

Clifton Park Town Board Meeting Minutes

October 6, 2003

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

Also Present: Town Attorney Trainor
Louis Gerard, Superintendent of Highways
Jason Kemper, Director of Planning
Michael O'Brien, Environmental Specialist
Michael Shahan, Town Administrator
Walter Smead, Assessor

MOTION by Councilman Paolucci, seconded by Councilman Roth, to approve the minutes of the September 8 and 15, 2003 meetings as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett spoke on the successful Catiebug Race noting the Clifton Park Stampede has been merged with the Catiebug Race.

A moment of silence was held in memory of Edgar Shopmyer who died on October 3, 2003. Mr. and Mrs. Shopmyer were regular attendees at the Town Board meetings for many years.

Councilman Roth reported the Special Collection Day was very successful with 474

vehicles coming through. He noted electronics were collected for the first time. Councilman Roth expressed appreciation to all the volunteers and to McDonalds, Mama's Pizza, Price Chopper and Stewarts for their food donations for the volunteers.

Councilman Paolucci commended the Not So Common Players on their Town of Clifton Park 175th anniversary production of "The Queen of Hearts".

The Town Clerk presented the 2004 Tentative Budget to the Town Board.

PRESENTATION TO THE BOARD

Town Historian John Scherer gave an update on the renovations and restorations taking place at Grooms Tavern. He introduced Dan Cole, President of the Friends of Grooms Tavern, who presented a check in the amount of \$20,000 raised during the recent "Evening at Grooms Tavern Gala". Mr. Cole expressed appreciation to the Supervisor and Town Board for their support, to Dale Kelley, Committee Chair of the Gala, and to Thomas and Constance D'Ambra who donated \$10,000 to the event. Supervisor Barrett displayed a print of a painting by Len Tantillo of the Vischer Ferry in 1890 donated to the town by Mr. & Mrs. D'Ambra. Mr. Scherer stated the print is historically accurate.

PUBLIC HEARING, 7:10 PM

TO CONSIDER ESTABLISHING THE MILLER ROAD SOUTH WATER DISTRICT

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on September 25, 2003.

Councilman Speckhard said this is another step forward in expanding good clean drinking water to everyone in town that needs it.

The public hearing was opened for comments from the audience at 7:25 p.m.

Thomas Herold, Grooms Corners, spoke in support of the proposed Water District but said his biggest concern is the cost. He said since half a million dollars has been spent on the Grooms Tavern why doesn't the town spend another \$100,000 - \$200,000 to bring water to the Tavern and let the Miller Road residents benefit from that.

Guy Bassi, 309 Miller Road, spoke in support of the proposed Water District. He stated there is more than 51 percent of assessed valuation in favor of the District. Mr. Bassi requested that the Board vote on the Water District this evening.

Environmental Specialist O'Brien said the petitions from the south section of Miller Road show 13 yeses and 4 noes.

Councilman Paolucci said the adoption of a special district requires approval from the State Comptroller's office. He further stated the town (Grooms Tavern) is included in the Water District and will be paying a portion of the extension and interest payments for the

life of the District.

Jim Carroll, Miller Road, spoke in support of the Water District and asked the Board to move forward.

Town Attorney Trainor explained the establishment of the Water District is quite involved and not something that can be done this evening.

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 7:38 p.m.

**PUBLIC HEARING, 7:20 PM
TO CONSIDER A LOCAL LAW REGARDING TAX EMEMPTION FOR PERSONS
WITH DISABILITIES AND LIMITED INCOMES**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on September 23, 2003.

Town Assessor Walter Smead summarized the proposed local law explaining this is real property tax exemption raising the maximum amount of income in order to qualify for the exemptions from \$27,900 to \$29,900. He reported Shenendehowa School District did this last year.

The public hearing was opened for comments from the audience at 7:38 p.m.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 7:40 p.m.

**PUBLIC HEARING, 7:30 PM
TO CONSIDER A LOCAL LAW REGARDING PROPERTY TAX EXEMPTIONS
FOR PERSONS OVER 65 YEARS OF AGE**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on September 23, 2003.

Town Assessor Walter Smead summarized the proposed local law explaining this is a real property tax exemption for those 65 years of age and older. The maximum amount of income is being raised from \$27,900 to \$29,900. He reported Shenendehowa School District has already implemented this exemption. He stated this will have minimal effect on town taxes.

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

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 7:45 p.m.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 249 of 2003, a resolution extending the Transfer Station hours for Fall Cleanup. Introduced by Councilman Speckhard, who moved its adoption, seconded by Councilman Paolucci.

