

Clifton Park Town Board Meeting Minutes

December 8, 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
Michael Shahan, Town Administrator

Supervisor Barrett presented Resolution No. 301 to Lucile Miron in honor of her many years of volunteer service to others and on the occasion of her being recognized by the Capital District Senior Issues Forum. Resolution No. 302 recognizing the achievements and dedication of Esther Whitney will be presented to Ms. Whitney at a later date as she was unable to attend the meeting.

Resolution No. 301 of 2003, a resolution honoring Rexford resident, Lucile Miron.

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

WHEREAS, Lucile Miron, 130 Coburg Village, Rexford, New York, has recently received a Senior Lifetime Achievement Award by the Capital District Seniors Issues Forum for her devotion to caring for others, and

WHEREAS, Mrs. Miron's devotion to others has included volunteering at Our Lady of Hope Nursing Home for 25 years, as well as being very active in church activities and serving as an Eucharistic Minister for 40 years; now, therefore, be it

RESOLVED, that Lucile Miron is hereby honored and thanked by the Clifton Park Town Board for her many years of volunteer service to others in our community and is hereby congratulated on the occasion of her being recognized for her service by the Capital District Senior Issues Forum.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 302 of 2003, a resolution honoring Clifton Park resident, Esther Whitney.

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

WHEREAS, Esther Whitney, 327 Solomon Avenue, Clifton Park, New York, has recently received a Senior Lifetime Achievement Award by the Capital District Seniors Issues Forum for her devotion to caring for others, and

WHEREAS, Mrs. Whitney's devotion to others has included donating many hours of her artistic talents to the Shenendehowa Senior Center, the Carelinks Program and creating articles that can be sold as fundraisers; now, therefore, be it

RESOLVED, that Esther Whitney is hereby honored and thanked by the Clifton Park Town Board for her many years of volunteer service to others in our community and is hereby congratulated on the occasion of being recognized for her service by the Capital District Senior Issues Forum.

ROLL CALL VOTE

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

None: None

DECLARED ADOPTED

PUBLIC HEARING, 7:10 PM
TO CONSIDER A LOCAL LAW AMENDING
THE TIME WARNER CABLE FRANCHISE AGREEMENT

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on December 4, 2003.

Town Attorney Trainor explained the first public hearing dealt with the actual terms of the agreement and this evening's public hearing modifies Local Law No. 2 of 1976, as amended, to reflect the terms of the new agreement.

The public hearing was opened for comments from the audience at 7:20 p.m.

Abraham Blum, Parkland Court, asked what rights the town has under this agreement with regard to rates and rate increases.

Councilman Walowit responded rates are governed through the Public Service Commission and the town has no say on rates.

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 7:23 p.m.

Resolution No. 303 of 2003, a resolution approving an outside user hook-up to the Rexford Water District No. 2.

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

WHEREAS, the Rexford Water District No. 2 has been approved by the New York State Comptroller's Department of Audit and Control, and

WHEREAS, a request has been received by the Town Board, as Commissioners of the Rexford Water District No. 2, to approve an outside user hook-up per the attached agreement; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Rexford Water District No. 2, hereby approves an outside user hook-up to the District's facilities by Floyd Simone pursuant to the attached agreement and authorizes the Supervisor to sign the agreement on behalf of the Water District, and be it further

RESOLVED, that this approval for an outside-user hook-up by Floyd Simone is specifically conditioned upon participation as part of the District once its boundaries are extended to encompass his property.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 304 of 2003, a resolution setting a public hearing on February 2, 2004 regarding the Town of Clifton Park's Section 8 Program.

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

WHEREAS, the Town of Clifton Park operates a Section 8 Housing Assistance Payments Program funded by the U. S. Department of Housing and Urban Development, and

WHEREAS, the Town of Clifton Park is required by the U. S. Department of Housing and Urban Development to prepare and adopt a written Annual Plan that establishes local policies for administration of the Section 8 Housing Assistance Payments Program in accordance with regulations of the U. S. Department of Housing and Urban Development, and

WHEREAS, a public hearing is required in order to consider adoption of the Annual Plan Establishing local policies for the administration of the Section 8 Housing Assistance Payments Program; now, therefore, be it

RESOLVED, that a public hearing to consider adoption of the Annual Plan establishing local policies for administering the Town of Clifton Park Section 8 Housing Assistance Payments Program is hereby set forth and scheduled for February 2, 2004 at 7:10 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, and the Town Clerk is directed to publish notice of same.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 305 of 2003, a resolution accepting a conveyance of the following easement.

