

Clifton Park Town Board Meeting Minutes

September 16, 2002

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 – arrived at 7:40 p.m.

Councilman Speckhard

Councilman Roth – arrived at 7:30 p.m.

Councilwoman Walowit

Supervisor Barrett

Town Clerk O'Donnell

Also Present: Town Attorney Trainor

Louis Gerard, Superintendent of Highways

Mark Heggen, Comptroller

Jason Kemper, Director of Planning

Barbara McHugh, Director of Community Development

MOTION by Councilman Paolucci, seconded by Councilman Roth, to approve the minutes of the September 3, 2002 meeting as presented.

ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Roth

MOTION CARRIED

Paul Marinello, representing the Oriental Shriners of Troy, New York, reported a circus, sponsored by the Shriners, is scheduled for September 26th in the arena and the organization was not aware a mass gathering permit was necessary. He asked the Town Board to waive the time restrictions and to authorize the issuance of a mass gathering permit.

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett expressed thanks to all who participated in the Candlelight Vigil on September 11th.

REPORTS

Reports for August from the Transfer Station, Sheriff's Department and Highway Department were filed with the Town Clerk.

PRESENTATION ON EMPIRE ZONE

Supervisor Barrett displayed a map/plan of locations of companies asking to be designated an Empire Zone, noting recommendations must be submitted to SEDC by September 27th. He noted there is a total of 20 Empire Zone acres for Clifton Park.

Shelby Schneider, Saratoga Economic Development Corp (SEDC), reviewed history, basics and process of the Empire Zone program, as well as eligibility and benefits, noting there are 1280 acres designated Empire Zone throughout Saratoga County. Businesses that locate within an Empire Zone can qualify for advance NYS tax credits. There are 107 acres of undesignated acreage in the County Land Bank that can be put anywhere in the county. She stated boundaries of the Empire Zone can be moved twice in 2002 but only once a year in the future. The deadline to submit applications for the second round of boundary revisions is September 27, 2002. The town needs to review applications and send a letter in support of chosen applications to SEDC. Ms. Schneider explained it is a performance based program and businesses have to meet job standards, yearly employment tests to qualify for benefits, and employee and jobs must be tracked for five years. Supervisor Barrett stated this is not an IDA program and there is no local tax impact.

Councilman Speckhard said the focus of the program seems to have changed where originally it was presented as basically a tool for communities to develop their economic benefits and the reason the 20 acres were designated in the Corporate Commerce zone was that the town was focusing on long term development. He continued, with water and sewer going to the Corporate Commerce zone and with the Empire Zone attraction, it was felt this area could become a very attractive economic development area. However, the focus now seems to be on businesses rather than it being attached to land that is not developed. Councilman Speckhard said it now seems Empire Zone designation is to be attached to businesses which are already in planning and design and are very likely to get built even without Empire Zone designation. He asked if the focus has shifted from municipalities long term to business short term.

Ms. Schneider said the program is about creating jobs and capital investment and sustaining existing business as well as attracting new business to New York State. The Zone Administrative Board is bringing this back to the local municipality to determine the best use for the Empire Zone in that community.

Councilman Speckhard asked if the town would be penalized by rejecting applications of people who want to build now in favor of trying to develop a coordinated Corporate Commerce zone over a long period of time. Ms. Schneider responded no.

Ms. Schneider said the program is scheduled to sunset in 2005. It is the town's decision on how to use the zone.

Supervisor Barrett said it is his understanding the plan was put together so businesses looking to locate would know exactly where to garner benefits.

Councilwoman Walowit asked if employee turnover could present a problem such as retail where employees could be receiving minimum wage. Ms. Schneider said yes as the employee has to be tracked for five years for a wage tax credit and the program wouldn't work in a high turnover workplace. She said the program works better in a higher paying environment.

Supervisor Barrett and Director of Community Development McHugh reviewed areas being considered for the Empire Zone program. The Supervisor said the IDA was not involved in the revitalization of the Exit 9 area. He said if the pad of the former Steinbach store were designated for the Empire Zone, there would be no effect on local taxes except for the advantage of having retail full. He noted the town relies heavily on sales tax revenue. The Supervisor said the town needs to fill what is empty and look for low impact high tech jobs.

Councilman Speckhard said he has concerns about using the program for projects that are going to be built regardless of whether they are in the Empire Zone or not. He said the Empire Zone isn't going to do anything in terms of development but only gives business a tax break.

Ms. Schneider explained the only benefit a developer gets is to be able to say they have office space in an Empire Zone.

Supervisor Barrett said the town has the opportunity this year to choose areas needing help in the immediate term. He said it is important to use the town's Empire Zone allotted acreage.

It was noted a business can qualify for both Empire Zone and IDA. It was further noted that the town's application must be made by September 27th and requires only a letter of support not a Town Board resolution.

