

Clifton Park Town Board Meeting Minutes

December 15, 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
Mark Heggen, Comptroller
Jason Kemper, Director of Planning
Barbara McHugh, Director of Community Development
Michael Shahan, Town Administrator

MOTION by Councilman Paolucci, seconded by Councilman Roth, to approve the minutes of the December 1 and 8, 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 received notice from the Department of Commerce correcting the census number of residents from 32,995 to 33,110.

Supervisor Barrett presented Resolution No. 268 of 2003, adopted by the Town Board on October 20, 2003 to Zachary Kineke in recognition of attaining the rank of Eagle Scout and of his project of turning an area at St. Casmir's School in Arbor Hill into an outdoor classroom environment which has been certified as a habitat by the National Wildlife

Federation. .

PRESENTATION TO THE BOARD

Dan Kumlander, Roback, Ferraro and Pehl, auditors for the ice arena, reported net income of \$22,954 for year ending August 31, 2003, of that \$10,594 will go to the Town of Clifton Park and \$12,000 to the rainy day fund which is set up for any major capital improvements. The rainy day fund now totals \$22,000. Supervisor Barrett noted in just over two years the town has realized a little over \$80,000 in operational profits. He said it is necessary to put money back in the arena as needed. Councilman Roth referred to Roback, Ferraro & Pehl Management Letter dated December 8, 2003, attached. He said he will review the recommendations in the letter with Town Attorney Trainor. Supervisor Barrett noted due to this agreement with Mr. Bobrow, the town has cleared over \$530,000 in approximately two years.

PUBLIC HEARING, 7:10 PM

TO CONSIDER THE ESTABLISHMENT OF A GROUP HOME AT 14 SOUTHBURY ROAD

Supervisor Barrett said a letter was sent to residents within 500 feet of 14 Southbury Road giving notice of this public hearing. He reviewed the process of establishing a group home. The town has three options: 1) accept the location 2) can reject the location but is required to find another location, 3) not respond at all, in which case the location would automatically be approved.

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on December 6, 2003.

Valerie Muratori, Executive Director of Saratoga County ARC explained the proposal is for a home at 14 Southbury Road for five independent men, ages 25-35, receiving services from Saratoga County ARC. She said the majority of individuals that access services have family members living in Saratoga County. She reported staffing is on a 24 hour basis when individuals are home; however, individuals participate in a variety of day services; e.g. competitively employed, working within sheltered employment program or volunteering at different activities. Individuals being served were born with developmental disabilities. This home was chosen due to its large living space and two single and one double bedrooms. This home also falls within the budget range and is within a community with a lot of resources. Ms. Muratori said there will be a mini-van at the residence as well as two staff vehicles. Supervisor Barrett stressed the importance of keeping cars off the road. She said the individuals have been living at home with families and are used to living in neighborhoods. Supervisor Barrett reviewed locations of group homes in the Town of Clifton Park. The house will be maintained but residents will be asked to help as much as possible. Ms. Muratori explained two staff people will be on during the awake hours – 3:00 to 11:00, and an overnight awake staff person.

The public hearing was opened for comments from the audience at 7:35 p.m.

Bahaa Barsoum, 10 Southbury Road, stated he moved to Clifton Park as he didn't want to live near anything commercial and doesn't believe the group home can be considered a family residence. He feels this is a done deal. He is concerned with the traffic, for children and property.

Jim Burce, 12 Southbury Road, stated he didn't receive a letter and didn't buy a house to live next to a boarding house.

John Brady, 5 Southbury Road, expressed concern with traffic and speed on Southbury Road. He feels property values will go down. Mr. Brady said had he known the traffic situation on Southbury Road he would not have bought his house.

Steve Kasper, 8 Southbury Road, questioned the legality of unrelated people living together in a residential zone. He expressed concern that property values will decrease, with the number of cars parked at the residence, as well as traffic on Southbury Road.

Valerie Muratori responded they have not seen property values decline. She said group home residents are very good neighbors.

