

August 22, 2011

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 Hughes
Councilman Romano
Councilwoman Walowit
Supervisor Barrett
Deputy Town Clerk Brobston

Also Present: Town Attorney McCarthy
Mark Heggen, Comptroller
Barbara McHugh, Director of Community Development
Michael Montague, Environmental Specialist
Jennifer Viggiani, Open Space Coordinator

MOTION BY Councilwoman Walowit, seconded by Councilman Paolucci, to approve the minutes of the August 1, 2011 meeting as presented.

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett congratulated the Clifton Park teams that are participating in the Babe Ruth World Series Tournament on the Clifton Common.

Supervisor Barrett invited residents to participate in the Community Fair to be held on Saturday, August 27 sponsored by the Shenendehowa Senior Center on the Clifton Common.

Supervisor Barrett reminded residents about Household Hazardous Waste Day Saturday, September 10 and Bulk Waste Pick up will start the week of September 11.

PRESENTATION TO GIRL SCOUTS

Supervisor Barrett presented Resolution No. 216 of 2011 to Girl Scouts Amy & Sarah Duclos and Alice & Clarissa Hanson recognizing their work at Hayes Nature Park.

Resolution No. 216 of 2011, a resolution recognizing Girl Scouts Amy Duclos, Sarah Duclos, Alice Hanson and Clarissa Hanson for their work at Hayes Nature Park.

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

WHEREAS, Clifton Park residents Amy and Sarah Duclos, Girl Scout Troop 2054 and Alice and Clarissa Hanson, Girl Scout Troop 2237, recently completed a project at Hayes Nature Park toward earning their Girl Scout Silver Awards, and

WHEREAS, the girls' project entailed planning, designing, organizing and building four signs located at the intersections of the trails at Hayes Nature Park, the Town of Clifton Park's new 41-acre park in the Stony Creek I Park District, and

WHEREAS, the wood-carved signs provide directional guidance for the various trails and entrances to Hayes Nature Park, and

WHEREAS, the girls planned, organized and executed a Fun Run at Hayes Nature Park to help raise public awareness of the park, and

WHEREAS, the girl scouts have also volunteered to help the Stony Creek I Park District with annual fall clean-up at Hayes Nature Park; now, therefore, be it

RESOLVED, that the Town Board recognizes and thanks Girl Scouts Amy Duclos, Sarah Duclos, Alice Hanson and Clarissa Hanson for their work to improve and preserve Hayes Nature Park and encourages them to continue their dedication to serving their community.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

PUBLIC HEARING, 7:10 PM
TO CONSIDER A PROPOSAL TO WITHDRAW UP TO \$157,500 FROM THE OPEN SPACE
CAPITAL RESERVE FUND FOR THE PURCHASE OF OPEN SPACE
ON RIVERVIEW ROAD.

The Deputy Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on August 9, 2011.

The public hearing was opened for comments from the audience at 7:10 PM.

Supervisor Barrett explained the purchase price for the property on Riverview Road in question is more than reasonable and the property is in prime condition. He has received correspondence about turning the property into a park that may at some point go there. But the only focus right now is to purchase the property. There are no current plans to make any enhancements to the parcel. Future plans would entail a public planning process for all residents to review. This public hearing is for strictly spending the funds from the Open Space Capital Reserve Fund for the purchase of the property.

Town Attorney McCarthy explained this Open Space Capital Reserve Fund requires a public hearing first and is subject to a thirty (30) day permissive referendum, per General Municipal Law 6 (c) in order to withdraw money from the account.

Supervisor Barrett explained the “paper street”, as described in a Times Union article, from Camp Road is more of an easement over another parcel that would provide access to the purchased property. So if the parcel would be developed the Town would still have access to the purchased property. He felt there is plenty of frontage on Riverview Road for access in the future.

James Ruhl, 168 Wood Dale Dr., presented a copy for the board and read his comments in favor of withdrawing the funds for the purchase of the land on Riverview Road. Attached

Edward Peck, 19 Camp Road, expressed community concerns for future improvements that their neighborhood be protected and awareness that the streets in the neighborhood are not suited for heavy traffic. However, felt the purchase was a good opportunity for the Town.

Bill Koebbeman, 861 Riverview Road, Vice President of the Friends of Open Space, stated support for this project. He felt the community is also in support because of the amount of positive response of residents to invest in open space on the 2003 poll.