Speaking with regard to the resolution on tonight's agenda adding the DCG parcel to the Empire Zone, Councilman Speckhard asked since this PDD has not been approved would adding this parcel to the Empire Zone be a commitment on the Town Board's part to approve the PDD. Councilman Roth and Supervisor Barrett responded no. Ms. McHugh said if the Board chooses not to approve the specific project the owner could come back with a different project and still have the zone designation on that parcel. She stated there is no connection between the zone designation and any commitment on the part of the town to a pending project.

Ms. Schneider explained the extra 1.5 acreage in tonight's resolution is from the Saratoga County Land Bank.

Supervisor Barrett said acreage can be taken from the 20 acres designated Empire Zone in the Corporate Commerce zone. Director of Planning Kemper said approximately 5 to 9 acres in the original 20 acres are wetlands. Ms. McHugh said the town is looking to delete the Empire Zone acres that are wetlands and relocate them for more usable and worthy proposals. She noted this may be the town's last large opportunity to redistribute and make the most use of our allocation of 20 acres.

Councilman Paolucci said the resolution proposed doesn't redistribute acreage but adds acreage. Ms. Schneider responded a complete metes and bounds description is required when redistributing acreage and there was no time to do so in this first round. Supervisor Barrett said the submission on September 27th would be any changes to what is being passed this evening. Councilman Speckhard asked if this would be done without a Town Board resolution, Supervisor Barrett responded yes. Dennis Brobston, SEDC, said one of the issues with the state legislation was that a concurring resolution from the community happen after approval was given for Empire Zone and all criteria has been met. He continued at this point a letter of support is sufficient.

With regard to the current applications, Supervisor Barrett asked the Board to review them and contact him before September 27th with their preferences.

Ms. McHugh explained only building footprints are being evaluated, not green space or parking lots.

Concern from the floor that there is no opportunity for public Town Board discussion regarding the selection before September 27th.

Councilman Speckhard said a lot of work has gone into the Empire Zone designations and on these particular projects shown on the map. He hopes his comments tonight will not be taken as being critical of the individual projects. He asks that as much of the current buildable area within the Corporate Commerce zone be maintained and the rest can go wherever the Town Board decides. He does not want to detract from the potential of the Corporate Commerce zone in anyway. Supervisor Barrett said this won't detract from the Corporate Commerce zone. He stated the Corporate Commerce zone is the starting base and there is no plan to move from that.

Comptroller Heggen reviewed the financial report for August. He said letters have been sent to all potential eligible employees regarding early retirement and he has received a number of responses. He reported sales and mortgage tax revenues are ahead of budget with sales tax revenue just under \$5 million.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard

Resolution No. 239 of 2002, a resolution authorizing the Director of Community Development and the Environmental Specialist to attend the New York State Quality Community and Quality Coasts Conference.

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

WHEREAS, Barbara McHugh and Michael O'Brien have requested approval to attend the New York State Quality Community and Quality Coasts Conference to be held on October 22-23, 2002 in Albany, New York, and

WHEREAS, 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 the Director of Community Development, Barbara McHugh and the Environmental Specialist, Michael O'Brien are hereby authorized to attend the New York State Quality Community and Quality Coasts Conference October 22-23, 2002 in Albany, New York, at a cost not to exceed \$110 per person to be paid from A-8989-001 (Community Development – Training/Conference).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 240 of 2002, a resolution transferring funds to cover the printing of an historical book to commemorate the 175th Anniversary of the Town of Clifton Park.

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

WHEREAS, the Town Historian is authoring a photo and narrative history book to commemorate the 175th Anniversary of the formation of the Town, and

WHEREAS, the estimated cost of design, layout and printing of the history book is \$10,500; now, therefore, be it

RESOLVED, that \$10,500 be transferred from the Contingency Fund to Town Historian, A-7510-8, to cover the cost of the design, layout and printing of the history book, and be it further

RESOLVED, that the book be sold for at least \$5.00 per copy to recover the cost of the printing.

Councilman Speckhard said 2000 books will be printed.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 241 of 2002, a resolution allocating funds to support activities for the Town of Clifton Park's 175th Anniversary.

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

WHEREAS, the 175th Anniversary Committee has requested that \$6500 be allocated to fund the design, printing and distribution of banners, brochures and booklets, and for mailing expenses and for advertising of special events and promotions; now, therefore, be it

RESOLVED, that \$6500 be authorized for payment from A-8560-200, Community Beautification Budget (Special Events,) as determined by the 175th Anniversary Committee to fund the design, printing and distribution of banners, brochures and booklets, and for mailing expenses and for advertising of special events and promotions.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 242 of 2002, a resolution authorizing the Supervisor to sign a lease with deLage landen for a copier.

