

**Clifton Park Town Board Meeting Minutes
December 5, 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
Supervisor Barrett
Town Clerk O'Donnell

Absent: Councilwoman Walowit

Also Present: Town Attorney Trainor
Richard Kukuk, Superintendent of Highways
Jason Kemper, Director of Planning
Steven Myers, Director of Building and Development
Michael O'Brien, Environmental Specialist

MOTION by Councilman Paolucci, seconded by Councilman Roth, to approve the minutes of the November 14 and 21, 2005 meetings as presented.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett reported discussions are ongoing regarding billing procedures of the two ambulance squads and a contract being drawn up that will save taxpayers hundreds of thousands of dollars and inject a tremendous amount of revenue into emergency squads. Councilman Roth said he is confident the taxes for ambulance services for 2006 will be the same 2005, even though the squads have requested an increase of close to \$250,000 due to amount of services they are being required to expend. The users'

insurances will be billed and taxpayers will not see an increase on tax bill. Supervisor Barrett said almost 50 percent of calls come from non-residential units in town.

Councilman Roth reviewed various aspects of the Arena Management Report, noting a profit has been realized, thought less than the previous year, however, expenditures are also higher. The rainy day fund is at \$30,000. He reviewed a letter from Mr. Bobrow stating the arena should make a profit of \$18,000 in 2006 and an explanation of energy increases this year.

Zach Solomon, Solomon Apartment Management, presented a request to change and increase the size of signage at Foxwood Apartments, soon to be known as Fox Run. Supervisor Barrett explained the town code calls for the Town Board to determine the sign size for PUDs.

**PUBLIC HEARING, 7:10 PM
TO CONSIDER A LOCAL LAW AMENDING
LOCAL LAW NO. 13 OF 2001, THE SEWER USE LAW**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on November 28, 2005.

Supervisor Barrett summarized the proposed local law explaining CK Sanitary Systems was abandoned to the town in December 2004. He expressed appreciation to Environmental Specialist Mike O'Brien for his work with regard to the system. He further thanked the Committee that reviewed the system and preparation for forming the district. The Supervisor reported the system, now known at the Clifton Park Sewer District No. 1, is doing well financially. Mr. O'Brien said the proposed legislation establishes user unit rates.

The public hearing was opened for comments from the audience at 7:38 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 7:43 p.m.

PUBLIC INFORMATIONAL MEETING ON EXIT 8A REZONING REQUEST

John Michaels, Developer
Jacqueline Phillips Murray, Attorney
Jim Miller, Landscape Architect

Supervisor Barrett explained any change in zoning needs to come before the Town Board. He said notices of this meeting were sent to all residents within 500 feet of the proposed site, totaling approximately 112 mailings.

Ms. Murray said the standard for reviewing this zoning application is to find how the

Comprehensive Plan can be fulfilled. She said there is business development along every Northway Interchange in town. She reviewed zoning at other exits, stating it is necessary to change the zoning in order to bring Exit 8A into conformance with other exits and the Comprehensive Plan, as well as for it to fit within the centralized business corridor that the town intends in the Plan. The parcel consists of 3.24 acres that has long been undeveloped with any new structures, however, the existing house does not serve as a gateway to the community. She reviewed the proposed plan which includes a Welcome to Clifton Park sign with park area and landscaping.

Mr. Miller reviewed the site plan, explaining the site consists of a 3600 sq. ft. convenience store, 8 fuel dispensers, and also in discussion is a public safety building; e.g. state police or sheriff facility, landscaping to provide buffering along property line and low level lighting.

Mr. Michaels explained the site is 3 separate pieces of property totaling 3.24 acres.

Town Attorney Trainor reviewed the issue of "spot zoning" stating it is a significant change of a site that is out of character with the rest of the neighborhood.

Supervisor Barrett said there have been at least 3 other requests for a zoning change in the Grooms Road Exit 8A area and residents have responded in the past that there would be a change to the scenic integrity of Exit 8A and would take away the residential neighborhood feel. He said if this proposal was approved it would then have to go through the Planning Board process.

Comments from the floor expressed displeasure with the proposal, including what could come after a change from residential to commercial and how far down Grooms Road would it travel, traffic impact, notification of this meeting, encroachment into a residential area, danger on Grooms Road and congestion,

Mr. Michaels said this project would relieve the traffic on Lapp Road to Exit 8.

Councilman Paolucci said there is language in the Comprehensive Plan stating a step down zone should buffer a residential area.

Councilman Roth asked if any other aspects other than commercial had been considered. Mr. Michaels responded no. Councilman Roth referred to the duplexes constructed on the other side of the Northway in the Town of Halfmoon. He said he would like to see the property cleaned up. He pointed out when the Comprehensive Plan was completed, Exit 8A did not exist so what is said about ramp areas does not apply in this case.

Mr. Michaels said no traffic study has been done.

Councilman Speckhard said Exit 8A was developed for only one reason, that being to relieve the traffic pressure off of Exit 8 and there was no intention or idea of developing Exit 8A commercially.

