

**Clifton Park Town Board Meeting Minutes
December 12, 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 Speckhard
Councilman Roth
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Absent: Councilman Paolucci

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

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett asked that the resolution denying the zoning change at Exit 8A be pulled this evening since a letter dated December 6, 2005, attached, withdrawing the rezoning application has been received from Jacqueline P. Murray, attorney for the applicant.

**PUBLIC HEARING, 7:10 PM
TO CONSIDER A LOCAL LAW AMENDING LOCAL LAW NO 13 OF 1991
THE SEWER USE LAW**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on December 8, 2005.

Director of Building and Zoning Myers summarized the proposed local law explaining this is part of the plan to transfer all paper records to computer data base and will require most of the major projects to be submitted on disc rather than having to be scanned. Mr. Myers said there will be exceptions when plans are not professionally drawn but are still stamped by an architect or engineer or a company does not have the technology.

The public hearing was opened for comments from the audience at 7:12 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 7:14 p.m.

With regard to the proposed agreement concerning the Clifton Park Water Authority taking over the operation and maintenance of the Rexford Water District, Councilman Speckhard asked that the Rexford Water District Advisory Committee send a letter of support.

Resolution No. 314 of 2005, a resolution adopting Local Law No. 11 of 2005, a local law amending Local Law No. 13 of 2001 and establishing a schedule of charges for commercial users of the Clifton Park Sewer District No. 1.

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

WHEREAS, the Town of Clifton Park has taken over several privately owned transportation sewer companies as required under Town Law and has adopted a Sewer Use Ordinance that specifies the rules and regulations applicable for said sewer districts within the Town of Clifton Park boundaries, and

WHEREAS, up until the recent abandonment of the CK Sanitary Sewer System, which is now called the Clifton Park Sewer District No. 1, all users within the abandoned transportation companies were residential and now it is required to adopt a schedule of rates for commercial and industrial users to ensure that all users are charged proportionately to the benefit derived therefrom, and

WHEREAS, the Saratoga County Sewer District No. 1 has developed a fair and reasonable method and scale of charges for all types of sewer users that have been in use for many years, and

WHEREAS, a collector charge is established by the Saratoga County Sewer District No. 1 that sets the base unit as 200 gallons per day (gpd) for a single-family unit and non-residential users are assigned equivalent collection units (e.c.u.) based on a schedule which accommodates peak demand and potential flow needs, and

WHEREAS, in the interest of providing a uniform and consistent procedure for assigning sewer user charges to properties that are within the Clifton Park Sewer District No. 1, it makes sense to follow the established procedures of the Saratoga County Sewer District No. 1, and

WHEREAS, on December 5, 2005 at 7:10 pm a public hearing was conducted to receive public comment; now, therefore, be it

RESOLVED, that Local Law No. 11 of 2005, a local law amending Local Law No. 13 of 2001 and establishing a schedule of charges for commercial users within the boundaries of the Clifton Park Sewer District No. 1, is hereby adopted and shall follow the criteria

established by Saratoga County Sewer District No. 1 for equivalent collector units, as adopted by the Commissioners of the Saratoga County Sewer District No. 1 on November 9, 2005 and attached hereto is the 2006 Scale of Charges which will be followed by the Clifton Park Sewer District No. 1, and be it further

RESOLVED, that the Town Clerk shall 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 adoption.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 315 of 2005, a resolution authorizing the appointment of two Laborers and one MEO in the Highway Department.

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

WHEREAS, openings exist in the Highway Department for two Laborers and one MEO, and

WHEREAS, Richard Kukuk, Highway Superintendent, recommends that the following people be hired to fill these positions:

MEO

Peter Guynup
104 Guideboard Road
Waterford, NY 12188

Laborers

Nicholas Brisson
910 Solomon Avenue
Clifton Park, NY 12065

Michael Thompson
41 Crooked Street
Ballston Lake, NY 12019

Now, therefore, be it

RESOLVED, that effective January 3, 2006, Peter Guynup is hereby appointed to the position of MEO at Grade 5, Step 1 and that Nicholas Brisson and Michael Thompson are hereby appointed to fill the positions of Laborer in the Highway Department at Grade 4, Step 1 with MEO to be paid from DA05110-E1500 (Highway Construction-MEO) and DA05142-E1500 (Highway Snow Removal-MEO) and the Laborer positions from DA05110-E3000 (Highway Construction-Laborer) and DA05142-E3000 (Highway Snow Removal-Laborer).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 316 of 2005, a resolution authorizing the Supervisor to submit a grant for a Permanent Conservation Easement.

