

September 19, 2005

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
Mark Heggen, Comptroller
Steven Myers, Director of Building and Development
Michael O'Brien, Environmental Specialist
Michael Shahen, Town Administrator
Steve Bulger, Chairman of the Planning Board Chairman
Dale Kelley, Chairman of the Zoning Board of Appeals

MOTION by Councilman Roth, seconded by Councilwoman Walowit, to approve the minutes of the September 6, 2005 meeting 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 announced a Hurricane Katrina Fundraiser will be held at the Outback Restaurant on September 29th.

Councilman Roth reported, to date, 412 registration forms have been received for the town's 11th Hazardous Waste Day.

Councilman Roth read a letter from Chris Dupuree, Secada Drive, expressing appreciation for the Bulk Trash pickup. He noted the pickup is going very well.

Councilman Roth a Tire Collection Day is being planned in November at the Transfer Station.

Councilman Paolucci referred to a letter from Michael J.Schleichler of MacElroy Road, inquiring about a traffic signal at the intersection of Hubbs, MacElroy, and Longkill Roads and Main Street. Councilman Paolucci said even though it is outside the limits of the Ushers Road project, he has asked Clough, Harbour & Associates to look at the intersection. The engineers did not feel a traffic light is warranted, however, they said a four-way stop is warranted. Currently two sides of the intersection are controlled by the county and in the past they did not feel a traffic device was warranted. Councilman Paolucci said the town will be taking responsibility for the maintenance on Longkill Road. When this project starts, the town will have 3 parts of the intersection and it is hoped the county will agree to the installation of the 4 way stop sign. A traffic signal is called for the intersection of Ushers and Longkill Road. Councilman Roth agreed to the stop signs, saying it will improve the flow of traffic.

Councilman Speckhard acknowledged the death of Clark Wilson, noting he was very involved in the community, as a member of the Rexford Water District Committee, the Town of Clifton Park Fire Appeals Board, as well as Friends of Open Space. Councilman Speckhard said the community has lost a very talented and committed person who will be greatly missed and expressed the Town Board's sympathy to Clark Wilson's family.

Resolution No. 234 of 2005, a resolution recognizing September as Childhood Cancer Awareness Month.

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

WHEREAS, children with cancer, survivors of childhood cancer and everyone whose life has been touched by childhood cancer deserve to be recognized; and

WHEREAS, the Clifton Park Town Board wishes to pause in its deliberations to honor these brave children who undergo months of treatment and are paving the way toward a cure; now, therefore, be it

RESOLVED, that the Clifton Park Town Board recognizes September as Childhood Cancer Awareness Month; and be it further

RESOLVED, that the Town Board also recognizes the families and friends in our community who have stood by these children and offered their love and support.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

It was noted the Catiebug For a Cure Race is scheduled for the September 24 at the Clifton Common.

PUBLIC HEARING, 7:10 PM
TO CONSIDER A LOCAL LAW AMENDING
LOCAL LAW NO. 6 OF 1994 REGARDING
ALTERNATE MEMBERS FOR THE PLANNING BOARD AND
ZONING BOARD OF APPEALS

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on September 12, 2005.

Councilman Roth summarized the proposed local law explaining this will allow having people trained and knowledgeable and ready to step in if a member of the Planning Board or Zoning Board of Appeals is absent. He emphasized this will be a benefit to applicants coming before the Boards. The alternate will be required to attend all meetings of the Board he/she is appointed to. Councilman Roth reported 11 towns and 3 villages in Saratoga County have alternate members. He said the Town Board is looking for one alternate for the Planning Board and one alternate for ZBA and noted this is supported by New York State Department of State and by the Chairmen of both Boards. Councilman Roth said he sees no negatives in this proposed legislation as it will only add efficiency to both boards.

Supervisor Barrett said there has not been an attendance problem with the Boards but makes sense to consider the legislation.

Councilman Speckhard questioned who else can do appointing as mentioned in Section 3B. Town Attorney Trainor responded only the Town Board can appoint at this time.

Councilwoman Walowit spoke in agreement to the proposed legislation.