Mr. Michaels said when the interchange was put in it deteriorated the value of the land.

Councilman Roth said the three previous requests were turned down as Boards in the past had a concern as to where the commercial zone would end.

Supervisor Barrett stated should a project such as this go forward,- it would drastically change Exit 8A.

Mr. Michaels said he bought the property to improve the entrance to Clifton Park and, though this may not be the right project for Exit 8A, he hopes to be able to come to some agreement to make the property better than it is today.

Comment from the floor urged the Town Board not to refer this request to the Planning Board. Further comments stated other business areas are easily accessible and expressed concern with the existing building on the property.

Mr. Michaels responded a search and rescue group is interested in using the building for training purposes. In response to what plan B is, Mr. Michaels said he has heard good ideas this evening.

From the floor, suggestion to landscape and add no buildings.

Town Attorney Trainor said spot zoning is a negative term and never allowed.

A member of the audience explained residents from Grooms Road came to the Board 3 times to ask for a zoning change to BNR 1. He stated to those living on Grooms Road it is no longer a residential street, and at some point the zoning along Grooms Road is going to have to be reconsidered as it is not the neighborhood it was 30 years ago. He said he is not sure the proposed project is the right one but is glad Mr. Michaels purchased the property as he cares about the community.

Supervisor Barrett said a decision should be made by the last meeting in December and reviewed ways people can access information.

MOTION by Councilman Paolucci, seconded by Councilman Speckhard to recess the meeting for five minutes.

Motion unanimously carried at 8:25 p.m.

Meeting reconvened at 8:35 p.m.

PUBLIC PRIVILEGE

Councilman Paolucci asked that resolution regarding the Marchiselli Program for Ushers, Vischer Ferry and Clifton Park Center Roads be pulled as he would like to gather more

information.

In response to a question from the floor, Director of Building and Development Myers said he denied the sign request from Solomon Management due to the increase in size and it is now the Town Board's purview due to the notation on the "Key to Sign Chart".

Resolution No. 306 of 2005, a resolution authorizing the Director of Building and Development to attend a one day seminar pertaining to Zoning, Subdivision and Land Development Law.

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

WHEREAS, a one day seminar pertaining to zoning, subdivision and land development law is being held at the Holiday Inn Express in Latham, NY on January 17, 2006, and

WHEREAS, Steven Myers, Director of Building and Development, has requested authorization to attend the one day seminar at a cost of \$339, plus incidentals, and

WHEREAS, the Director of Building and Development's attendance at this seminar will confer a benefit upon and be in the best interest of the Town of Clifton Park; now, therefore, be it

RESOLVED, that Steven Myers, Director of Building and Development, is hereby authorized to attend the Zoning, Subdivision and Land Development Law Seminar, January 17, 2006 in Latham, NY, at a total cost not to exceed \$354 including incidentals, to be paid from A-03620-00001 (Building and Development/Travel and Conferences).

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 307 of 2005, a resolution authorizing the Supervisor to sign a contract with the County of Saratoga.

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

WHEREAS, the Saratoga County Farmland/Open Space Preservation Program was

established for a matching fund grant program to purchase development or other rights or outright ownership of productive agriculture and open space land, and

WHEREAS, the Saratoga County Board of Supervisors, by Resolution 153 of 2005, has awarded to the Town of Clifton Park the sum of \$100,000 for the purchase of a Conservation Easement from Riverview Orchard for 97+/- Acres of land on Riverview Road in the Town of Clifton Park upon the condition that the State of New York contributes \$487,500, and the Town contributes \$62,500 for a total of \$650,000; now, therefore, be it

RESOLVED, that the Supervisor be authorized to sign an agreement with the County of Saratoga and that the County will issue its check payable to the Town of Clifton Park in the amount of \$100,000 for the purchase by the Town of a Conservation Easement from Riverview Orchards for 97+/- acre parcel of land, as set forth in its grant application for Farmland/Open Space Program Funding to be held in perpetuity.

Supervisor Barrett, noting this will be a first of its kind, explained this will permanently protect a thriving farm in the Town of Clifton Park. Mr. Kemper explained the development rights are permanently pulled off the property. He reported a set of certified appraisals were used to come up with the value.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 308 of 2005, a resolution scheduling a public hearing to consider adoption of Local Law No. ___ of 2005, a local law amending Section 208-107, of the Town Code, Building Permits; powers and duties of the Building Inspector.

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

WHEREAS, Steven Myers, Director of Building and Development, has recommended that the Town Code be amended to include the acceptance of final plans and specifications on CD software, and

WHEREAS, this change is a supplement in line with the proposed transferring of Building Department records from paper to digital media, which would allow for the immediate introduction of a project to the data bank and disposal of the paper records,

and

WHEREAS, the Town Board wishes to obtain comment from the public regarding this matter; now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled for December 12, 2005 at 7:10 PM, in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, to consider adoption of Local Law No. ___ of 2005, a local law amending Section 208-107, of the Town Code, Building Permits; powers and duties of the Building Inspector; and be it further

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

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 309 of 2005, a resolution authorizing the transfer of \$100,000 from the Highway Undesignated Fund Balance into the Highway Snow Removal-Salt Account.