Supervisor Barrett explained that in several surveys sent to residents over the years the community response was positive on preserving open space.

Irvin Hilts, 8 Sunset St., expressed positive comments on the purchase but has the same concerns for the streets that are not suited for excess traffic.

Pam Marshall, 5 Fairlawn Ct., expressed support of purchasing the land.

Councilman Paolucci expressed support for withdrawing the money for the purchase of the property on Riverview Road.

Everyone was given an opportunity to speak in favor of or against the proposed action and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 7:40 PM.

MOTION BY Councilman Paolucci, seconded by Councilwoman Walowit, to move into Executive Session to discuss a resolution of ongoing litigation. Motion unanimously carried at 7:45 PM.

Action taken in Executive Session was to accept the settlement of litigation against Clough Harbour and Associates, remove paragraph 6 from the Settlement Agreement and to add a resolution to the agenda authorizing the settlement.

Returned to the regular meeting at 8:00 PM.

PUBLIC PRIVILEGE ON RESOLUTIONS

Councilman Paolucci stated he will be abstaining from Resolution No. 223 due to his employer's involvement with wireless communication to avoid conflict of interest. He also explained he has been out of town for the past few weeks and has not reviewed the FEIS for Ushers Woods PDD, so he would like to table the resolution referring to it.

Councilman Romano stated he will be abstaining from the resolution referring to the Clough Harbour and Associates litigation to avoid conflict of interest.

Resolution No. 217 of 2011, a resolution authorizing the withdrawal of \$157,500 from the Open Space Capital Reserve Fund for the purchase of 41.42 acres of vacant land on Riverview Road.

Introduced by Councilman Hughes, who moved its adoption, seconded by Councilman Romano.

WHEREAS, the Town Board has authorized the Supervisor to sign a purchase contract with the Estate of Ameila Lupe for the purchase of 41.42 acres of vacant land on Riverview Road in the Town of Clifton Park for a total purchase price of a maximum of \$300,000 plus an additional \$15,000 for closing costs, and

WHEREAS, the Town of Clifton Park has submitted an application to Saratoga County for a grant of up to \$100,000, County Open Space Acquisition Reimbursement Grant, to be used towards the project, and

WHEREAS, \$157,500 is to be transferred from the Western Clifton Park Zoning Incentive Fund to A-1940-200 (Other Town Payment), and

WHEREAS, the Town Board wishes to provide the balance of the Town's share of \$157,500 through withdrawal from the Town's Open Space Capital Reserve Fund, established pursuant to Resolution No. 49 of 2003, and

WHEREAS, pursuant to General Municipal Law 6(c), withdrawals of such funds are pursuant to permissive referendum after a public hearing, and

WHEREAS, on August 22, 2011, at 7:10 P.M. a public hearing was conducted regarding withdrawal of \$157,500 from the Open Space Capital Reserve Fund toward the Town's share of the purchase price of \$300,000 for 41.42 acres of vacant land, and

WHEREAS, all who wished to be heard were; now, therefore, be it

RESOLVED, that the Comptroller is hereby authorized to withdraw up to \$157,500 from the Open Space Capital Reserve Fund for the purchase of 41.42 acres of vacant land in the Town

of Clifton Park, subject to thirty (30) day permissive referendum, per General Municipal Law 6(c) et seq.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 218 of 2011, a resolution authorizing the Town of Clifton Park to sponsor CPR and AED classes as part of the Citizen Corps Grant Public Safety Education Program.

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

WHEREAS, the Citizen Corps grant funding provides emergency training to residents as provided by the Clifton Park-Halfmoon Ambulance Corps certified instructors and provides participants with an American Heart Association Certificate, and

WHEREAS, the CPR and AED class is scheduled to be conducted on Saturday, November 5, 2011 by the Clifton Park-Halfmoon Ambulance Corps, at a total cost not to exceed \$850, and

WHEREAS, this class is mandatory for new and current CERT volunteers needing re-certification and is also open to the residents of the Town at no charge; now, therefore, be it

RESOLVED, that authorization is hereby given to the Town of Clifton Park to sponsor a CPR and AED class provided by the Clifton Park-Halfmoon Ambulance Corps at a cost not to exceed \$850, for books, materials and certifications, to be paid from A-8762-015 (Citizen Corps Grant Funding).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 219 of 2011, a resolution authorizing the Town to sponsor a Community Emergency Response Training (CERT) Program through the Citizen Corps Grant.