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

WHEREAS, the Town Administrator has recommended that a new copier be leased for

the Building Department, and

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

RESOLVED, that the Town Supervisor is authorized to enter into a lease agreement with deLage landen for a Lanier 5635 Copier and Stand for forty eight (48) months, per State Contract No. PC 59457 at a cost not to exceed \$152.00 per month, plus .01 per copy for service and supplies, as budgeted in item A-03620-00200 (Building Dept.- Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 243 of 2002, a resolution supporting and concurring with Saratoga County's application for Empire Zone Boundary Revision.

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

WHEREAS, New York State has created the Empire Zone program to encourage industrial and commercial development in selected municipalities including Saratoga County, and

WHEREAS, Saratoga County received designation of an Empire Zone pursuant to New York State General Municipal Law § 958 (c) on December 18, 2001, and

WHEREAS, Saratoga County intends to authorize the submission of an application for the revision of areas within Saratoga County as an Empire Zone, and

WHEREAS, the County of Saratoga wishes to designate certain areas within the Town of Clifton Park as part of the proposed Empire Zone so as to encourage industrial, commercial, corporate and high tech development and to allow for the creation of an additional sub-zone in the Town of Clifton Park, and

WHEREAS, the Town of Clifton Park is desirous of working with Saratoga County through the Empire Zone Program to provide enhanced job opportunities for its residents;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Clifton Park, New York, that it fully supports and concurs in the County's actions to authorize

and submit an application for a revision of the boundaries of the Saratoga County Empire Zone, and

BE IT FURTHER RESOLVED, that the amendment to Saratoga County Local Law 3-2000 authorizing the revision to the Saratoga County Empire Zone include the following property description for areas in the Town of Clifton Park:

Town of Clifton Park #1 Empire Zone – ±10.000 acres

ALL THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND SITUATE in the Town of Clifton Park, County of Saratoga, State of New York, lying generally northerly of New York State Route 146 and being more particularly bounded and described as follows:

Commencing at a point marked with an iron rod at the point of intersection of the northerly line of New York State Route 146 with the common division line between lands now or formerly of Frank N. Parisi, etal, as described in Book 1310 of Deeds at Page 357 on the west and lands now or formerly of 21st Century Park as described in Book 1118 of Deeds at Page 228 on the east as shown on a map entitled "Concept Plan 21st Century Park", as prepared by ABD Engineers Surveyors, DWG565, dated August 1996;

Thence from said point of commencement and continuing along said common division line the following course and distance:

North 08 deg. 24 min. 50 sec. West 100.00 feet to the point of the hereinafter described Town of Clifton Park #1 Empire Zone;

Thence continuing along said common division line the following course and distance: North 08 deg. 24 min. 50 sec. West 400.00 feet to a point;

Thence through the lands now or formerly of said the 21st Century Park the following four (4) courses and distances:

- 1.) South 83 deg. 37 min. 26 sec East 600.00 feet to a point;
- 2.) North 00 deg. 57 min. 56 sec. West 154.47 feet to a point;
- 3.) North 22 deg. 58 min. 00 sec. East 340.00 feet to a point;
- 4.) North 01 deg 09 min. 40 sec. West 396.68 feet to a point;

Thence running along the common division line between lands now or formerly of Frank N. Parisi, etal, as described in Book 1310 of Deeds at Page 357 on the north and lands now or formerly of said 21st Century Park as described in Book 1118 of Deeds at Page 228 on the south as shown on said map the following two (2) courses and distances:

- 1.) South 86 deg. 48 min. 30 sec. East 186.86 feet to a point;
- 2.) South 83 deg. 14 min. 00 sec. East 164.14 feet to a point;

Thence running along the common division line between lands now or formerly of H. Richard Stewart, etal, as described in Book 1444 of Deeds at Page 661 on the east and lands now or formerly of said 21st Century Park as described in Book 1118 of Deeds at Page 228 on the west as shown on said map the following two (2) courses and distances:

- 1.) South 22 deg 58 min 00 sec. West 710.00 feet to a point;
- 2.) South 08 deg. 29 min. 50 sec. East 411.77 feet to a point;

Thence through the lands now or formerly of said the 21st Century Park the following two (2) courses and distances:

- 1.) South 84 deg. 37 min. 20 sec West 277.76 feet to a point;
- 2.) South 81 deg. 35 min. 10 sec. West 522.24 feet to the point or place of beginning of said Town of Clifton Park #1 Empire Zone, containing ±10.000 acres of land.