Supervisor Barrett explained this program is designed to set up a home for developmentally disabled individuals to have some independence and experience life and the state is very clear in allowing this to happen. He stated it has nothing to do with town protecting neighborhoods.

Norman Goldman, London Square Drive, said without the state law no one could establish a home as discussed tonight. He said the state law was done in recognition that there are a lot of people who were in institutions and facilities where they didn't belong, where they couldn't live properly, and where they didn't have their own identity. It is his understanding that there have not been any problems with the other established residences in town.

Bart Firsty, 16 Southbury Road, asked why a colonial home was chosen. Ms. Muratori responded the individuals are ambulatory and don't need to live in a ranch style home. Mr. Firsty asked if the town has looked for another site. Supervisor Barrett responded no. It was noted that these homes are tax exempt.

Ms. Muratori reported the state gives a budget threshold of \$43,000 per person which must cover the cost of the home and renovations.

Mr. Firsty asked why the seller was told by the realtor not to tell the neighbors about who was going to live in the house. Ms. Muratori stated this is public information and the realtor should not have done that and it is not anything Saratoga County ARC would recommend. Ms. Muratori said there is on-call procedure for staff illnesses, snow days, etc. It was stated that an administrator, registered nurse and maintenance staff person are on call 24/7. Mr. Firsty reported there are 700 houses on Southbury Road and the

Crescent Road intersection is the most widely used and at times it is very dangerous to back out of a driveway.

Bob Gauvreau, Oakwood Blvd., spoke in favor of the group home, noting the homes are well taken care of and often residents of the home join in neighborhood events. Mr. Gauvreau said he hasn't heard of any complaints regarding the group homes.

Eileen Berner, 629 Bruno Road, noting that her brother is associated with ARC, said this is about giving developmentally disabled individuals a better quality of life and how wonderful it is to see the growth of these residents. She encouraged people to visit any of the homes.

Russell Hacker, Bittersweet Lane, said anytime he has met any developmentally disabled individuals working in local stores, they have been more than friendly. He said it is important to meet the new people before passing judgment.

Chris Schmid, Beechwood Drive, local builder, developer and real estate broker, said he has been involved in approximately 15-20 group home sales over 33 years throughout the capital district and has never found a situation where real estate values have gone down due to the home. Mr. Schmid said residents of group homes will be good neighbors.

Comment from the floor recommended Town Board spend some time observing the traffic on Southbury Road.

Geary Setsko, 2 Southbury Road, expressed concern with the traffic on Southbury Road and stressed the importance of the Town Board and ARC looking at the traffic situation.

Ms. Muratori said when the individuals are outside in the neighborhood they are always accompanied by the staff person. She said the ARC has been looking for three years for a home for the five gentlemen. She reported there are 65 individuals on the waiting list for homes in Saratoga County.

Mark Pollock, 22 Southbury Road, asked if a vote would be taken based on what the residents feel or what the Town Board wants and if the group home was a done deal. He further questioned why there is a double yellow line on Southbury Road.

Supervisor Barrett said a letter had been sent to residents in the neighborhood to let them know of the proposed group home and this public hearing is being held to get questions answered.

Highway Superintendent Gerard explained Southbury is a curvy road that was designed that way to try to hold the speed of the traffic down and the yellow line is to try to keep drivers from crossing. He noted the speed limit is often ignored. He stated speed bumps are against the law and stop signs were erected on Southbury Road but are also often ignored. Mr. Gerard noted the people driving on Southbury are residents of Crescent Estates South.

Bob Huff, 9 Southbury Road, asked if the Town Board would look for another location since the neighborhood is against the group home. He stated residents would work with the Board to find a viable space with more room and less traffic. He stated Southbury is a dangerous road.

Supervisor Barrett said the only thing that is going to solve speeding on Southbury Road is for people to stop at the stop signs and more police presence. He stated the group home will have no effect on that whatsoever and there has to be reason to search for another site and having more than two cars and people backing out of driveways is not a reason.

Councilman Paolucci stated if there is a traffic issue and the house is appropriate for a traditional family to move into then there is no reason to deny it as a group home. He said there was no requirement to send out letters to the residents.