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

WHEREAS, Citizen Corps provides training to help prepare residents for emergencies and disasters of all kinds and introduces community volunteerism opportunities to support Town Emergency Planning and Preparedness, and

WHEREAS, the Citizen Corps Grant provides funding for emergency training and public education, and

WHEREAS, as part of the Town's recognition of September as Town Preparedness Month and commitment to providing residents with useful training as a means to encourage citizens to volunteer during disasters and emergencies of all kinds, the Town wishes to provide

CERT training for six weeks on Thursday evenings, beginning October 13, 2011 through November 17, 2011 at the Public Safety Building for residents of the Town at no charge, and

WHEREAS, the program will prepare residents to join the group of CERT trained volunteers available to assist the Town during disasters, emergencies and major incidents and will provide equipment to assist students and volunteers during emergencies; now, therefore, be it

RESOLVED, that the Town Board authorizes CERT training for residents of the Town of Clifton Park on six consecutive Thursdays, from October 13, 2011 through November 17, 2011, at a total cost not to exceed \$4,000, to be paid from A-8762-015-200 (Citizen Corps Grant Expense) for instruction, supplies, equipment and shirts.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 220 of 2011, a resolution declaring September National & Town Preparedness Month; "A Time to Remember, A Time to Prepare".

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

WHEREAS, in September the U.S. Department of Homeland Security & FEMA is sponsoring the 8th Annual National Preparedness Month (NPM) with support from more than 3,000 coalition members, including the Town of Clifton Park and consisting of national, regional, state and local organizations all combining their efforts to encourage all Americans to take steps to prepare for emergencies, and

WHEREAS, National Preparedness Month is a nationwide effort to encourage Americans to take simple steps to plan and prepare their families for emergencies in their home by making an emergency supply kit, making a family emergency plan, becoming informed about the different emergencies that might affect them and getting involved in community preparedness, and

WHEREAS, during National Preparedness Month, we honor our Nation's police officers, firefighters, volunteers and emergency personnel for their hard work and commitment to protecting others especially during the tragic events that took place on September 11, 2001; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby proclaims September 2011 as National & Town Preparedness Month and encourages all citizens and businesses to develop their own emergency preparedness plan and work together toward creating a more prepared society; and be it further

RESOLVED, that on September 11, 2011, on the occasion of the 10th Anniversary of the tragic attacks on the United States of America, the Town of Clifton Park will present a "Remembrance and Recognition Ceremony" on the Clifton Common outdoor stage at 3:00 P.M. to honor the memory of those who died in the terrorist attacks and to recognize the many who responded to assist the aftermath of the tragic events of that morning that irrefutably changed our lives in so many ways.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,

Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 221 of 2011, a resolution scheduling a public hearing to consider an application for the Conservation Easement (Historic Preservation) program.

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

WHEREAS, the Town's Historic Preservation Easement program requires public comment on properties proposed to be included in the program, and

WHEREAS, Paul and Joanne Coons, 4 Balsam Way, Clifton Park (SBL 277.20-3-46.1) has requested inclusion in the program; now, therefore, be it

RESOLVED, that a public hearing is scheduled for September 6, 2011 at 7:10 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York, to consider the property owned by Paul and Joanne Coons, (SBL 277.20-3-46.1) for inclusion in the Historic Preservation Easement program, and be it further

RESOLVED, that the property owner give notice to all adjacent property owners and other entities as provided in the Town's Historic Preservation Easement legislation in advance of the public hearing and submit receipts of mailing to the Town Clerk's office prior to the date of the public hearing; and be it further

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

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 222 of 2011, a resolution to accept a proposal for the rental of three tents and sixteen tables to be used on Household Hazardous Waste Day.