WHEREAS, the Transfer Station Supervisor has requested that the Transfer Station be open on Sundays, October 19th, 26th and on November 2, and 9th, 2003 between the hours of 10 AM and 4 PM, for Fall Cleanup of leaves and brush, and WHEREAS, the Transfer Station Supervisor has proposed the attached schedule to support the extended hours of operation; now, therefore, be it RESOLVED, that the Transfer Station be open for extended hours on Sundays between October 19 through November 9, 2003 (weather permitting) for Fall Cleanup of leaves and brush and that the Comptroller is authorized to expend funds for the same per the attached schedule from budget line item A-8160-074 (Convenience Transfer Station-Overtime).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 250 of 2003, a resolution appointing Donald McCune as Transfer Station Assistant Supervisor.

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

WHEREAS, due to the resignation of Leonard Craig a vacancy exists for Transfer Station Assistant Supervisor, and

WHEREAS, the Transfer Station Supervisor has recommended that Donald McCune, currently an MEO at the Transfer Station be promoted to fill this position; now, therefore, be it

RESOLVED, that Donald McCune is hereby appointed to the position of Transfer Station Assistant Supervisor, Grade 7, Step 1, \$34,565 effective September 25, 2003 to be paid with a transfer of \$1500 to cover 2003 salary expense from A-8160-E579 (Convenience Transfer Station-Leonard Craig) to A-8160-E76 (Convenience Transfer Station-Don

McCune).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 251 of 2003, a resolution adopting Local Law No. 5 of 2003, a local law amending Chapter 103, Article II, Section 103-16, Building Permit Fees of the Town Code.

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

WHEREAS, the Building Department has recommended that the Town Board consider amending Section 103-16, Building Permit Fees to enact changes to the fees charged by the Building Department, and

WHEREAS, a public hearing was held on June 9, 2003 and September 15, 2003 to obtain comment from the public; now, therefore, be it

RESOLVED, that Local Law No. 5 of 2003, a local law amending Chapter 103, Article II, Section 103-16, regarding Building Permit Fees is hereby adopted, and be it further

RESOLVED, that the Town Clerk file said local law with the New York Department of State as required by law; and be it further

RESOLVED, that this local law shall take effect upon its filing at the New York Department of State but shall also be immediately effective upon a person or entity personally served with a copy before then.

(Clerk's note: A law regarding Building Permit Fees was adopted on July 7, 2003 but the public hearing was inadvertently not published, therefore it was necessary to redo with some additions.) Supervisor Barrett said Mr. Clemens did a brief study of other municipalities and these fees put the town in the middle. Supervisor Barrett stressed this is only commercial and not homeowner fees.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 252 of 2003, a resolution authorizing the expenditure of \$2500 for placement of the “Welcome to Clifton Park” sign at the Exit 10 south ramp of I-87 contingent on approval from the State of New York for placement on state owned property.

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

WHEREAS, a “Welcome to Clifton Park” sign was donated to the Town by Stewarts Shops Inc. over a year ago, and

WHEREAS, this sign has been kept in storage pending a location for placement, and

WHEREAS, putting this sign at the top of the Exit 10 south ramp of I-87 would add to the identity of our community which has “Welcome” signs placed at Exit 8 and Exit 9, and

WHEREAS, the \$2500 expenditure contingent on approval by the state of the site selected would be used to provide lighting, minimum landscaping and a plaque to acknowledge Stewarts Shops Inc; now, therefore, be it

RESOLVED, that \$2500 is approved from contingency for the placement of the “Welcome to Clifton Park” sign contingent on New York State approval for placement, to be paid from the contingency account with a transfer to A-8560-24 (Community Enhancement- General Maintenance).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 253 of 2003, a resolution adopting Local Law No. 6 of 2003, a local law establishing the new B4A (Highway Business/Restricted Retail) zoning district.

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

WHEREAS, the Town Board wishes to create a new zoning district which would contain

the same permitted uses of the current B4 (Highway Business) Zoning District except that retail establishments would be limited to a maximum of 30,000 square feet of total gross floor space, and

WHEREAS, a public hearing was held on September 2, 2003 to consider said local law, and

WHEREAS, favorable comment was received from the public; now, therefore, be it

RESOLVED, that Local Law No. 6 of 2003, a local law establishing the new B4A (Highway Business/Restricted Retail) zoning district is hereby adopted, and be it further

RESOLVED, that said Local Law shall be referred to the Saratoga County Planning Board for its review and approval, and be it further

RESOLVED, that the Town Clerk file said local law with the New York State Department of State as required by law; and be it further

RESOLVED, that this local law shall take effect upon its filing at the New York Department of State, but also shall be immediately effective upon a person or entity personally served with a copy before then.

Supervisor Barrett said the current zoning in the area does not reflect the nature of the area and making this change will not change the character of the area but will make it easier for the current businesses to do business. He said the town should be business friendly and supportive of business.