Councilwoman Walowit said there are often calls about neighbors with dogs, those that don't take care of their property, etc. She has a group home near her and they couldn't be better neighbors.

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 8:57 p.m.

PRESENTATION TO THE BOARD

Joe Grasso and Chris Einstein of Clough, Harbour and Associates, reviewed the process of the preparation of the GEIS for the western part of town. Mr. Grasso noted the town will be lead agency and recommended that a committee be formed of members from the Planning Board, Town Board and other town agencies. He reported a draft scoping document has been prepared outlining steps as to what will be looked at and what critical issues are. Meetings have been held with involved agencies, as well as agreements entered into with sub consultants Harkin Archeological and Behan Associates.

Mr. Einstein said there is concern that the current zoning in the western part of town may not meet the town's vision so the study will be done in a phased approach starting with a build-out analysis, estimating potential development based on existing zoning. If build-out is acceptable to the Board then the GEIS will be prepared, if not, a land use study should be done.

Councilman Speckhard asked if the Board can take actions as the study progresses. Mr. Grasso said there may be a SEQRA issue depending on what type of improvement is being considered.

It was noted a public scoping session will be the first opportunity for public input.

Councilman Speckhard asked if it is possible to develop a water system while the study is

going on. Mr. Grasso responded yes, as this is only focused on land use changes but the development of a water system could refine the build-out analysis.

Town Administrator's Report - Mr. Shahan reported paper work has been submitted to the state regarding emergency generators for the five intersections needing traffic control during an extended power outage. He reported specifications are being prepared for the new 8-9 passenger senior van with handicap ramp. Mr. Shahan said a town security officer will check with radar as to speeding on Southbury Road and police agencies will be notified.

Town Comptroller's Report – Mr. Heggen said the 457 Plan Committee reviewed the companies that applied to handle the administrative services of the Plan, which is required every five years, and decided to go with Hartford as they offer an online service, have 30 investment options available and have small percentage fee of .8 to .9 percent, as well as more personal contact.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 308 of 2003, authorizing the Supervisor to enter into an agreement for the purchase of approximately fifteen (15) acres (Parcel ID # 288.-1-48.1) in the Town of Clifton Park.

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

WHEREAS, the Town board wishes to enter into an agreement with John J. VanVranken to purchase said parcel for parkland and will prohibit commercial and residential development, and

WHEREAS, entering into this agreement will confer a benefit upon the people of Clifton Park, and

WHEREAS, the Town will allocate fifty (\$50,000) thousand dollars from TA-710 (Parkland Trust and Agency) for the purchase of land, \$35,000 of which will be reimbursed by a grant from Saratoga County; now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to enter into the attached agreement with John J. VanVranken for the purchase of approximately fifteen (15) acres (Parcel ID # 288.-1-48.1) in the Town of Clifton Park for parkland and the funds be allocated for the same as outlined above.

Supervisor Barrett explained the money came about from the County Open Space Committee and makes it possible to preserve another 15 acres to add to the Preserve. The former owner did not want to see development of this property. The Supervisor expressed

appreciation to Dave Miller, who sits on the Open Space Committee at the county for his help in securing the funds.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 309 of 2003, a resolution authorizing the Supervisor to sign an arrangement letter with Marvin & Co. to audit General Purpose Financial Statements.

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

WHEREAS, it is necessary that an audit of the Town's financial activities for the fiscal year 2003 be conducted, and

WHEREAS, an acceptable proposal for the audit of the 2003 fiscal year activities of the Town of Clifton Park has been submitted by Marvin & Co.; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby authorizes the Supervisor to sign an arrangement letter with Marvin & Co. to audit General Purpose Financial Statements as of December 31, 2003 in an amount not to exceed \$11,000.00 to be paid from the 2004 General Fund Budget A-1320-19 (Comptroller-Auditing Expense).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 310 of 2003, a resolution authorizing the implementation, and funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefor.

