

Clifton Park Town Board Meeting Minutes

September 20, 2004

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 Roth
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Absent: Councilman Speckhard

Also Present: Town Attorney Trainor
Mark Heggen, Comptroller
Michael Shahan, Town Administrator

MOTION by Councilman Roth, seconded by Councilwoman Walowit, to approve the minutes of the September 7, 2004 meeting as presented.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett announced the New York State Bicycle Coalition is having a seminar on pedestrian and bicycle safety on September 27th from 2:00 to 6:00 p.m. in the Town Hall.

REPORTS TO THE BOARD

Town Administrator Shahan reported Budget Workshops will be held October 6th and 7th and the budget will be filed with the Town Clerk September 27th. The Clerk will

present the budget to the Town Board on October 4th. With regard to Mr. DeNovio's concern about the new gravel parking area at Groom's Tavern, Mr. Shahren reported this situation has been addressed and screening will be added.

Town Comptroller Heggen reviewed the monthly financial report for August, noting it includes a comparative analysis with last year. He stated finances are tracking well within budget.

PUBLIC PRIVILEGE ON RESOLUTIONS

With regard to proposed Resolution No. 258 and in response to a question from the floor, Supervisor Barrett explained the cost of the property will not be known until an appraisal is done and formula applied.

Resolution No. 252 of 2004, a resolution extending the Transfer Station hours for Fall Cleanup. Introduced by Councilman Roth, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, the Transfer Station Supervisor has requested that the Transfer Station be open on Sundays, October 24th, 31st and on November 7, and 14th, 2004 between the hours of 10 a.m. and 4 p.m. for Fall Cleanup of leaves and brush only, 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 24th through November 14th, 2004 (weather permitting) for Fall Cleanup of leaves and brush only and that the Comptroller is authorized to expend funds for the same per the attached schedule from budget line item A-8160-074 (Transfer Station-Overtime).

ROLL CALL VOTE

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

Noes: None

Absent: Roy Speckhard

DECLARED ADOPTED

Resolution No. 253 of 2004, a resolution in connection with a Halloween party to be held on October 30, 2004.

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

WHEREAS, the Jonesville Fire Company would like to hold a Community Children's Halloween Parade on Saturday, October 30, 2004 from 4:30 p.m. to 5:30 p.m. from Dyer Dr. along Main St. to Jonesville Fire Station No. 1, now, therefore, be it

RESOLVED, that the Town Highway Superintendent is authorized to close Dyer Drive along Main Street to Jonesville Station No. 1 on October 30, 2004 from 4:30 p.m. to 5:30 p.m. to facilitate a local social event of the Jonesville Fire Company, and be it further

RESOLVED, that the residents, with the approval and advice of the Highway Superintendent, shall block the roadway off but shall open it immediately in case of emergency service needs such as fire, police or ambulance protection, and be it further

RESOLVED, that the Jonesville Fire Company shall be responsible for all clean-up activities on Town property or on the street Right-of-Way resulting from the social activity; and be it further

RESOLVED, that a copy of this resolution be sent to the Jonesville Fire Department, the Ballston Lake Ambulance Corps., Sheriff's Department and the State Police.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 254 of 2004, a resolution authorizing the Highway Superintendent to install three stop signs on Longview Drive. Introduced by Councilman Roth, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, a study of three intersections in Country Knolls South including Longview Drive at Sleepy Hollow Drive, Longview Drive at Sugar Plum Ridge and Longview Drive at Pepper Hollow has been conducted by McDonald Engineering, and WHEREAS, McDonald Engineering has recommended that stop signs be installed at the intersections of Longview Drive at Sleepy Hollow, Longview Drive at Sugar Plum Ridge and Longview Drive at Pepper Hollow, and WHEREAS, the Highway Superintendent agrees with McDonald Engineering's recommendation; now, therefore, be it RESOLVED, that the Highway Superintendent is hereby authorized to install stop signs at the intersections of Longview Drive at Sleepy Hollow, Longview Drive at Sugar Plum Ridge and Longview Drive at Pepper Hollow. ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 255 of 2004, a resolution authorizing the appointment of two (2) Laborers in the Highway Department.

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

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

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

Kiernan Lynch, 13 Torrey Pines, Clifton Park
Gregory Messier, 60 Starr Avenue, Schenectady

now, therefore, be it

RESOLVED, that effective immediately, Kiernan Lynch and Gregory Messier, 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 DA05142-E3000 (Snow Removal-Laborer).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 256 of 2004, a resolution supporting restoration of traffic fine revenue.

