Clifton Park Town Board Meeting Minutes

December 13, 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 Speckhard
Councilman Roth
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Also Present: Town Attorney Trainor
Jason Kemper, Director of Planning
Michael O'Brien, Environmental Specialist
Michael Shahen, Town Administrator

PRESENTATIONS

The 2004 Environmental Stewardship Award was presented to Pin Lee Eng for creating and maintaining the floral beds and floral boxes at the Shenendehowa Senior Center on the Common for more than 15 years.

Environmental Specialist O'Brien presented certificates recognizing volunteers for Hazardous Waste Day.

Mr. O'Brien updated the Board on CK Sanitary System situation, noting a current mailing list exists as of November 30, 2004. He reported an RFP is being prepared for operation and maintenance of the system.

Supervisor Barrett, speaking with regard to CK Sanitary System which is now owned by the town, said help is available to residents 24/7.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 309 of 2004, a resolution adopting an Annual Plan for 2005 and a Five-Year Plan for 2005-2009 for the Town of Clifton Park Section 8 Housing Choice Voucher Program.

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

WHEREAS, the Town of Clifton Park operates a Section 8 Housing Choice Voucher 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 and Five-Year Plan that establishes local policies for administration of the Section 8 Housing Choice Voucher Program in accordance with regulations of the U. S. Department of Housing and Urban Development, and

WHEREAS, the Town Board of the Town of Clifton Park has caused a written Annual Plan for 2005 and a Five-Year Plan for 2005-2009 to be prepared establishing local policies for administration of the Section 8 Housing Choice Voucher Program in accordance with regulations of the U. S. Department of Housing and Urban Development, and has reviewed such written plan, and

WHEREAS, the Town Board received input from the public at a public hearing on December 6, 2004 regarding the Annual Plan for 2005; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby adopts the Annual Plan for 2005 and the Five-Year Plan for 2005-2009 for operation of the Town of Clifton Park Section 8 Housing Choice Voucher Program.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 310 of 2004, a resolution accepting a Conservation Easement application for 55 Droms Road (SBL 276.-1-46.122).

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

WHEREAS, a public hearing was held on December 6, 2004 in order to receive public comment on the application for a Conservation Easement for a parcel located at 55 Droms Road (SBL 276.-1-46.122) in accordance with Local Law No. 12 of 1996, and

WHEREAS, the Town Board has considered the application and favorable comment was received; now, therefore, be it

RESOLVED, that the Conservation Easement application for 55 Droms Road, (SBL 276.-1-46.122) is hereby accepted and a Conservation Easement granted in accordance with the provisions of Local Law No. 12 of 1996, and be it further

RESOLVED, that the applicant whose parcel has been granted a Conservation Easement shall execute an agreement provided by 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. 311 of 2004, a resolution authorizing the Town Supervisor to sign a Deed and Utility Easement to convey property and rights to DCG Development Company between the Public Safety Building and Maxwell Drive South.

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

WHEREAS, due the recent extension of Maxwell Drive South access was provided to Five Municipal Plaza from Maxwell Drive South through the Lands of the Town of Clifton Park, and

WHEREAS, the granting of the easement for ingress and egress and installation of utilities will facilitate permanent access to Five Municipal Plaza from Maxwell Drive South; now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to sign a Deed and Utility Easement to convey property of the Town of Clifton Park and rights to DCG Development Corporation between the Public Safety Building and Maxwell Drive.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 312 of 2004, 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 Maxwell Drive Extension 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 street and easements briefly described as follows:

Street Name of Owner

Portion of Maxwell Drive South DCG Development
Portion of Lot No. 1 West of Maxwell Drive South
20' Sanitary Sewer Easement

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, recording fees 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 aforedescribed 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, if necessary and be it further

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett
Noes: None

DECLARED ADOPTED

Resolution No. 313 of 2004, a resolution authorizing the Town Supervisor to sign a Lease Extension with DCG Development Corporation for use of portions of Maxwell Drive South and Southside Drive in the Town of Clifton Park.

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

WHEREAS, a Lease Agreement was signed on October 12, 2004 between the Town of Clifton Park and DCG Development Corporation, authorizing the use of portions of Maxwell Drive South and Southside Drive for a public thoroughfare, and

WHEREAS, on November 13, 2004 a Lease Extension was signed extending the Lease until December 15, 2004, and

WHEREAS, the entering into such Agreements confer a public benefit to the residents of the Town of Clifton Park, and

WHEREAS, it is now necessary to enter into a Second Lease Extension so that the Leasor/Developer can provide the Town with all necessary documents, provision of title report for review by the Town Attorney, Town Engineer, and Highway Superintendent for permanent acceptance of the roadway; now, therefore, be it

RESOLVED, that authorization is given to the Town Supervisor to sign a second Lease Extension with DCG Development Corporation authorizing the use of portions of Maxwell Drive South and Southside Drive until February 28, 2005.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 314 of 2004, a resolution scheduling the 2005 Organizational Meeting and the first 2005 Town Board Meeting for the Town of Clifton Park.