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

WHEREAS, a Project for the Reconstruction of Clifton Park Center Road, Ushers Road

and Vischer Ferry Road from Miller Road to Moe Road, Van Patten Drive to CR 82 and Route 146 to Clifton Park Center Road, P.I.N. 1753.43 (“the Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the Town of Clifton Park desires to advance the Project by making a commitment of 100 % of the non-federal share of the costs of Preliminary Engineering and ROW incidentals.

NOW, THEREFORE, the Town Board, duly convened does hereby

RESOLVE, that the Town Board hereby approves the above-subject project; and it is further

RESOLVED, that the Town Board hereby authorizes the Town of Clifton Park to pay in the first instance 100% of the federal and non-federal share of the cost of Preliminary Engineering and ROW Incidentals work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$820,000.00 (Eight hundred twenty thousand dollars and no cents) had already been appropriated from Highway Department funds and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that an additional sum of \$115,000.00 (One hundred fifteen thousand dollars and no cents) is hereby appropriated from H9-3310-140 and made available to cover the cost of participation in the ROW Incidentals phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Town Board of the Town of Clifton Park shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

RESOLVED, that the Town Supervisor of the Town of Clifton Park be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Town of Clifton Park with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality’s first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State

Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, that this Resolution shall take effect immediately.

Councilman Paolucci explained this is the Vischer Ferry Road and Ushers Road project and will be reimbursed 85 percent by federal government, 10 percent by the state and 5 percent by the town but is necessary for the town to fund the project upfront. This is for the right of way provision. The town's share is \$8000.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 311 of 2003, a resolution authorizing the promotion of three employees in the Highway Department.

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

WHEREAS, Louis Gerard, Highway Superintendent, recommends that the following employees be promoted in the Highway Department:

MEO, Dean Charbonneau to Automotive Mechanic, Grade 6, Step 1
Laborers, William Hitt and Theodore Guynup to MEO, Grade 5, Step 1

and;

WHEREAS, the above referenced employees have met the requirements for these positions; now, therefore, be it

RESOLVED, that effective January 1, 2004, Dean Charbonneau is hereby appointed to the position of Automotive Mechanic, Grade 6, Step 1, and William Hitt and Theodore Guynup to the position of MEO to be budgeted as follows:

Dean Charbonneau DA5110-E4000 and DA5142-E4000
William Hitt DA5110-E1500 and DA5142-E1500
Theodore Guynup DA5110-E1500 and DA5142-E1500.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 312 of 2003, a resolution authorizing the appointment of four Laborers in the Highway Department.

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

WHEREAS, openings exist in the Highway Department for the position of Laborer; and

WHEREAS, Louis Gerard, Highway Superintendent recommends that the following individuals be hired to fill these positions:

Mark Richichi, PO Box 1172, Clifton Park
Timothy Harris, 27 Grissom Drive, Clifton Park
Michael Traider, PO Box 652, Round Lake
Terry Moore, 9 Newell Road, Schenectady

Now, therefore, be it

RESOLVED, that effective January 5, 2004, Mark Richichi, Timothy Harris, Michael Traider and Terry Moore are hereby appointed to the position of Laborer in the Highway Department, all at Grade 4, Step 1, to be budgeted from DA05110-E3000 (Highway-Laborer) and DAO5142-E3000 and DA05142-E3000 (Highway-Laborer).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 313 of 2003, a resolution authorizing the budget transfers specified in Exhibit A.

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

WHEREAS, the Comptroller has recommended that certain budget adjustments

contained in Exhibit A be made to address the needs of all funds as well as other miscellaneous expenditures as set forth in Exhibit A; now, therefore, be it

RESOLVED, that the budget transfers specified in Exhibit A be adopted per the Comptroller's recommendations.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 314 of 2003, a resolution authorizing Change Order No. 2 with Bast Hatfield for the Grooms Tavern Restoration Project.