Councilwoman Walowit said she is very supportive of this zoning change, as are the businesses in the area.

Supervisor Barrett described the area of the proposed zoning district and noted retail will be restricted to 30,000 square feet.

Councilman Speckhard noted this area has been designated historically for business and this will improve the area and maximize its benefits to the community.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 254 of 2003, a resolution adopting Local Law No. 7 of 2003, a local law

imposing a moratorium on development in the Western part of the Town.

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

WHEREAS, the Town of Clifton Park has entered upon a review of the portion of the Town located generally west of Vischer Ferry Road, Rt. 146A, Main Street and Hatlee Road and such other and further property which is identified through the Generic Environmental Impact Study (GEIS), and

WHEREAS, the Town of Clifton Park Planning Board passed a resolution on August 12, 2003 requesting the Town Board to do a Generic Environmental Impact Study for the Western portion of Clifton Park, and

WHEREAS, on September 2, 2003 a resolution was passed hiring Clough, Harbour, & Associates LLP to conduct a GEIS in the western part of Town, and

WHEREAS, on September 15, 2003 a Public Hearing was conducted to solicit public comment on the proposed moratorium and local law; now, therefore, be it

RESOLVED, that Local Law No. 7 of 2003, a local law imposing a moratorium on development in the Western part of Town is hereby adopted, and be further

RESOLVED, that said moratorium shall be referred to the Saratoga County Planning Board for its review, and be it further

RESOLVED, that the Town Clerk file said local law with the New York Department of State as required by law; and be it further

RESOLVED, that this local law shall take effect immediately upon its adoption.

Supervisor Barrett stated though this is a proactive planning tool for the future of the town, he is not completely comfortable, philosophically, with the proposal but doesn't think there is a choice. He said his concerns include school size, water, road infrastructure and public safety, including emergency services. The Supervisor has asked Director of Planning Kemper to analyze some individual situations.

Councilman Speckhard said it is time to plan, incorporate the Open Space Plan, and try to create a zoning condition that will improve rather than harm the community. He has heard concerns about the proposed moratorium 1) businesses that want to come in and develop and don't want to wait a year; 2) and more importantly from those people who are in the moratorium area and are concerned about the future use of their land.

Councilman Speckhard said it is important to pass the message on that the moratorium is not going to slow the process that much because the planning process takes time. Projects will still be reviewed during the moratorium but no approvals given. He stated it is not the Town Board's intention to limit what residents of the town can do with their property

in the future and people should be told if you're impacted by this moratorium, the Town Board will do whatever possible under the conditions of the moratorium to help their planning process along.

Supervisor Barrett said if the town is interested in purchasing a piece of property, the town bids on it just as anyone else would.

Councilman Speckhard said it is important to realize that the moratorium is in effect because of the town's commitment to the study; that without it the study could not be done because future impacts couldn't be studied if an area is constantly changing. He further explained it is not the moratorium that the Board wants but the study needs the moratorium. He encouraged the engineers to complete the study within the year.

Councilwoman Walowit contacted residents randomly in the moratorium area and though she received diverse comments, most people were in favor of the moratorium. She hopes this moratorium will be as painless as possible and stated Mr. Kemper has assured her that the planning process will go on and as soon as the study is done decisions will be made and action taken on those decisions.

Councilman Paolucci said government should stay out of peoples' lives unless the market will not provide a solution. He said there is the potential for thousands of houses in the moratorium area and no one knows what the impacts could be so a study is necessary and a study of this magnitude cannot be done without stopping development. Councilman Paolucci said he has heard from people that their development rights could be lost but he doesn't believe this is the case, however, there is a possibility that the GEIS may say a density reduction is warranted or a piece of land should be preserved. Councilman Paolucci said the town stands by willing buyer, willing seller and he agrees with this 100 percent. If a density reduction comes out of this GEIS and the Town Board chooses to enact that density reduction, the town has to come up with an algorithm that will properly compensate the property owner. Councilman Paolucci reported he and Mr. O'Brien have been looking at the possible introduction of a top soil ordinance that he believes could save water. He noted the western part of town has a different soil makeup than the eastern part and asked Clough, Harbour & Associates, when doing the GEIS, to see if the town needs a top soil ordinance and if it would help with water conservation.

Councilman Roth said his concern is that this be done fairly and equitably and when completed the Town Board do what is necessary to put the recommendations in effect. He said more should have been done with the Route 9 GEIS.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Regarding the following resolution, Environmental Specialist O'Brien explained a full metes and bounds survey is required by New York State in order to receive money for acquisitions.

Resolution No. 255 of 2003, a resolution authorizing a survey of the former Round Lake Reservoir.