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

Now, therefore, be it

RESOLVED, that the 2005 Organizational Meeting for the Town of Clifton Park shall be held on Monday, January 3, 2005 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 2005 will be held on Monday, January 3, 2005 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. 315 of 2004 a resolution authorizing the installation of a street light at the entrances to the Countryman Estates subdivision.

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

WHEREAS, the Countryman Estates subdivision was previously approved by the Town of Clifton Park Planning Board and the installation of street lights is depicted on the approved subdivision plan, and the streetlights are warranted at this time; now, therefore, be it

RESOLVED, that authorization is hereby granted for the installation of street lights at the entrance to the Countryman Estates subdivision at the Lapp Rd and Equestrian Way intersection and Lapp Road and Saddlebrook Drive intersection, said subdivision being located on the east side of Lapp Road in the Town of Clifton Park; and be it further

RESOLVED, that said street lights shall be charged to the Town of Clifton Park Lighting District No. 1 and a copy of this authorization shall be forwarded to the Niagara Mohawk Power Corporation.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 316 of 2004, a resolution authorizing Clough Harbor and Associates to prepare a Part 360 Permit Application.

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

WHEREAS, the Town of Clifton Park has been conducting a spring and fall cleanup program, and

WHEREAS, this cleanup program has continued to increase and the amount of material collected has continued to expand, and

WHEREAS, the amount of material anticipated to be collected this fall will surpass the amount that can be stored on the site without a Part 360 Permit from the New York State Department of Environmental Conservation, and

WHEREAS, Clough, Harbour, and Associates has estimated that the preparation and submittal of the permit application as well as the necessary survey work is anticipated to cost approximately $14,000; now, therefore, be it

RESOLVED, that Clough Harbor and Associates is authorized to prepare and submit the Part 360 Permit application on behalf of the Town of Clifton Park at a cost of $14,000 to be paid from Unreserved Fund Balance.

Councilman Roth expressed concern with the cost. Planning Director Kemper stated after attempting to prepare this permit in house it was found impossible due to the amount of engineering detail required.

ROLL CALL VOTE
Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth, Councilwoman Walowit, Supervisor Barrett
Noes: None
DECLARED ADOPTED

Resolution No. 317 of 2004, 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 therefore.

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,be it that the Town Board, duly convened does hereby

RESOLVE, that the Town Board hereby approves the above-subject project, and it is hereby 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 $935,000 (nine hundred thirty five thousand and no cents) had already been appropriated from Highway Department funds and made available to cover the cost of participation in the Preliminary Engineering and ROW Incidentals phases of the Project, and it is further

RESOLVED, that an additional sum of $184,500 (One hundred eighty four thousand five hundred dollars and no cents) is hereby appropriated from H9-3310-140 and made available to cover the cost of participation in the ROW Acquisition 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, this Resolution shall take effect immediately.

Councilman Paolucci estimated the town's cost for this project to be $250,000.

ROLL CALL VOTE
Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett
Noes: None
DECLARED ADOPTED

Resolution No. 318 of 2004, a resolution authorizing payment to Music Theatre International and authorizing the Supervisor to sign the Production Contract with same.

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

WHEREAS, the Town sponsored theater group, Not So Common Players, would like to present a production of "Guys & Dolls" for the Summer 2005, and

WHEREAS, it is necessary to secure the rights and sign the Production Contract with Music Theater International (MTI) for the show in the amount of $1605, which includes a $400 returnable security fee, as early as possible so as not to lose the opportunity, and

WHEREAS, this money is budgeted for in the 2005 Budget; now, therefore, be it

RESOLVED, that the Town Board, in order to secure the rights, authorizes the expenditure of $1605.00 from the 2005 Budget for the rights and fees for "Guys & Dolls" to be performed in July 2005 at the Clifton Common; and be it further

RESOLVED, that the Supervisor be authorized to sign the Production Contract with Musical Theater International (MTI).

ROLL CALL VOTE
Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Eric Hamilton, Pico Road, Chairman of the Clifton Park Trails Advisory Committee, advised the Board of a grant opportunity to study the feasibility of a Northway Trail and the connections between the towns of Clifton Park and Halfmoon, as well as neighborhoods in the respective towns. In addition, Mr. Hamilton noted grant applications will be submitted for federal Byway money for the Towpath Trail, as well as other Scenic Byway projects.

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 8:03 p.m.

Patricia O'Donnell
Town Clerk