend of October 20-21, 2001 and have requested to close off a portion of Chickadee Lane and Blue Jay Way for this purpose; now, therefore, be it

RESOLVED, that the Town Highway Superintendent is hereby authorized to close a portion of Blue Jay Way from 12:00 noon until 5:00 p.m. to facilitate the local social event, and be it further

RESOLVED, that the residents 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 residents 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 applicable fire department, the Clifton Park Ambulance Corps., the Sheriff's Department and the State Police.

ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilman Roth

Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 282 of 2001, a resolution consenting to the relocation of Cyclics Corporation into the Schenectady-Glenville Empire Zone.

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

WHEREAS, Cyclics Corporation has operated an R&D/Manufacturing facility for one year at its 747 Pierce Road location in the Town of Clifton Park and has recently expanded its operations in Rensselaer, and

WHEREAS, Cyclics Corporation has leased property at Lot No. 4, Riverside Technology Park, Schenectady, New York to relocate its operations; now, therefore, be it

RESOLVED, that the Town of Clifton Park consents to the relocation of Cyclics Corporation into the Schenectady-Glenville Empire Zone location of Lot 4, Riverside Technology Park, Schenectady, New York.

Supervisor Barrett explained this resolution is at the request of the Cyclics Corporation and is needed due to a pirating agreement between municipalities and funding for a new location. The company had a small space in Clifton Park and their move to Schenectady will bring different groups of their employees together in one location. He said the Saratoga Economic Development Corporation has said there is a need for this resolution. Councilman Speckhard noted the town cannot prevent the company from moving but, without this resolution, could prevent them from getting the financial benefits of the Empire Zone designation.

ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilman Roth

Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

PUBLIC PRIVILEGE

Norman Goldman, London Square Drive, asked if early public privilege was put on the agenda at the Appleton Road residents' requests. Supervisor Barrett responded yes. The Supervisor said after talking to some Board members it is felt early public privilege should be done on a more regular basis. Mr. Goldman said there are more problems with the televising of Town Board meetings than in the past and asked the Supervisor to speak to Time Warner Cable personnel. Supervisor Barrett asked Councilwoman Walowit to contact Time Warner Cable in this regard.

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

Motion carried at 9:15 p.m.

Patricia O'Donnell
Town Clerk