

## **Clifton Park Town Board Meeting Minutes**

**November 3, 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  
Michael Shahan, Town Administrator

MOTION by Councilman Paolucci, seconded by Councilman Roth, to approve the minutes of the October 14 and 20, 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**

Town Clerk O'Donnell announced a public hearing will be held November 5, 2003 at the Board of Supervisors' Chambers in Ballston Spa to hear comment on the proposed Saratoga County Sewer Rates.

Councilman Roth reported a complaint had been received regarding a grinder pump issue in Country Knolls South and that CK Sanitary Systems stated the problem wasn't under their purview. He said he discussed the problem with CK Sanitary System's engineer and company officials and this has now been favorably resolved. Supervisor Barrett stated there never should have been a question as to who would take care of the problem as it is clear whose responsibility it is based on the court ruling.

Supervisor Barrett reminded residents the public hearing on the 2004 preliminary budget is scheduled for November 6, 2003 at 7:00 p.m. He stated there will be no town tax in 2004 and highway and county will continue to be reduced

#### PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 270 of 2003, a resolution awarding the bid for the Highway Department Storage Building Construction and Renovations, Contract No. 1- General Construction.

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

WHEREAS, on October 16, 2003, bids were received for the above referenced contract, and

WHEREAS, the low bidder for Contract No.1-General Construction is Bast Hatfield, Inc. in the amount of \$143,831.00, and

WHEREAS, as per letter from McDonald Engineering, dated October 17, 2003, McDonald Engineering has reviewed the bids and has recommended to the Town Supervisor that Bast Hatfield, Inc. be accepted as the lowest most responsible bidder; now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced bid in the amount of \$143,831.00 to Bast Hatfield, Inc., to be paid from A-5132-200 (Highway Garage Equipment) \$139,000, and with a transfer of \$4,831.00 from A-5132-24 (Highway Garage-General Maintenance) to A-5132-200 (Highway Garage-Equipment).

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 271 of 2003, a resolution awarding the bid for the Highway Department Storage Building Construction and Renovations, Contract No. 2- Electrical Work.

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

WHEREAS, on October 16, 2003, bids were received for the above referenced contract, and

WHEREAS, the low bidder for Contract No. 2-Electrical Work is Brownell Electric Corp. in the amount of \$20,700.00, and

WHEREAS, as per letter from McDonald Engineering, dated October 17, 2003, McDonald Engineering has reviewed the bids and has recommended to the Town Supervisor that Brownell Electric Corp. be accepted as the lowest most responsible bidder; now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced bid in the amount of \$20,700.00 to Brownell Electric Corp to be paid with a transfer from A-5132-24(Highway Garage-General Maintenance), \$7,669.00, A-3310-140 (Traffic Safety-Other Payments), \$6,831.00 and \$6,200.00 from A-909, Fund Balance (Prior Year Receipt), to A-5132-200 (Highway Garage-Equipment).

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 272 of 2003, a resolution authorizing the sale of equipment declared surplus by the Town Administrator.

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

WHEREAS, the Town Administrator has declared the equipment on the enclosed attachment as surplus property, and

WHEREAS, the Town Administrator has recommended that such be advertised and sold by means of sealed bid, "as is", subject to New York State sales tax, with the Town of Clifton Park reserving the right to reject any and all bids, now, therefore, be it

RESOLVED, that the Town Clerk of the Town of Clifton Park is hereby authorized to advertise said equipment listed on the attached list determined to be surplus by the Town Board by sealed bid, with such sealed bids to be opened on November 18th, 2003 at 3:00 p.m., at the office of the Town Clerk, One Town Hall Plaza, Clifton Park.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 273 of 2003, a resolution adopting Local Law No. 10 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 Councilman Speckhard.

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

WHEREAS, on September 25, 2002 the Planning Board sent a letter to the Town Board recommending approval of the PDD, and

WHEREAS, on October 14, 2003 a public hearing was held to receive comment from the public; now, therefore, be it

RESOLVED, Local Law No. 10 of 2003, a local law establishing the Maxwell Drive Mixed Use PDD and amending Local Law No. 10 of 1996 is hereby adopted as per the attached Exhibit A; and be it further

RESOLVED, that the Town Clerk file said Local Law No. 10 of 2003 to be filed with the New York State Department of State as required by law.

Supervisor Barrett stated the legislation requires that an individual must be 55 or older to rent in the proposed building and believes this will be middle income housing. He said the greenspace is higher than required by law, the Planning Board has given a positive recommendation on the project and he believes this will be an affordable alternative for people in this age group. Supervisor Barrett said this is non-subsidized housing with no tax breaks of any type and full value on tax rolls. He noted affordable housing is a big issue in Saratoga County and this facility will fill a gap. He stated this will not be assisted living housing. The Supervisor said the exceptions in the legislation will do nothing to change the culture of the building but will only enhance the quality of life for the residents.