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

WHEREAS, a contract to perform services for the Grooms Tavern Restoration Project was awarded in the amount of \$91,321.00, and

WHEREAS, Change Order No. 1 increased the contract amount by \$13,800.00. and

WHEREAS, it is necessary to paint the Dens-Deck exposed ceiling at a cost of \$1,430 plus architect fee of \$179.00, and

WHEREAS, the additional cost of \$1609.00 is to be paid by 50% matching contribution between the Town and Friends of Grooms Tavern; now, therefore, be it

RESOLVED, that Supervisor Barrett is hereby authorized to sign Change Order No. 2 dated November 28, 2003, with Bast Hatfield for the painting of the Dens-Deck exposed ceiling in the amount of \$1,609.00, \$804 to be paid by the Town of Clifton Park as allocated in Resolution No. 93 of 2003 and \$805.00 to be paid by the Friends of Grooms Tavern with a transfer to A-1627-200 (Grooms Road Emporium-Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 315 of 2003, a resolution encumbering \$4,000.00 from the 2003 Budget for traffic control generators.

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

WHEREAS, the Town Administrator has recommended that the Town purchase generators to power five traffic control devices at previously identified intersections in the event of an extended power outage, and

WHEREAS, \$4,000.00 is available for such purpose in the 2003 Budget Line Item A-3310-215 (Traffic Safety); now, therefore, be it

RESOLVED, 2003 Budget Line item A-3310-215 (Traffic Safety) is hereby encumbered in the amount of \$4,000.00 for the purchase of generators to power five traffic control devices at previously identified intersections in the event of an extended power outage.

Supervisor Barrett explained five of the busiest intersections in town have been designated to have the generators, which will be housed at the fire stations who will then see that they are hooked up when necessary. Security, State Police and Sheriff's Department will be asked to monitor the generators during the power outage.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 316 of 2003, a resolution establishing the Town of Clifton Park Town Board as Lead Agency and issuing a Positive Declaration under SEQR for the Western Clifton Park GEIS Study.

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

WHEREAS, the Town Board wishes to evaluate and identify mitigation for the potential impacts of development in the western portion of the Town of Clifton Park, through the SEQR process, and

WHEREAS, the Town Board determined that this is a Type 1 action under 6 NYCRR 617.4, and

WHEREAS, the Town Board has prepared a Full Environmental Assessment Form (EAF); and

WHEREAS, the Town Board has coordinated Lead Agency status in accordance with 6 NYCRR 617.6 and received no objection to the Town Board acting as Lead Agency; now, therefore, be it

RESOLVED, that the Town Board is Lead Agency pursuant to 6 NYCRR 617.6; and be it further

RESOLVED, that the Town Board shall authorize the preparation of a Draft Generic Environmental Impact Statement to address development potential in the western portion of the Town of Clifton Park.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 317 of 2003, a resolution to create a Citizen Corps Council in Clifton Park.

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

WHEREAS, the Town Supervisor has recommended that the Town adopt and create a “Citizen Corps Council” as a Town Committee and that the Town support and endorse the Council’s registration of membership in the national (FEMA) and state (SEMO) Citizen Corps Council, all under the auspices of the Department of Home Land Security, and

WHEREAS, the Mission of the Town of Clifton Park Council is to provide a platform from which to empower Clifton Park citizens to better prepare for and respond to emergency situations through education, training and volunteering and also to create opportunities for local citizens to contribute in assisting their neighbors and supporting their community against threats of terrorism, public health issues, natural disasters and crime; now, therefore, be it

RESOLVED, that the Town Board hereby creates a Citizens Corps Council as a Town committee to become affiliated with FEMA and SEMO Citizens Corps Council; and be it further

RESOLVED, that by this resolution the Town Board further encourages and supports the Council in its efforts to secure grant funding to support its mission of public safety and to actively conduct public outreach and education programs toward building a corps and spirit of volunteerism within the Town of Clifton Park.

Supervisor Barrett said residents with particular specialties are being asked to contact his office. Councilman Speckhard asked if this Council will have legal authority. Councilman Paolucci said this is more about outreach and education with no legal authority.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 318 of 2003, a resolution scheduling the 2004 Organizational and first 2004 Town Board Meeting for the Town of Clifton Park.