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

WHEREAS, in order to insure the safety and welfare of the residents of the Town of Clifton Park, the Superintendent of Highways has requested that \$100,000 be transferred from the Highway Undesignated Fund Balance into the Highway Snow Removal-Salt Account; now, therefore, be it

RESOLVED, that authorization is hereby given to transfer \$100,000 from the Highway Undesignated Fund Balance (DA009090) into the Highway Snow Removal -Salt Account (DA05142-00138).

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 310 of 2005, a resolution approving an application for two replacement signs at Foxwood Apartments.

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

WHEREAS, Solomon Apartment Management has requested approval to replace two signs at the entrance to Foxwood Apartments, and

WHEREAS, the two new signs will enhance the improvement efforts of Solomon Apartment Management; now, therefore, be it

RESOLVED, that the Town Board, as authorized in the “Key to Sign Chart” of Chapter 171 of the Town Code hereby approves the attached application of Solomon Apartment Management, to replace two signs at the entrance to Foxwood Apartments.

Mr. Trainor said no public hearing is necessary since this does not amend the PUD but comes about due to the note on the “Key to Sign Chart” in the Code.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 311 of 2005, a resolution authorizing the Supervisor to enter into an Intermunicipal Cooperation Agreement with the Town of Malta regarding the operation of the Town of Clifton Park Sewer District No. 1 and the Town of Malta Sewer District No. 2.

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

WHEREAS, the parties are desirous of entering into an agreement for the operation and maintenance of the sewer system to serve both Sewer Districts, and

WHEREAS, the attached Agreement sets forth the rights and obligations of the parties in

relation to the daily operation, maintenance, and the financing for the construction of any improvements to the sewer system which may become necessary, and

WHEREAS, the parties agree that the operation of the System with the cooperation of the Town of Malta will confer a benefit to all users who are residents of the Town of Clifton Park and who are members of the Clifton Park Sewer District No. 1; now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to sign the attached Intermunicipal Cooperation Agreement between the Town of Clifton Park and the Town of Malta on behalf of the Clifton Park Sewer District No. 1, the Town of Clifton Park, and the Town Board.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 312 of 2005, a resolution authorizing the Town Supervisor to file commitment documents with Saratoga County for collection of sales tax receipts.

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

WHEREAS, the Town of Clifton Park is required to file commitment papers regarding the collection of sales tax receipts for 2006; now, therefore, be it

RESOLVED, that the Clifton Park Town Board hereby authorizes the collection of sales tax to be paid in cash for 2006 from Saratoga County and the Town Supervisor to file the appropriate documents of commitment with Saratoga County.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 313 of 2005, a resolution declaring a public emergency pursuant to General Municipal Law Section 103(4).

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

WHEREAS, the Highway Superintendent has determined that immediate repairs are required in the vicinity of 173 Wooddale Drive to prevent further damage due to water backups at nearby storm drains, and

WHEREAS, General Municipal Law Section 103(4) permits the Highway Superintendent to arrange for the work needing to be done without competitive bidding where the Town Board declares the situation to be a public emergency; now, therefore, be it

RESOLVED, that the Town Board hereby declares the potential damage threatened by the storm drain backup in the vicinity of 173 Wooddale Drive, Clifton Park, to be a public emergency; and be it further

RESOLVED, that the Highway Superintendent is hereby authorized, pursuant to General Municipal Law Section 103(4), to arrange for the necessary immediate repairs at 173 Wooddale Drive without soliciting competitive bids, money to be transferred from DA 909 (Highway Fund Balance) to DA5110-24 (Highway Maintenance-General Maintenance).

Superintendent of Highways Kukuk explained the need for the urgency, stating this has been a long ongoing drainage problem due to insufficient capacity in the 40 year old storm drains. The problem was exacerbated this year due to heavy rains and spring runoff. He reported McDonald Engineering has done a Hydraulic Analysis plan. Mr. Kukuk reported the original contractor kept postponing the work. He stated it is imperative the critical part be done before the spring runoff. Mr. Kukuk said a new contractor is competent and the amount to be paid is reasonable and appropriate.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

PUBLIC PRIVILEGE

Norman Goldman, London Square, feels the site for the new library was spot zoning. He continues to express concern about the White House Conference on the Aging representation and survey. He asked the Board to look into the new mission of the Senior Center.

Abraham Blum, Parkland Court, asked that the Moe Road path be cleared of snow.

MOTION by Councilman Roth, seconded by Councilman Paolucci, to adjourn the meeting to the next regular meeting or any other meeting necessary for the conduct of Town business.

Motion carried at 9:13 p.m.

Patricia O'Donnell
Town Clerk