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

WHEREAS, Vehicle and Traffic law, §1803 governs the disposition of fines and penalties collected in connection with convictions pursuant to the Vehicle and Traffic Law, and

WHEREAS, Chapter 56 of the Laws of 2004, effective August 20, 2004, changed the distribution of the fines taking them away from municipalities and placing them in the State Treasury, and

WHEREAS, this change in the fine and penalties distribution formula will result in a loss to local taxpayers of more than \$20 million in fine monies – monies which have historically been used to fund justice court operations, and

WHEREAS, the Town of Clifton Park will likely lose \$175,000 per year in anticipated fine revenues, and

WHEREAS, this State Budget provision with its immediate effective date will result in significant 2004 deficits and will negatively impact town property tax rates for 2005; now, therefore, be it

RESOLVED, that the Town of Clifton Park calls for the restoration of the original fine distribution formula in order to provide towns with necessary revenues to fund justice court operations, and be it further

RESOLVED, that the Town of Clifton Park urges the passage of legislation introduced by Senator Bonacic (S.7757) and Assemblyman Cahill which amends the Vehicle and Traffic Law to restore this source of revenue to local governments; and be it further

RESOLVED, that a copy of this resolution be sent to Governor George E. Pataki; Joseph L. Bruno, Majority Leader of the Senate; Sheldon Silver, Speaker of the Assembly; Senator Elizabeth Little, Chair of the Local Government Committee; Assemblyman Robert Sweeney, Chair of the Local Government Committee; Senator Owen Johnson, Chair of the Finance Committee; Assemblyman Herman D. Farrell Jr., Chair of the Ways and Means Committee; Senator John A. DeFrancisco, Chair of Judiciary Committee; Assemblywoman Helene E. Weinstein, Chair Judiciary Committee; Congressman John Sweeney and Assemblyman Robert Prentiss.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 257 of 2004, a resolution setting a public hearing to consider adoption of Local Law No. ____ of 2004, a local law Imposing a Surcharge Pursuant to Vehicle and Traffic Law Section 1809-D.

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

WHEREAS, Vehicle and Traffic Law, §1803 governs the disposition of fines and penalties collected in connection with convictions pursuant to the Vehicle and Traffic Law, and

WHEREAS, Chapter 56 of the Laws of 2004, effective August 20, 2004, changed the distribution of the fines taking them away from municipalities and placing them in the State Treasury, and

WHEREAS, the Town of Clifton Park will likely lose \$175,000 per year in anticipated fine revenue, and

WHEREAS, the Town Board wishes to adopt Local Law No. ____ of 2004, a local law to impose a local surcharge on convictions rendered in the Town Justice Court pursuant to the enabling authority of section 1809-D of the Vehicle and Traffic Law, as added by Chapter 56 of the Laws of 2004, and

WHEREAS, the Town Board wishes to solicit the comments of the Town's citizens regarding the proposed local law; now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled for October 4, 2004 at 7:20 PM in the Wood Memorial Room, One Town Hall Plaza, Clifton Park to consider the adoption of Local Law No. ____ of 2004, a local law Imposing a Surcharge Pursuant to Vehicle and Traffic Law Section 1809-D, as per the attached Exhibit A and the Town Clerk is directed to publish notice of the same.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 258 of 2004, a resolution authorizing the Supervisor to submit a grant for a Permanent Conservation Easement.

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

WHEREAS, the owner of Riverview Orchards is interested in the purchase/sale of development rights of up to approximately ±85 acres or less to the Town of Clifton Park to be used for farming purposes as set forth under a permanent, agricultural conservation easement to be held by the Town of Clifton Park, and

WHEREAS, the owner is being asked to sign a Letter of Intent of these intentions, to be countersigned by the Town Supervisor as a non-binding agreement to move forward with this purchase of development rights and placement of an agricultural conservation

easement, and

WHEREAS, the New York State Department of Agriculture and Markets has announced a request for proposals for 75% state matching grant assistance for agricultural and farmland protection projects with a submittal deadline of October 1, 2004, and the owner has agreed willingly to participate in such a state farmland protection grant program, and WHEREAS, the execution of the grant application does not commit the Town to a definite course, or to appropriate the required 25% matching local share, but offers the Town an opportunity to gather sufficient information to formulate the proposed action and to decide if it wants to proceed with the Grant, and to make decisions, and

WHEREAS, the Town of Clifton Park Open Space Plan developed by the Town of Clifton Park Open Space Advisory Committee and adopted by the Clifton Park Town Board in 2003 identified a Farmland Protection Program as one of its five major plan concepts, and the plan recommends protecting the core farming areas for permanent protection, including “farms and orchards along the length of Riverview Road,” and

WHEREAS, the adopted Town of Clifton Park Comprehensive Plan supports a farmland protection program to protect the most valuable working farms and focus on active farmlands currently in the term easement program, agricultural district or agricultural assessment programs, and