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

WHEREAS, proposals have been received for the rental of tents and tables to be used on Household Hazardous Waste Day, September 10, 2011, and

WHEREAS, after reviewing the proposals received, Environmental Specialist Michael Montague has recommended that the low proposal of Clifton Park Tent Rental, Clifton Park, for a total amount of \$1,530 for the rental of three tents and sixteen tables be accepted; now, therefore, be it

RESOLVED, that the proposal of Clifton Park Tent Rental be accepted for a total amount of \$1,530 for the rental of three tents and sixteen tables to be used on Household Hazardous Waste Day, September 10, 2011, to be paid from A-8989-150, (Special Collections Day).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,

Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 223 of 2011, a resolution authorizing the Director of Planning to issue the attached Request for Proposals regarding potential lease for wireless communication equipment at the Clifton Common.

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

WHEREAS, the Town Board has received information indicating that a gap in wireless capacity exists within the central portion of Town, and

WHEREAS, the Town Board is committed to the policy expressed in Section 208-94 (4) of the Town Code requiring new communication's equipment to be erected at least 500 feet from residential housing, and

WHEREAS, areas of the Clifton Common are situated in position to both address the gap in capacity within central Clifton Park while also maintaining the required distance from Residential Homes, and

WHEREAS, the Town Board wishes to determine whether wireless providers can propose the placement of a telecommunications tower and equipment sufficient to attract carriers who can address gaps in capacity consistent with Section 208-95 of the Town Code while providing market based rents to the Town and service to Town highway and emergency responders; now, therefore, be it

RESOLVED, the Town Board authorizes the Planning Director to issue the attached Request for Proposals; and be it further

RESOLVED, that the issuance of the Request for Proposals does not obligate the Town Board to enter into a lease or contract with any responding proposer.

ROLL CALL VOTE

Ayes: Councilman Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Abstain: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 224 of 2011, a resolution authorizing the Town Supervisor to sign a grant application on behalf of the Justice Court for the purchase of office furniture and supplies for the Justice Court.

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

WHEREAS, the 2011 Justice Court Assistance Program provides state funding for local courts to purchase necessary equipment, and

WHEREAS, Judge Robert A. Rybak and James F. Hughes would like to file an application to purchase furniture, judicial robes, computer equipment and miscellaneous items, and

WHEREAS, such equipment will enable the Justice Court to better serve the needs of the public; now, therefore, be it

RESOLVED, that the Clifton Park Town Board supports the submission of a grant application to purchase furniture, judicial robes, computer equipment and miscellaneous items for the court, and be it further

RESOLVED, that the Town Supervisor is authorized to sign a grant application totaling approximately \$9,400 on behalf of the Justice Court, for the purchase of equipment for the Justice Court.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 225 of 2011, a resolution amending Resolution No. 162 of 2011 authorizing Change Order No. 1 for Rivercrest Sewer District-Manhole Leak Repairs.

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

WHEREAS, Resolution No. 109 of 2010 awarded a contract for Rivercrest Sewer District-Manhole Leak Repairs to Green Mountain Pipeline Services in the amount of \$8,125, and

WHEREAS, during the course of work, the Town discovered other manholes had similar problems and directed the contractor, Green Mountain Pipeline Services, to make additional repairs, and

WHEREAS, the proposed additional improvements resulted in an increase of \$6,799.22, and

WHEREAS, Resolution No. 162 of 2011 authorized Change Order No. 1 for Rivercrest Sewer District-Manhole Leak Repairs reflecting the increase of \$2,960 to be paid from Rivercrest Sewer, and

WHEREAS, Change Order No. 1 should have reflected that \$2,960 be paid from Olde Nott Farm Sewer District No. 1 (G1-8111-24) instead of Rivercrest Sewer (G-8111-24); now, therefore, be it

RESOLVED, that Resolution No. 162 of 2011 is hereby amended to reflect \$2,960 be paid from G1-8111-24 (Olde Nott Farm Sewer District No. 1); and be it further

RESOLVED, that \$2,960 is to be released from encumbrance in (G-8111-24) Rivercrest Sewer.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 226 of 2011, a resolution authorizing the Supervisor to execute an Agreement to Quiet Title and to accept a surface easement for pedestrian access adjacent to 18 Merrall Drive in Crescent Estates.