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

Now, therefore, be it

RESOLVED, that the 2004 Organizational Meeting for the Town of Clifton Park shall be held on Monday, January 5, 2004 at 7:00 p.m. in the Wood Memorial Meeting Room, One Town Hall Plaza, Clifton Park, New York; and be it further

RESOLVED, that the first Town Board Meeting of 2004 will be held on Monday, January 5, 2004 at 7:30 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 319 of 2003, a resolution accepting a conveyance of the following streets and easement.

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

WHEREAS, as a condition of approval of the Hempstead Commons Subdivision of the Town of Clifton Park Planning Board required that the developer convey roads and a certain easement to the Town of Clifton Park, and

WHEREAS, a Bond has been provided to the Town Planning Department as security for the contractor to complete all remaining punch list items; now, therefore, be it

RESOLVED, that the Town Board accepts the conveyance of the following streets and easements briefly described as follows:

Street Name of Owner

1. Hempstead Commons Camelot Associates
2. 10' wide strip along Clifton Park Center Road
3. Future Park Access Land along Hempstead Commons
4. Storm Water Management Area

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, provision of a title report which is acceptable to 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, and be it further

RESOLVED, that in accordance with the provisions of section 171 of the Highway Law of the State of New York, consent be and the same hereby is given to the Superintendent of Highways of the Town of Clifton Park make an Order laying out the aforescribed Town Highways, said Town Highways to consist of the lands described in the aforesaid deeds(s); and be it further

RESOLVED, that the Town Superintendent of Highways be and he is hereby authorized to post a thirty (30) miles per hour speed limit for the herein described highway(s), together with all necessary regulatory signs; and be it further

RESOLVED, that the Town Board hereby authorizes the installation of a stop sign on Hempstead Commons at its southerly intersection of Clifton Park Center Road, as required by the Planning Board and Town Highway Superintendent for proper traffic control.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 320 of 2003, a resolution authorizing the Supervisor to sign a lease with DeLage Landen for a copier.

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

WHEREAS, the Town Administrator has recommended that a new copier be leased for the Town Clerk's office, 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 LDO 45 Copier for thirty six(36) months at a cost not to exceed \$251.00 per month plus .0085 per copy for services and supplies, as budgeted in item A-1410-009 (Leases & Rentals).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 321 of 2003, a resolution authorizing the acceptance of sealed bid for Town surplus equipment.

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

WHEREAS, the Town Board of the Town of Clifton Park passed Resolution No. 272 of 2003 authorizing the Town Administrator to advertise and accept sealed bids for the sale of Town surplus vehicles, and

WHEREAS, said bids were advertised in the Gazette on November 7, 2003 soliciting

bids for this sale, and

WHEREAS, all bids were opened and publicly read on November 18, 2003; and

WHEREAS, the high bidder and second high bidder for the Toro Lawn Tractor/Mower have decided not to take the equipment, now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park accepts the bid of the third bidder, Michael O'Brien, in the amount of \$10.75 for the Toro Lawn Tractor/Mower.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 322 of 2003, a resolution appointing Hartford as the Administrative Service Agency and both Hartford and Allfirst Trust Company/M&T Bank as the Financial Institutions providing trust services for the Town of Clifton Park's Section 457 deferred compensation plans.

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

WHEREAS, the New York State Deferred Compensation Board (the "Board"), pursuant to Article 2, Section 5 of the New York State Finance Law, and the March 12, 2003 Rules and Regulations of the New York State Deferred Compensation Board (the "Regulations"), has promulgated the Model Deferred Compensation Plan (the "Model Plan") that the Town of Clifton Park has adopted and is overseen by our own Deferred Compensation Committee (the "Committee"), and

WHEREAS, Section 9003 of the Regulations requires all contracts or agreements with Administrative Service Agencies and Financial Organizations be awarded for a duration not to exceed five (5) years. Upon the expiration or termination of any contract or agreement the Committee shall follow the procedures set forth in the Regulations in awarding new contracts and entering into new agreements, and