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

WHEREAS, a condition of approval of the Ushers Road Industrial Park of the Town of Clifton Park Planning Board required that the developer convey certain easement to the Town of Clifton Park, and

NOW, THEREFORE, BE IT RESOLVED, THAT THE Town Board accepts the conveyance of the following easement briefly describes as follows:

Street Name of Owner
Storm Water Management Area DCG Development Co.
(within a portion of Lot No. 200 & 500 Commerce Dr.)

and be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt of an approval by the Town Attorney, Highway Superintendent and Town Engineer of all necessary documents, and provision of a title report acceptable by the Town Attorney, and upon payment of all taxes and assessments; 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. 306 of 2003, a resolution adopting Local Law No. 12 of 2003, a local law Renewing the Cable Television Franchise Agreement and amending Local Law No. 2 of 1976, as amended by Local Law No. 3 of 1986 and Local Law No. 2 of 1998.

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

WHEREAS, an application has been duly made to the Town Board of the Town of Clifton Park, Saratoga County, New York, by Time Warner, a corporation organized under the Transportation Corporation Law of the State of New York having its principal place of business at 1021 High Bridge Road, Schenectady, New York 12303, and the current holder of a cable television franchise in the Town of Clifton Park, for the approval of a proposal and adoption of amendments to renew Time Warner's CATV franchise for an additional ten (10) years commencing October 14, 2003, and

WHEREAS, a public hearing was held in the Town Hall, Clifton Park, New York on December 8, 2003 at 7:10 PM and notice of the hearing was published in the Schenectady Gazette; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park finds that:

1. Time Warner has substantially complied with the material terms and conditions of its

existing franchise and with applicable law.

2. The quality of the Time Warner service, including signal quality, response to customer complaints and billing practices has been reasonable in light of community needs.

3. Time Warner has the financial, legal and technical ability to provide the services, facilities and equipment as set forth in its proposal, and

4. The proposal is reasonable to meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests; and be it further

RESOLVED, that the Town Board of the Town of Clifton Park hereby adopts Local Law No. 12 of 2003 a local law Renewing the Cable Franchise Agreement and amending Local Law No. 2 of 1976, as amended by Local Law No. 3 of 1986 and Local Law No. 2 of 1998.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 307 of 2003, a resolution authorizing the Town Supervisor to sign an agreement with Time Warner renewing the Cable Franchise Agreement.

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

WHEREAS, an application has been duly made to the Town Board of the Town of Clifton Park, Saratoga County, New York, by Time Warner, a corporation organized under the Transportation Corporation Law of the State of New York having its principal place of business at 1021 High Bridge Road, Schenectady, New York 12303, and the current holder of a cable television franchise in the Town of Clifton Park, for the approval of a proposal and adoption of amendments to renew Time Warner's CATV franchise for an additional ten (10) years commencing October 14, 2003; and

WHEREAS, a public hearing was held in the Town Hall, Clifton Park, New York on October 14, 2003 at 7:10 pm and notice of the hearing was published in the Schenectady Gazette; and

WHEREAS;

1. Time Warner has substantially complied with the material terms and conditions of its existing franchise and with applicable law.
2. The quality of the Time Warner service, including signal quality, response to customer complaints and billing practices has been reasonable in light of community needs.
3. Time Warner has the financial, legal and technical ability to provide the services, facilities and equipment as set forth in its proposal, and
4. The proposal is reasonable to meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests; now, therefore, be it

RESOLVED, Town Board of the Town of Clifton Park, hereby authorized the Town Supervisor to sign an agreement with Time Warner renewing the Cable Television Franchise Agreement for an additional ten (10) year period commencing October 14, 2003.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Jim Baisley, Barkwood Lane, asked if the revenues received from the Hydrant District Tax go to the Water Authority. Supervisor Barrett responded yes.

MOTION by Councilman Paolucci, 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 7:35 p.m.

Patricia O'Donnell
Town Clerk