WHEREAS, the purchase of the development rights and a conservation easement for Riverview Orchards in the Town of Clifton Park is in accordance with the Town of Clifton Park Open Space Plan and the Town of Clifton Park Comprehensive Plan; and the purchase is in accordance with the Saratoga County Agricultural and Farmland Protection Plan adopted by the Saratoga County Agricultural and Farmland Protection Board in 1997, and

WHEREAS, Riverview Orchards is located within the core agricultural area of the Town of Clifton Park, along Riverview Road, recently designated as part of the Mohawk Towpath Scenic Byway, part of New York State’s network of scenic byways, and is near the Vischer Ferry Nature and Historic Preserve, and

WHEREAS, the acquisition of the conservation easement for Riverview Orchards will help preserve the core agricultural areas within the Town of Clifton Park, will serve as model for conserving other agricultural properties, and may provide the impetus for other agricultural conservation easements in the area, and

WHEREAS, the proposed conservation easement, by allowing for continuing agricultural uses, but otherwise limiting site development, seeks to ensure that Riverview Orchards remains a viable agricultural property in perpetuity, and

WHEREAS, the Town shall also pursue and attract, for deposit and use, where permitted by the Laws of the State of New York, additional funds, gifts and grants from foundations, private donations, any additional private or public sources, and federal, state and county matching funds too, and

WHEREAS, the Town of Clifton Park will hold the resulting conservation easement on

such terms and conditions as the parties mutually agree; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park authorizes the Town Supervisor to execute and file the Farmland Protection Grant application for matching funds from the New York State Department of Agriculture and Markets in accordance with the provisions of Agricultural and Farmland Protection Projects Program for FY 2004-2005, and is authorized to utilize Behan Planning Associates, LLC, in consultation with the town Planning Director, to enter into an agreement with the State for such financial assistance to the Town of Clifton Park for the purchase of development rights and the placement of an agricultural conservation easement/preservation covenant on the deed of the assisted property on the Riverview Orchard under the Town of Clifton Park; and be it further

RESOLVED that the Town Board of the Town of Clifton Park authorizes and directs the Town Supervisor to take such steps as necessary to progress the farm protection project including, but not limited to, countersigning a Letter of Intent signed by the property owner upon town attorney approval indicating willingness in good faith to advance the project and provide all parties with adequate information, obtaining an appraisal, a title report, a survey, and negotiating a proposed conservation easement and related matters pursuant to the Grant, subject to Town Board approval.

Supervisor Barrett said this Resolution will allow the signing of a non-binding letter of consent that will give the impetus to go forward to get funding on purchase of development rights with 75 percent coming from the state and a 25 percent matching local share that can come from the town or any other source. The Supervisor stated in the next 5 to 7 years he would like to see every farm that is interested submit an application to the state for this program, or be protected, thereby protecting the character and history of the town. He stressed this is strictly a voluntary program.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 259 of 2004, a resolution authorizing Behan Planning Associates to prepare and submit a grant application to the New York State Department of Agriculture and Markets.

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

WHEREAS, the NYS Dept. of Agriculture and Markets has announced the farmland protection grants for fiscal year 2004-2005 are due no later than October 1st, 2004, and

WHEREAS, this grant will allow the Town to enter into an agreement for a permanent conservation easement on 85+/- acres of land owned by Riverview Orchards, and

WHEREAS, Behan Planning Associates will prepare the grant application and handle all negotiations relating to the execution of the grant, and

WHEREAS, Behan Planning Associates will be paid a fee of 3% (three percent) of the grant total, not to exceed \$15,000, and

WHEREAS, Behan Planning Associates will only be compensated if a grant is received by the Town of Clifton Park; now, therefore, be it

RESOLVED, that Behan Planning Associates is authorized to prepare and submit a grant application to the NYS Dept. of Agriculture and Markets for a fee of 3% (three percent) of the grant award amount, not to exceed \$15,000.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

PUBLIC PRIVILEGE

Norman Goldman, London Square, stated he is unhappy that the library is going into a residential neighborhood. Noting there is a \$750,000 outstanding library bond held by the Town of Clifton Park, he expressed disappointment that this wasn't mentioned when representatives of the library came before the Town Board. With regard the permanent conservation easement grant application, Mr. Goldman recommended having an open space financial report before purchasing land rights. With regard to the western part of town study, he expressed concern about the proposed reduction in the potential for development, noting people will be deprived of their retirement resources.

Beverly Czub said the state only has so much money allotted per year for the Farmland Trust program and feels the town would be lucky to receive such a grant.

Bob Gauvreau, Oakwood Blvd., also expressed concern about the current \$750,000

library bond.

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 8:05 p.m.

Patricia O'Donnell
Town Clerk