Councilman Paolucci asked if the town has the means to replace a Planning or ZBA member if he/she is absent for an extended period of time. Mr. Trainor said short of replacing that person through their termination, there is no mechanism. He continued the proposed legislation seems to be a good proactive solution. It was noted in the past four years, 2 meetings of the ZBA have been cancelled due to lack of a quorum, however, no Planning Board meetings have been cancelled. Councilman Paolucci asked if the town would have any exposure if an application is denied with an alternate board member part of the denial process. Mr. Trainor reviewed Sections 3 and 4 of the proposed legislation. He emphasized alternate members are authorized by state law.

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

Dale Kelley, Chairman of the Zoning Board of Appeals, spoke in favor of the proposed legislation, stating it will be a benefit for applicants. He said this will have people ready to serve at a moment's notice. He commended the members of the ZBA for their dedication and work.

James Ruhl, Wood Dale Drive, spoke in favor of the proposed legislation. He reported on state boards on which he has served if there is not a quorum then by definition the alternate member votes; as long as there is a quorum the alternate member does not have a formal vote but can give an advisory opinion if they wish. He said the strongest justification is the training aspect and prior exposure to the procedure in order to expedite business.

Town Attorney Trainor said the proposed legislation states it is the Chairman's discretion as to when the alternate would fill in, noting it can be to fill a quorum or at the beginning of the meeting to substitute for an absent member. He said the Town Board can empower or restrict the Chairman's discretion if it so chooses. State law does give the Town Board authority to empower or restrict as it sees fit.

Supervisor Barrett stated he is comfortable with the proposed legislation.

Beverly Czub, Miller Road, former member of the Planning Board, spoke in support of the proposed legislation but would like to see two alternates for each Board, as it is important that applicants not be held up.

Steve Bulger, Chairman of the Planning Board, said he is in full support of the proposed legislation. It is his understanding if a member is absent the alternate becomes a full voting member. If there is a full complement of members, the alternate plays no role. He would like the alternate to sit with the Board even though the full Board is in attendance. Mr. Bulger said he is proud of the people serving on the Planning Board who are volunteers and give up a great deal of time.

Councilman Roth said he feels it should be up to the Chairman to determine when an alternate member sits on the board.

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 7:48 p.m.

PUBLIC HEARING, 7:20 PM
TO CONSIDER A LOCAL LAW AMENDING LOCAL LAW NO. 1 OF 1996
SECTION 152-14
TOWN WIDE TRAILS, MOTORIZED VEHICLES

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on September 16, 2005

Supervisor Barrett reported receiving complaints that motorized vehicles are parking on the Moe Road trail and in order to ticket and prosecute offenders, it is necessary to change the language in the Town Code.

Councilman Speckhard asked if snowmobile trails would be affected. It was noted this legislation would affect trails that run along side the roads.

Councilman Paolucci noted that snowmobiles are use to pack down the Kinns Road trail.

The public hearing was opened for comments from the audience at 7:55 p.m.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 7:56 p.m.

REPORTS TO THE BOARD

Town Comptroller Heggen reported revenue is ahead of last year and expenditures in the general funds are in line with 2004.

Town Administrator Shahan reported the 2006 Tentative Budget will be filed in the Town Clerk's office on September 29, 2005. He updated the Board on the condition of Grooms Tavern as far as heating, rest rooms, and lights. He said McDonald Engineering has looked at the specs prepared by John G. Waite Associates and they appear to be in line. However, it is now necessary to look at the Code for Historic Buildings. Mr. Shahan said the Senior Bus has been ordered for approximately \$1500 less then the resolution allowed with delivery anticipated in January. Supervisor Barrett said it is imperative the bus be delivered in January. Councilman Speckhard asked the possibility of using Grooms Tavern over the winter. Mr. Shahan responded, depending on what the Code says regarding heating requirements, the project could be done before winter, however, only part of the building will be heated as the wagon shed section needs insulation. In response to Councilman Speckhard's question regarding use of the Grange, Mr. Shahan said it is in good shape and is useable. He noted the lack of parking spaces could limit its use.

Resolution No. 235 of 2005, a resolution scheduling a public hearing on November 7, 2005 regarding the Town of Clifton Park's Section 8 Program.