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

WHEREAS, a need exists to survey the former Round Lake Reservoir Property in order to continue processing the grant request from the New York State Office of Parks, Recreation and Historic Preservation, and

WHEREAS, quotes were received and Santo Associates, Clifton Park, submitted the lowest qualifying quote at \$8,600.00; now, therefore, be it

RESOLVED, that authorization is given to Environmental Specialist Michael O'Brien to accept the quote of Santo Associates of Clifton Park, to survey the former Round Lake Reservoir property at a cost of \$8,600.00 to be paid from the Parkland Account (TA-710).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 256 of 2003, a resolution setting a public hearing to consider adoption of Local Law No. ____ of 2003, a Local Law establishing the Maxwell Drive South Mixed Use Planned Development District and amending Local Law No. 10 of 1996.

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

WHEREAS, an application for the Maxwell Drive Mixed Use PDD has been presented to the Town Board, and

WHEREAS, on September 25, 2003 the Planning Board sent a letter to the Town Board recommending approval of the PDD; now, therefore, be it

RESOLVED, that a public hearing to consider Local Law No. ____ of 2003, a local law establishing the Maxwell Drive Mixed Use PDD and amending Local Law No. 10 of 1996 is hereby scheduled for October 14, 2003 at 7:20 p.m. in the Wood Memorial Meeting Room, One Town Hall Plaza, Clifton Park; and be it further

RESOLVED, that the Town Clerk shall publish appropriate notice of same.

Councilman Roth said the town needs middle income senior housing, however, there are no parameters from the state and federal government regarding “middle income” housing. He expected this project to offer middle income senior housing and is concerned that it may not. Councilman Roth stated there are certain requirements in senior housing and they are not part of the legislation. He believes the people needing senior housing are in the 75 to 85 age bracket, not 55 years of age. He asked that people in the community come forward with their preferences.

Supervisor Barrett said he’s not sure PDD legislation is the place to list hand rails, fire walls, etc. but the market will ultimately dictate what is needed in the apartments. He said he expects this project to fall between Shenendehowa Village Apartments and Coburg Village.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 257 of 2003, a resolution adopting Local Law No. 8 of 2003, and amending Local Law No. 1 of 1998 relating to a tax exemption for persons with disabilities and limited incomes.

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

WHEREAS, Section 459-C of the Real Property Tax Law gives local governments the option of granting a reduction in the property taxes paid by qualifying persons with disabilities, and

WHEREAS, the Clifton Park Town Board wishes to authorize the Town Assessor to grant a partial property tax exemption to persons with disabilities who meet certain income limitations as per Section 459-C of the Real Property Tax Law, and

WHEREAS, a public hearing was held on October 6, 2003, relative to proposed amendments to Local Law No. 1 of 1998, and

WHEREAS, no public comment was received; now, therefore, be it

RESOLVED, that Local Law No. 8 of 2003, amending Local Law No. 1 of 1998 is hereby adopted as set forth in the attached Schedule A; and be it further

RESOLVED, that the Town Clerk shall cause said Local Law No. 8 of 2003 to be filed with the New York Department of State and shall forward a copy of the amended legislation as approved to the Saratoga County Treasurer.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 258 of 2003, a resolution adopting Local Law No. 9 of 2003 and amending Local Law No. 1 of 1999 regarding Senior Citizen Property Tax Exemptions.

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

WHEREAS, a public hearing was held on October 6, 2003 relative to proposed amendments to Local Law No. 1 of 1999, said amendments reflecting change in New York State income tax figures, and

WHEREAS, no public comment was received; now, therefore, be it

RESOLVED, that Local Law No. 9 of 2003, amending Local Law No. 1 of 1999 is hereby adopted as set forth in the attached Schedule A; and be it further

RESOLVED, that the Town Clerk shall cause said Local Law No. 9 of 2003 to be filed with the New York State Department of State and shall forward a copy of the amended legislation as approved to the Saratoga County Treasurer.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE-

Allen Shipley, Deerfield Lane, expressed concern that no lights are allowed on the soccer field on Clifton Common Sunday through Thursday evenings in the fall. He asked that the Town Board rescind the resolution. He questioned baseball games being held at night but soccer games being prohibited.

Supervisor Barrett explained when the town allowed the Soccer Club to erect the lights certain restrictions were imposed regarding usage. These restrictions came from concerns of residents on Plaid Place and to go outside those restrictions would break a promise to those residents. He continued if any teams were going to be allowed to play outside of the scheduled times, it should be by a Town Board vote. It was noted that this issue has arisen because the Varsity Soccer team wants to use the town field as there are construction issues with the school field.

Mr. Shahan said the rules of the lights regarding the Soccer Club should also apply to the high school. He reported \$2500 per tree has been spent in order to shield the neighbors from the lights.

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

Motion carried at 9:08 p.m.

Patricia O'Donnell
Town Clerk