WHEREAS, the Town of Clifton Park contracts or agreements needed to be renewed, the Committee has solicited and evaluated competitive proposals of Administrative Service Agencies and Financial Organizations, including trust services, in accordance with the Regulations, and

WHEREAS, the Committee has determined that the program offered by The Hartford Life Insurance Company (the “Hartford”) in conjunction with Allfirst Trust Company / M&T Bank would be beneficial for the Town of Clifton Park and its participants. In addition to the traditional services of toll-free telephone and internet access, Hartford is one of a select class still willing to commit to the concept of individual attention for each of our participants as we have come to expect. Hartford as been involved in this New York market since the inception of these type plans in this State in 1985. Hartford offers investment options and administration expenses that are competitive. In addition, Hartford has maintained a reputation for its understanding of the unique compliance issues that the Regulations present. Allfirst Trust Company / M&T Bank has been in existence for over 75 years with experience in serving other New York municipalities in providing trust services for their Section 457 deferred compensation plans; now, therefore, be it

RESOLVED, that Hartford is appointed as the Administrative Service Agency and both Hartford and Allfirst Trust Company / M&T Bank are appointed as the Financial Organizations, and be it further

RESOLVED, that the Committee is authorized to execute appropriate contracts with the Hartford and Allfirst Trust Company / M&T Bank. Such contracts and all related requirements as defined in the Regulations will be filed with the Civil Service Commission to obtain the appropriate “acknowledgment” to the Board. Such contracts will not exceed five years in duration, and will impose no penalties or surrender charges for the transfer of assets or responsibilities on the expiration of the contract per the Regulations.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Supervisor Barrett asked for Town Board comment regarding approval or disapproval of the proposed group home at 14 Southbury Road. Councilman Speckhard doesn’t feel the Board has any choice in the matter and said a letter should be written to the state recommending that this legislation be amended so that the process be worked through the state as confusion and ill will is created and there is nothing local government can do about it. Councilman Paolucci said he doesn’t remember any negative comments during his tenure regarding group homes. He continued, though he respects the comments heard tonight, he doesn’t believe there were any reasons to cause the Board to deny this group home. Councilman Paolucci said he is concerned about the loss of tax revenue and the fact that town residents have to share the burden, noting the law does allow for saturation. Supervisor Barrett said state elected officials have made it clear that developmentally

disabled individuals have the ability to move into residential areas and at the same time that the tax payers of the municipality subsidize the cost of the housing. The Supervisor said group homes are very positive and allow individuals to live as independently as possible. Town Attorney Trainor said in order to how saturation, the town would have to show that the nature and character of the area within the municipality would be substantially altered. Councilman Roth said he is concerned with the traffic on Southbury Road. Councilwoman Walowit said she thinks the agencies are very thorough in their investigation of an area before selecting a home. She said she looks at this as an opportunity for five new citizens to enjoy the things the town has to offer. Councilman Speckhard said there shouldn't be a law at all or a public discussion as to whether or not five people with mental disabilities can move into a house, they should be able to move into a house and the neighborhood doesn't need to be alerted.

Resolution No. 323 of 2003, a resolution approving the proposed Group Home at 14 Southbury Road, Clifton Park.

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

WHEREAS, Saratoga County ARC has proposed to establish a Group Home for 5 developmentally disabled residents at 14 Southbury Road, Clifton Park, and

WHEREAS, a public hearing was conducted on December 15, 2003 to receive comments regarding the proposal; now, therefore, be it

RESOLVED, that the Town Board hereby approves the proposed Group Home at 14 Southbury Road, Clifton Park.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Norman Goldman, London Square Drive, speaking with regard to the group home said his recollection is that when there was no state law, there were no such facilities and without the law, many of these people would still be in institutions. He said loss tax revenue doesn't amount to much but the state aid is used for purchasing home and hiring of staff. Mr. Goldman said he was disappointed by the presentation of the arena auditors.

MOTION by Councilwoman Walowit, 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 10:25 p.m.

Patricia O'Donnell
Town Clerk