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

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 November 7, 2005 at 7:20 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. 236 of 2005, 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 23rd, 30th and on November 6th, and 13th, 2005 between the hours of 10 AM and 4 PM, 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 23rd through November 13th, 2005 (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 Speckhard, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 237 of 2005, a resolution authorizing the hiring of a laborer for the Buildings and Grounds Department.

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

WHEREAS, a need exists for a laborer in the Buildings and Grounds Department, and

WHEREAS, Michael Handerhan, Buildings and Grounds Supervisor, has recommended that Michael McGuire, 6 Aspen Lane, Clifton Park be hired to fill this position; now, therefore, be it

RESOLVED, that Michael McGuire, Clifton Park, be hired as a laborer for the Buildings and Grounds Department, at Grade 3, Step 3 (\$ 25,550 annually), \$7,800 through the balance of 2005 to be paid with a transfer from A-7110-E141 (J.Staucet) to A-7110-E583 (M. McGuire) effective immediately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 238 of 2005, a resolution authorizing four employees from the Building Department to attend a NYS Building Officials Conference in Saratoga Springs, NY.

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

WHEREAS, the New York State Building Officials Conference is designed to give their members the needed hours to complete the NYS 24 hour requirement for in service education for

all Code Enforcement Officers to maintain their certification, and attendance at this seminar would provide a public benefit to the Town; now, therefore, be it

RESOLVED, that the Building Department is authorized to send two employees to the NYS Building Officials Conference for three days, and two employees for one day, to be held in Saratoga Springs, NY, October 9-12, 2005, at a total cost for all four employees of \$940.00, as budgeted in item A-03026-001 (Travel and Conference).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 239 of 2005, a resolution allocating funds for renovations to the Town owned arena.

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

WHEREAS, the Town owned arena is in need of renovations to the restrooms, and

WHEREAS, the Town Board wishes to allocate funds for this purpose; now, therefore, be it

RESOLVED, that \$15,000.00 be allocated from Rainy Day Fund for renovations to the Town owned arena.

Councilman Roth said approximately \$30,000 is in the Rainy Day Fund. He said it is important that improvements be made in the town owned arena. Supervisor Barrett stated all profits are put back into the arena.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 240 of 2005, a resolution requesting that the Town Supervisor be authorized to sign necessary documentation for the Award and Notice to Proceed for the roadway construction project known as, P.I.N. 1753.43, Rehabilitation of Vischer Ferry Road, Ushers Road and Longkill Road in the Town of Clifton Park, Saratoga County, New York.

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

WHEREAS, the Town of Clifton Park in conjunction with the consulting engineers Clough, Harbour & Associates LLP, advertised and received bids for P.I.N. 1753.43, Rehabilitation of Vischer Ferry Road (between Clifton Park Center Road and NYS Route 146), Ushers Road (between Longkill Road and Hillcrest Drive and between the Stewart's Shop located approximately 1500 feet west of VanPatten Drive to U.S. Route 9) and Longkill Road (between Main Street and Longkill Park), and

WHEREAS, bid plans and specifications were issued to eighteen (18) prospective bidders, with two (2) bids being returned and publicly opened and read in the Town of Clifton Park, Wood Room, on Monday August 8, 2005, at 11:00 a.m., and

WHEREAS, the bids received have been reviewed by Clough Harbour & Associates LLP and the Town of Clifton Park, and all are recommending, upon approval of New York State Department of Transportation, that the bid submitted by Kubricky Construction Corp., Queensbury, New York be qualified as the lowest bid, meeting the Town's plans and specifications; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park accepts the bid, upon approval from New York State Department of Transportation, submitted by Kubricky Construction Corp., Queensbury, New York, in the amount of \$3,960,677.87, as the lowest qualified bid meeting the Town's Plans and Specifications; and be it further

RESOLVED, that the Town Supervisor, upon approval from New York State Department of Transportation, be authorized and directed to sign any and all agreements and documents needed to effectuate the Award and Notice to Proceed on behalf of the Town of Clifton Park.

Councilman Paolucci reported construction is planned to start this year and will continue into 2006. He said ultimately the town will be responsible for 5 percent of the construction phase, approximately \$200,000. He explained construction in 2005 will be limited to two aspects – clearing, so utility companies can set new poles, and minor modifications along the Ushers Road/Exit 10 bridge which will be mostly fencing work to allow for pedestrian traffic.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 241 of 2005, a resolution authorizing Municipal Cooperation-Household Hazardous Waste Collection Day.