Councilman Roth said he doesn't think the proposed legislation is what was presented to him early on. He said a previous senior housing project was disapproved as residents came forward with concerns. He said we are letting the seniors down by not having more specific information in the legislation. Councilman Roth stated it is important that the lines of communication be open between the Town Board and developers. He said the

fact that no senior citizens came forward to support his position leaves it very difficult for him not to vote in favor of the PDD. He hopes the Town Board can come up with senior citizen middle income housing as he doesn't feel this project will meet that need. Councilman Roth stated he will vote in favor of the PDD.

Councilman Speckhard said he agrees with Councilman Roth of the need for senior citizen middle income housing. He feels the proposed legislation will somewhat address the need but not sufficiently. He explained tonight's legislation is really a description of a zone that is being created. Councilman Speckhard reviewed "Occupancy of Senior Housing (A)" noting those provisions and requirements must be met. He stated the town will now become more legally and formally involved with the project because of creation of the zone.

Supervisor Barrett said the age limit is an onerous restriction and the developer is putting millions of dollars on the line with no tax incentives. He noted since 2000 the Town Board has turned down three apartment buildings. The Supervisor said he has heard positive feedback from senior citizens. It is hoped this area could become a town center. Supervisor Barrett proposed setting up an advisory committee on senior housing to do additional research and come up with recommendations. He asked Norman Goldman to be part of this committee.

Councilman Speckhard said CareLinks would be a good contact as they are very much involved with senior housing. Regarding the project on the agenda, he explained what defines this as a senior project is that it will be governed by the provisions of the Housing for Older Persons Act not the age of 55.

Councilman Paolucci explained the previous proposed housing for 55 and older was turned down was due to location and residents' concerns. He said approximately 21 percent of the town's population is 55 and older and in another ten years another 17 percent of the population will be in this category. Councilman Paolucci stated this project is a good start and fits well in this area.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 274 of 2003, a resolution authorizing Change Order No. 3 for work at the Country Knolls Pool.

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

WHEREAS, bids were awarded for a filter replacement for the Country Knolls Pool in the amount of \$11,788.00, and

WHEREAS, previous approved change orders increased the contract by \$7,500.00, and

WHEREAS, in order to complete the work and open the pool in a timely fashion, Clardon Swimming Pool Service and Excavation, Inc. needed to work weekends and nights thus creating overtime hours, and additional costs were incurred due to additional changes that were required by the New York State Health Department at an additional cost of \$4,954.00, and

WHEREAS, the total cost of the repairs to the Country Knolls Pool is \$24,782.00, of which \$19,788.00 has been previously allocated; now, therefore, be it

RESOLVED, that authorization is hereby granted to the Director of Buildings and Grounds to execute Change Order No. 3 in the amount of \$4,954.00 with Clardon Swimming Pool Service and Excavation, Inc. for additional work as part of the Country Knolls Pool Filter Replacement project, to be paid from the Pool Fund Balance designated for improvements account and transferred to SP5-7151-200 (Country Knolls Pool-Equipment).

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 275 of 2003, a resolution waiving the rate for ice time for a fundraiser to benefit the Colossal Colon Foundation.

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

WHEREAS, the Arctic Foxes Women's Ice Hockey Team will sponsor the First Annual Cross Checking Colon Cancer Women's Ice Hockey Tournament, November 7-9, 2003, to help raise awareness about colon cancer, and

WHEREAS, the group has requested that the Town of Clifton Park donate the cost of one hour of ice time, which is \$205.00; now, therefore, be it

RESOLVED, that the total ice time usage fee be reduced by \$205.00 for the Arctic Foxes Women's Ice Hockey Tournament benefiting the Colossal Colon Foundation on

November 7-9, 2003 at the Clifton Park Ice Arena.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 276 of 2003, a resolution permitting a refund of an agricultural building permit fee from a subsequent commercial building fee for John and Deborah Hill.

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

WHEREAS, John and Deborah Hill, owners of property at 421-423 Schauber Road, Clifton Park, have requested that the agricultural building permit fee of \$500 they paid for an agricultural building to store farm equipment be refunded from their revised application fees for a commercial special use building permit of \$2060.00 to allow a riding stable on their property, and

WHEREAS, the Director of Building and Zoning has recommended that Mr. & Mrs. Hill's request be granted and the Town Board concurs with his recommendation; now, therefore, be it

RESOLVED, that the Director of Building and Zoning be permitted to refund the \$500 fee the Hill's paid from the \$2060.00 fee paid for a commercial special use building permit they now need for a riding stable at 421-423 Schauber Road, Clifton Park.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

In response to Norman Goldman's question Councilman Roth replied the ice arena audit is expected toward the middle of November. Mr. Goldman stated he is glad the PDD was approved. He stressed the importance of affordable housing for people who are just above the federally subsidized level.

John Hill, Eastside Drive, owner of property at 421-423 Schauber Road, expressed

appreciation for the town's assistance during the special permit use process.

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 8:05 p.m.

Patricia O'Donnell  
Town Clerk