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

WHEREAS, the Crescent Estates subdivision was constructed in the late 1960's by the Rosen-Michaels Development Corporation, and

WHEREAS, the Town Board accepted dedication of certain streets in Crescent Estates by Resolution on January 11, 1971, and

WHEREAS, a paper street or stub street was constructed adjacent to 18 Merrall Drive for a potential future connection to the west of Merrall Drive which was never constructed, and

WHEREAS, town records indicate that the former stub street identified as Huntington Hill Road was not dedicated to the town or accepted by resolution on January 11, 1971, and

WHEREAS, while the Town Board determined the area of the stub street was no longer required for future municipal purposes and resolved to sell the area to then Kate Chuah, homeowner at adjacent 18 Merrall Drive by Resolution No. 213 of 1997, subsequent review determined that title to the area was not demonstrated in the town and the proposed sale did not occur, and

WHEREAS, Kate Chua Dobert and Tim Dobert have acquired a Quit Claim Deed from Lee Rosen on behalf of Rosen-Michaels Development Corporation, and

WHEREAS, Kate and Tim Dobert have agreed to convey easements to the town for a pedestrian connection to the Fox Run Apartments (aka Foxwoods Apartment Complex) in satisfaction of any claims the town may have to the area encompassing the existing stub street, and to pave and improve the area, and

WHEREAS, while there is no potential for vehicular traffic through to Fox Run, the town has an interest in maintaining pedestrian access between the Fox Run Apartments and Crescent Estates in anticipation of the planned Crescent Road multipurpose path to be built along Crescent Road; now, therefore, be it

RESOLVED, that the Supervisor is authorized to execute the attached Agreement to Quiet Title to the area of the stub street formerly identified as Huntington Hill Road; and be it further

RESOLVED that the Supervisor is authorized to accept a surface easement for pedestrian access adjacent to 18 Merrall Drive in Crescent Estates.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 227 of 2011, a resolution accepting Draft Environmental Impact Statement for Ushers Woods PDD as Final.

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

WHEREAS, the Town of Clifton Park Town Board (the "Town Board") has received the application of Boni Enterprises, LLC (the "Applicant"), for PDD approval to develop a mixed use development on approximately 96.1 acres of undeveloped land, which lie along the west side of Interstate 87 near Exit 10 and is bounded on the south by Ushers Road, and is adjacent to existing residential homes along Wooddale Drive to the west within the Country Knolls neighborhood, and

WHEREAS, said application for a planned development district with subsequent subdivision review is for development of 193 single family detached homes exclusively for senior residents and commercial lots, and

WHEREAS, this application constitutes a Type I Action under the State Environmental Quality Review Act ("SEQRA"), and

WHEREAS, the Town Board is the lead agency for this Action pursuant to 6 NYCRR §617.6, and

WHEREAS, the Town Board received and evaluated the application, environmental assessment form and supplemental studies regarding possible environmental impacts of the proposed action in accordance with the criteria set forth in 6 NYCRR §617.7, and

WHEREAS, the Town Board, as lead agency, determined that the proposed action may have a significant effect on the environment and that a Draft Environmental Impact Statement ("DEIS") must be prepared, and

WHEREAS, the applicant submitted a DEIS which the Town Board accepted as complete on February 28, 2011 with respect to its scope, content and adequacy for the purposes of commencing public review, and

WHEREAS, the Town Board accepted written comments on the DEIS for a 72-day period (from February 28, 2011 to May 11, 2011) after the DEIS was accepted as complete, and

WHEREAS, the applicant submitted a Final Environmental Impact Statement ("FEIS") on July 5, 2011, and

WHEREAS, the Town Board has extensively reviewed and caused revisions to the FEIS, including requiring a response to Town Board and public comments and comments of involved or interested agencies, and

WHEREAS, the FEIS last updated July 5, 2011 has been revised to the satisfaction of the Town Board and professional staff, now, therefore, be it

RESOLVED, that this notice of FEIS completion is issued pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the New York State Environmental Conservation Law and declares as follow:

A final Environmental Impact Statement has been completed and accepted by the Town of Clifton Park Town Board, as lead agency, for the propose action described below:

Name of Action: Ushers Woods Planned Development District (PDD) Application.

Description of Action: The proposed action is the adoption of a planned development district by the Town of Clifton Park to allow for the construction of a 193 single family detached units exclusively for senior housing on seven adjoining parcels (controlled by the applicant) located on the north side of Ushers Road immediately adjacent to the Adirondack Northway at Exit 10. The project involves construction of new access roads, modification of Ushers Road, the installation of water, sanitary and storm sewers. The project also involves the disturbance of less than .5 acres of Federal Wetlands. All of these activities are regulated by respective authorities having jurisdiction over each respective action.