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

WHEREAS, the Owner of Riverview Orchards is interested in the purchase/sale of development rights of approximately ±85 acres 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 January 23, 2006 and the Owner has agreed to willingly 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 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 2005-2006, and is authorized to utilize Behan Planning Associates, LLC, in consultation with the town planning director, for grant preparation services and for negotiating a proposed conservation easement and related matters pursuant to the Grant, subject to Town Board approval and upon approval of said grant request to enter into and execute a project 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 (if needed beyond the one prepared last year) 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.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 317 of 2005, a resolution authorizing Behan Planning Associates to update the state grant due in January 2006 for the purchase of development rights.

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

WHEREAS, Behan Planning Associates has provided a proposal to submit a grant to the NYS Dept. of Agriculture and Markets for the purchase of development rights from Riverview Orchards, and

WHEREAS, Behan Planning Associates will be paid only if the grant is awarded to the Town of Clifton Park, and

WHEREAS, the fee for the preparation of the grant and services related to executing the easement will be 3% of the grant award, not to exceed \$15,000; now, therefore, be it

RESOLVED, that Behan Planning Associates is hereby authorized to prepare and submit a grant to the NYS Department of Agriculture and Markets for a fee of 3% of the grant award, not to exceed \$15,000 if the Town is awarded the grant.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 318 of 2005, a resolution scheduling a public hearing to consider adoption of Local Law No. ___ of 2006, a local law amending Section 208-72 (c), of the Town Code regarding Planned Unit Development (PUD) processing procedures.

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

WHEREAS, the Town Board wishes to amend Section 208-72 (c) of the Town Code, regarding PUD processing procedures, 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 19, 2005 at 7:10 PM, in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, to consider adoption of Local Law No. ___ of 2006, a local law amending Section 208-72 (c), of the Town Code regarding PUD processing procedures; and be it further

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

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 319 of 2005, a resolution hiring Jennifer Viggiani as the Open Space Coordinator.

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

WHEREAS, by Resolution No. 295 of 2005 the Town Board created the position of Open Space Coordinator in the Planning Department, and

WHEREAS, after reviewing the qualifications of Jennifer Viggiani, 29 Pinewood Avenue, Albany, NY, the Town Board wishes to hire Jennifer Viggiani to fill the position: now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby authorized the

hiring of Jennifer Viggiani, 29 Pinewood Avenue, Albany, NY, as Open Space Coordinator, at Grade 8, Step 5 (\$44,659/yr), effective 12/28/05, the total amount for the remainder of the year (\$1,000) to be transferred from Contingency Fund to Planning Department Salaries (A-8021-E2200).

Supervisor Barrett noted Ms. Viggiani is familiar with the Town of Clifton Park as she worked closely on the Open Space Program through her employment with Behan Associates.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

PUBLIC PRIVILEGE

Al Czerpak, Via da Vinci, representing residents of Tallow Wood and Renaissance subdivisions, presented petitions containing signatures from approximately 70 households, objecting to “any zoning variances or related action connected with the application by Whitney Capital, LLC to allow a 117 unit Senior Housing PUD at the land bounded by Maxwell Drive, Plank Road, Via Da Vinci and Mooney Way”.

Norman Goldman, London Square, said he recalls a number of years ago a resident on Grooms Road asked for relief since “Grooms Road was no longer a residential zone”. He hopes a project will be brought in that will be acceptable that doesn’t have to be residential. Mr. Goldman reiterated his objection to the location of the library. He distributed comments regarding the White House Conference on the Aging.

Abraham Blum, Parkland Court, said the Exit 8A site is appropriate for residential use. He praised the Highway Department for the maintenance of the Moe Road path.

James Ruhl, Wood Dale Drive, commended the town and Environmental Specialist O’Brien for the handling of the CK Sanitary Sewer System abandonment over the past year. He also expressed appreciation to the Town Board and Highway Superintendent Kukuk for the \$100,000 emergency appropriation for the Wood Dale Drive project.

MOTION by Councilwoman Walowit, 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 7:58 p.m.

Patricia O'Donnell
Town Clerk