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

WHEREAS, the Town of Clifton Park has established a successful household hazardous waste collection program, and

WHEREAS, the Towns of Malta, Halfmoon and Waterford have contacted the Town of Clifton Park regarding possible inter-municipal cooperation for collection and disposal of household hazardous waste of the Towns, and

WHEREAS, the Town of Clifton Park has agreed to allow the Towns of Malta, Halfmoon and Waterford residents to participate in the Town of Clifton Park household hazardous waste collection program with the Towns of Malta, Halfmoon and Waterford being responsible for their fair share of the program's net cost; now, therefore, be it

RESOLVED, the Town Board of the Town of Clifton Park does hereby authorize the Towns of Malta, Halfmoon, and Waterford and the Town of Clifton Park to enter into a municipal cooperation agreement relating to the collection and disposal of household hazardous waste based upon the following understanding:

- Town of Clifton Park will be responsible for the proper administration of the program and will be responsible for the registration process.

- Towns of Malta, Halfmoon and Waterford will reimburse the Town of Clifton Park its fair share of the net cost based upon the number of Malta, Halfmoon and Waterford residents participating to the total participants.
- In addition to the hazardous waste disposal costs, the Towns of Malta, Halfmoon and Waterford agree to pay a \$16 administration fee per registered participants to be paid to the Town of Clifton Park.
- Town of Malta agrees to provide approximately 10 volunteers the day of the program.
- Town of Clifton Park will set aside approximately forty “slots” for Town of Malta residents.
- Town of Clifton Park will set aside approximately sixty “slots” for Town of Halfmoon residents.
- Town of Clifton Park will set aside approximately thirty “slots” for the Town of Waterford residents.

Councilman Paolucci said he would be willing to forego the Town of Malta’s administration fee since they are sending volunteers and would like to encourage the other towns to participate on that level. Environmental Specialist O’Brien said any lack of volunteers is offset by the company sending more people.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 242 of 2005, a resolution submitting a proposition regarding a ward system to voters at the General Election.

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

WHEREAS, Robert Hoffman, 46 Spruce Street, Clifton Park presented the Town Board with a Petition requesting that a proposition on whether to establish a ward system for the Town be submitted to the voters at the next biennial Town election, and

WHEREAS, the Petition appears to have been signed by a number of eligible voters equal to at least five per cent of the total votes cast for governor in the Town at the last gubernatorial election pursuant to NYS Town Law Section 81, and

WHEREAS, the Petition was presented to the Town Board between sixty (60) and seventy-five (75) days before the General Election, scheduled for November 8, 2005, and

WHEREAS, the Petition and its filing substantially comply with the legal requirements of the New York State Town Law and the New York State Election Law; now, therefore, be it

RESOLVED, that the following proposition be submitted to the Town’s electors at the General Election scheduled for November 8, 2005:

“Should the Town of Clifton Park establish a Ward System for the election of Councilmen and Councilwomen? Yes or No”; and be it further

RESOLVED, that the Town Clerk is directed to transmit to the Saratoga County Board of Elections a certified copy of this resolution and the submitted proposal on or before October 3, 2005; and be it further

RESOLVED, that the Town Clerk is further directed to publish and file all appropriate Notice of the Proposition to be voted on as required by law.

Supervisor Barrett emphasized tonight's vote is not a vote to show support or deny the proposition but only to put the question on the ballot. Town Attorney Trainor said the formalities and technicalities of the petitions have been met and the Town Board is required to send it on to the Board of Elections to have it included in the General Election on November 8, 2005.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 243 of 2005, a resolution scheduling a public hearing to consider Local Law No. ____ of 2005, a local law amending Local Law No. 18 of 1988, Local Law No. 2 of 1998 and Local Law No. 4 of 2005 regarding Transient Retail Merchants.