Location: The project is located on triangulated piece of land comprised of 96.1 +/- acres on Ushers Road in the Town of Clifton Park, Saratoga County, New York. The site is comprised of seven parcels that are all controlled by the applicant. The site is comprised of the following lots identified by tax parcel identification numbers:

259.00-2-60
259.00-2-62
259.00-2-66
259.00-2-70
259.00-2-71
259.00-2-69.11
259.00-2-68

The site is generally bounded by N.Y.S.D.O.T. Rt. # 87 (Adirondack Northway) to the east, Ushers Road (Town of Clifton Park) to the south and Country Knolls Estates (Wooddale Drive, Town of Clifton Park) to the west.

Potential Environmental Impacts: Environmental Impacts addressed in the DEIS and FEIS include:

- Sails, Slope Stability and Vegetation
- Wetlands, Drainage, and Endangered Species
- Air Resources/Noise Impacts
- Water Resources
- Traffic and Transportation
- Impact to Community Character

And be it further,

RESOLVED, that a copy of the FEIS will be on file for review at the Town Clerk's Office, Town of Clifton Park Town Hall, One Town Hall Plaza, Clifton Park, and be it further

RESOLVED, that copies of this resolution shall be provided to and/or made available to all involved and interested agencies.

Councilman Paolucci explained he has been out of town and has not been able to review the DEIS and requests the resolution be tabled.

MOTION TO TABLE BY Councilman Paolucci, seconded by Councilman Hughes.

ROLL CALL VOTE ON MOTION

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

MOTION CARRIED

Resolution No. 228 of 2011, a resolution appointing Mike Bloss to the Zoning Board of Appeals.

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

WHEREAS, due to the resignation of Robert Ritter an opening exists on the Zoning Board of Appeals, and

WHEREAS, Mike Bloss, 6 Plaid Place Clifton Park has been recommended to fill the position, and

WHEREAS, Mr. Bloss's background will confer a benefit to the Zoning Board of Appeals and to the residents of the Town of Clifton Park; now, therefore, be it

RESOLVED, that Mike Bloss is hereby appointed as a member of the Zoning Board of Appeals to fill the unexpired term of Robert Ritter, term to expire December 31, 2015.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 229 of 2011, a resolution authorizing the settlement of litigation against Clough Harbour and Associates brought by the Town of Clifton Park.

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

WHEREAS, by Resolution No. 126 of 2008, the Town Board approved settlement of its contractual liability to August Bohl Inc., and authorized the Comptroller to pay \$375,000 to Bohl due to construction delays in the 2001-2002 Moe Road Rehabilitation Project, and

WHEREAS, on December 8, 2008, the Town Board authorized the Town Attorney to commence litigation against former town designated engineering firm Clough Harbour and Associates for contractual indemnification and professional negligence in causing the delays that resulted in the Bohl litigation, and

WHEREAS, Clough Harbour and Associates has agreed to settle the town's contractual indemnity and professional negligence claims arising from the Bohl litigation for the sum of \$350,000, and

WHEREAS, the acceptance of the attached Settlement Agreement is recommended by the Town's retained Counsel, James Hacker, and is recommended by Town Attorney Thomas McCarthy, with exception of paragraph 6 of the Agreement; now, therefore, be it

RESOLVED, that the Town Board authorizes the execution of a Stipulation of Discontinuance of Saratoga County Supreme Court Case bearing Index No. 2008 4773, as well as, a release in favor Clough Harbour and Associates, Inc. and its Professional Negligence

Insurance Carriers in exchange for \$350,000 from Clough Harbour & Associates and their insurance carriers; and be it further

RESOLVED, that paragraph 6 of the attached Settlement Agreement is stricken.

ROLL CALL VOTE

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

Abstain: Councilman Romano

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Ed Hughes, 28 Beechwood Dr., Vice President Jonesville Cemetery Association, expressed how much the association and local community is enjoying the Mealy Bell that the Town Board placed at the Jonesville Cemetery in 2008. He presented a dvd of the Jonesville Cemetery Tour to the Town Board.

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

Motion carried at 8:40 p.m.

Teresa J. Brobston
Deputy Town Clerk