Town of Clifton Park #2 Empire Zone – ±10.000 acres

ALL THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND SITUATE in the Town of Clifton Park, County of Saratoga, State of New York, lying generally southerly of New York State Route 146 and being more particularly bounded and described as follows:

Commencing at the southwest corner of the intersection of New York State Route 146 and Miller Road as shown on a map entitled: "Proposed Planned Commercial Development," as prepared by Environmental Design Partnership, LLP, undated; Thence along the easterly boundary of the right of way of the said Miller Road the following two (2) courses and distances:

- 1.) South 09 deg. 15 min. 00 sec. West 100.00 feet to a point;
- 2.) North 80 deg. 45 min. 00 sec. West 40.00 feet to a point of beginning of the hereinafter described Town of Clifton Park #2 Empire Zone;

Thence running through the lands now or formerly of H. Richard Stewart, etal, as described in Book 1551 of Deeds at Page 340 the following four (4) courses and distances:

- 1.) South 09 deg. 15 min. 00 sec. West 660.00 feet to a point;
- 2.) North 80 deg. 45 min. 00 sec. West 660.00 feet to a point;
- 3.) North 09 deg. 15 min. 00 sec. East 660.00 feet to a point;
- 4.) South 80 deg. 45 min. 00 sec. East 660.00 feet to the point or place of beginning of said Town of Clifton Park #2 Empire Zone, containing ±10.000 acres of land;

Town of Clifton Park #3 Empire Zone – ±1.171 acres

ALL THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND SITUATE in the Town of Clifton Park, County of Saratoga, State of New York lying approximately 680 feet north of the north right-of-way line of Wall Street and approximately 1,200 feet south of N.Y.S. Route #146 and being further bounded and described as follows:

COMMENCING at a point being the southwest corner of a parcel of land conveyed to Stephen Vinciguerra by deed dated September 19, 1994 and recorded in Book 1400 of Deeds at Page 602 said point located South 86 deg. 26 min. 30 sec. West 64.51 feet from a concrete monument found;

Thence from said point of commencement along the west line of said lands conveyed to Vinciguerra (now lands of Donald C. Greene), North 01 deg. 46 min. 32 sec. West 388.0 feet to the point of beginning of the hereinafter described Town of Clifton Park #3 Empire Zone;

Thence from said point of beginning continuing along said west line, North 01 deg. 46 min. 32 sec. West 300.00 feet to a point;

Thence through said lands of Donald C. Greene the following three (3) courses and

distances:

- 1.) North 88 deg. 13 min. 28 sec. East 170.0 feet to a point;
- 2.) South 01 deg. 46 min. 32 sec. East, 300.0 feet to a point;
- 3.) South 88 deg. 13 min. 28 sec. West 170.0 feet to the point or place of beginning of said Town of Clifton Park #3 Empire Zone containing \pm 51,000 square feet of land or \pm 1.171 acres.

Councilman Speckhard asked that in the fourth WHEREAS...to encourage industrial, commercial corporate and high tech be added.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 244 of 2002, a resolution authorizing the issuance of a Mass Gathering Permit to the Oriental Shrine Center of Troy, NY and waiving the statutory time period for said application.

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

WHEREAS, the Oriental Shrine Center of Troy, NY has requested that the Town issue a Mass Gathering Permit for the purpose of having two circus shows on September 26, 2002 at 4:30 p.m. and 7:30 p.m., 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 Oriental Shrine Center of Troy, NY for a public assemblage to be held in the Clifton Park Arena on September 26, 2002 for the sole purpose of conducting two circus shows; and be it further

RESOLVED, that a rental fee of no more than \$50.00 per hour may be charged during

the hours of set-up, and no more than \$100.00 per hour may be charged during the hours of performance.

Supervisor Barrett said there are no clear rules and regulations for the use of the arena as there are for the clubhouses and this is something that should be looked at. He said he's not sure what to charge and the last RESOLVE is to give the town the right to charge should the town choose to do so. Councilman Speckhard said \$1.00 would cover it.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Councilman Paolucci announced the town is sponsoring "Personal and Family Awareness" seminars consisting of four sessions.

PUBLIC PRIVILEGE

Valerie Doane, Bear Brook Court, requested the Town Board to consider a day time noise ordinance. She said there is a lumberjack on Plank Road and it is difficult to deal with the constant noise everyday. She presented a petition from residents of Bear Brook Court requesting the Town Board to "consider, as part of your deliberation of a noise ordinance, the hours of daytime operation of noisy equipment in a residential neighborhood".

Councilman Paolucci said there are still some outstanding questions and depending on changes to the proposed law, another public hearing may be necessary. He said he didn't focus on daytime noise and doesn't think he is prepared to bring that aspect forward at this time but legislation can be amended.

Town Attorney Trainor recommended Ms. Doane speak with Mr. Clemens. Ms. Doane replied she has spoken with Mr. Clemens.

Supervisor Barrett reported he has met with Mr. Millington and he is taking some steps to mitigate the noise from the machine.

Beverly Czub, Miller Road, questioned if there should be a special insurance policy from the Shriners. Mr. Trainor responded this has been taken care of and the town will be an additional insured on their policy for the event.

MOTION by Councilman Roth, 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 9:30 p.m.

Patricia O'Donnell
Town Clerk