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

WHEREAS, the Town Board wishes to consider amending the Town Code to require Town Board approval before any Transient Retail Merchant license is issued by the Town Clerk, and

WHEREAS, a public hearing is required before the proposed Local Law containing the amendments is adopted; now, therefore, be it

RESOLVED, that a public hearing be held on Monday, October 3, 2005 at 7:20 pm, in the Wood Memorial Room, 1 Town Hall Plaza, Clifton Park, New York to consider amending Local Law No. 18 of 1988, Local Law No. 2 of 1998 and Local Law No. 4 of 2005 regarding Transient Retail Merchants; and be it further

RESOLVED, that the Town Clerk publish appropriate notice of the same.

Supervisor Barrett expressed concern with businesses from outside the town and county coming into town for a short period of time and possibly taking sales from local merchants, in this instance a used car business. He said the Town Board should be able to approve or disapprove the businesses coming into town on a transient license. The Supervisor said it is important to protect the local merchants who are paying taxes year round. Councilman Speckhard questioned the criteria for the Town Board's decision to approve or deny. Town Attorney Trainor said it was left broad to allow Town Board discretion. Councilman Speckhard said the Town Board could approve or disapprove transient businesses. Supervisor Barrett said his criteria is a business from out of town, coming into town on a temporary basis to potentially take business away from businesses that operate in town year round. Councilman Paolucci asked if the property on which the used car sales were held is assessed as a vacant parcel, noting the owners are generating rental.

(Clerk's note: see additional discussion in the following Resolution No. 244)

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 244 of 2005, a resolution scheduling a public hearing to consider Local Law No. of ____ 2005, a local law Imposing a Moratorium on Transient Retail Merchant Licenses in the Town of Clifton Park.

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

WHEREAS, the Town Board wishes to consider imposing a Moratorium on Licenses issued to Transient Retail Merchants wanting to do business in the Town of Clifton Park, and

WHEREAS, a public hearing is required before the Moratorium can be imposed; now, therefore, be it

RESOLVED, that a public hearing be held on Monday, October 3, 2005 at 7:10 pm, in the Wood Memorial Room, 1 Town Hall Plaza, Clifton Park, New York to consider the adoption of Local Law No. ____ of 2005, a local law Imposing a Moratorium on Transient Retail Merchant Licenses in the Town of Clifton Park; and be it further

RESOLVED, that the Town Clerk publish appropriate notice of the same.

Councilman Paolucci asked if the town has any exposure by denying a license as there is no direction in the proposed law. Mr. Trainor said the goals of welfare, health and safety are principles that should be utilized and as long as the Town Board can articulate well grounded reasons for denying he doesn't think it exposes the Town to any increased litigation probability. Councilman Speckhard feels the terms should be defined. Mr. Trainor responded the terms of peace, health, safety and welfare are broad enough and acceptable to enough common knowledge where they don't need to be defined in the statute. He said if the Board feels compelled to set forth hard and fast criteria that can be done. Councilman Paolucci asked if a person was denied, and he could show that he has met those criteria would they be able to file an Article 78. As an example Mr. Trainor said the auto sales had cars all over and this could be a safety concern. Councilman Paolucci said he agrees that this legislation should be considered. It is anticipated the Town Board will vote on the moratorium at the next Town Board meeting on October 3, 2005.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 245 of 2005, a resolution adopting Local Law No. 7 of 2005, a local law amending Local Law No. 1 of 1996 regarding motorized vehicles on public trails.

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

WHEREAS, Local Law No. 1 of 1996 prohibited the operation of motorized vehicles on public trails, and

WHEREAS, parking of motorized vehicles on public trails has become a potential safety hazard, and

WHEREAS, the Town Board wishes to amend Local Law No.1 of 1996 regarding motorized vehicles on public trails, and

WHEREAS, on September 19, 2005 a public hearing was conducted to solicit the comments of the Town's residents regarding the proposed local law; now, therefore, be it

RESOLVED, that Local Law No. 7 of 2005, a Local Law amending Local Law No. 1 of 1996 regarding motorized vehicles on public trails is hereby adopted, and be it further

RESOLVED, that the Town Clerk file said local law with the New York State Department of State as required by law; and be it further

RESOLVED, that this local law shall take effect immediately upon its adoption.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

No one wished to be heard.

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 9:00 p.m.

Patricia O'Donnell
Town Clerk