

## **Clifton Park Town Board Meeting Minutes**

**February 2, 2004**

The regular meeting of the Town Board of the Town of Clifton Park was held in the Town Office Building at 7:00 p.m., Supervisor Barrett presiding.

### **PLEDGE OF ALLEGIANCE TO THE FLAG**

Present: Councilman Paolucci  
Councilman Speckhard  
Councilman Roth  
Councilwoman Walowit  
Supervisor Barrett  
Town Clerk O'Donnell

Also Present: Town Attorney Trainor  
Michael Handerhan, Supervisor of Buildings and Grounds  
Mark Heggen, Comptroller  
Barbara McHugh, Director of Community Development  
Michael O'Brien, Environmental Specialist  
Michael Shahan, Town Administrator

MOTION by Councilman Paolucci, seconded by Councilman Roth, to approve the minutes of the January 12 and 20, 2004 meetings as presented.

### **ROLL CALL VOTE**

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

Noes: None

### **MOTION CARRIED**

### **ANNOUNCEMENTS AND COMMUNICATIONS**

Councilman Paolucci announced that CAPTAIN moved on January 23, 2004 to their new building attached to the Public Safety Building. Modifications are being made to the Henry Kinns Building that housed the Senior Center and CAPTAIN to allow the entire building to be occupied by the Shenendehowa Senior Citizens. He noted some of the work is being done by town employees. Supervisor Barrett expressed appreciation to Councilmen Paolucci and Roth for their work in bringing the new CAPTAIN building to completion.

Supervisor Barrett toured the new Halfmoon Water Plant with Halfmoon Supervisor DeCerce and Halfmoon Water Director Frank Tironi and discussed the possibility of the Town of Halfmoon selling water to Town of Clifton Park in the future. The Supervisor said he supports the Saratoga County water plan, but this cannot happen without a commitment from Saratoga Springs, and feels other options must be studied.

PUBLIC HEARING, 7:10 PM  
REGARDING THE ANNUAL PLAN FOR 2004  
SECTION 8 HOUSING CHOICE VOUCHER PROGRAM

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on December 17, 2003.

Joseph Mastrianni of Joseph E. Mastrianni, Inc. stated this public hearing is a HUD requirement. He explained the federal government supplies \$275,000 each year to finance the plan and no town funds are contributed to the plan. He said at this time the waiting list for housing is approximately two to three years. He noted the Towns of Malta, Halfmoon and the Village of Round Lake are included in this plan with 111 families on the waiting list. Mr. Mastrianni said currently 61 families are being helped. He explained the Family Self-Sufficiency Program, a program working with single mothers to help them get training, counseling, and whatever else they need to become self sufficient and to eventual home ownership. He said he would like to start this program in the Town of Clifton Park as part of the Section 8 Program. He said no resolution from the Town Board is required. Mr. Mastrianni said all that is required is the preparation of an action plan and HUD approval and the Program can be started. Supervisor Barrett stated these rental properties are all on the tax rolls.

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

Everyone was given an opportunity to speak regarding the Section 8 Annual Plan and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 7:40 p.m.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 28 of 2004, a resolution authorizing the hiring of a laborer for the Buildings and Grounds Department.

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

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

WHEREAS, Michael Handerhan, Buildings and Grounds Supervisor, has recommended

that Justin L. Staucet, 8 Chevy Chase Lane, Clifton Park, be hired to fill this position; now, therefore, be it

RESOLVED, that Justin L. Staucet, 8 Chevy Chase Lane, Clifton Park, be hired as a laborer for the Buildings and Grounds Department, at Grade 3, Step 1 (\$23,842.00 annually), to be budgeted from A7110 E3000 (Buildings & Grounds-Laborer) with a transfer to his salary line (line to be determined at a later date) effective immediately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 29 of 2004, a resolution appointing Andrea Becker to the Historic Preservation Commission.

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

WHEREAS, an opening exists on the Historic Preservation Commission, and

WHEREAS, Andrea Becker, 8 Brassfield Court, Clifton Park, has been recommended to serve on the commission; now, therefore, be it

RESOLVED, that Andrea Becker, 8 Brassfield Court, Clifton Park, be appointed to the Historic Preservation Commission to fill the unexpired term of Megan Murray, term to expire December 31, 2005.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 30 of 2004, a resolution authorizing change order No. 4 for the Moe Road Project.

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

WHEREAS, the Moe Road Project contract was approved by New York State at a total cost of \$3,612,862.00, and

WHEREAS, additional work to the project by the contractor August Bohl Contracting Co. Inc. is at an additional cost of \$11,707.00, and

WHEREAS, the cost to date for the project is \$3,480,543.94 with a remaining balance of money available for the project of \$132,318.06, and

WHEREAS, the Project is to be reimbursed from Federal and State funds at 95%, local match 5%, with a final cost to the Town of Clifton Park of \$585.30; now, therefore, be it

RESOLVED, that authorization is hereby granted to the Supervisor to execute change order No. 4 for additional work to the Moe Road Project in the amount of \$11,707.00, \$585.30 of the amount to be paid by the Town of Clifton Park from H10-5112-30 (Moe Rd.-Capital Project-Permanent Improvements-Paving).

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 31 of 2004, a resolution establishing Miller Road South Water District No. 1 and authorizing the acquisition and construction of improvements to the water system.

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

WHEREAS, the Town Board of the Town of Clifton Park proposes to establish the Miller Road South Water District No. 1 (the "District") in the Town of Clifton Park, New York (the "Town"), pursuant to Article 12-A of the Town Law, and

WHEREAS, a map, plan and report relating the establishment of the proposed District, prepared by John M. McDonald Engineering, P.C., a competent engineer licensed by the State of New York, in the manner and detail required by the Town Board, has been filed with the Town Clerk in accordance with the requirements of Article 12-A of the Town Law, and

WHEREAS, on September 8, 2003, a resolution was adopted by the Town Board reciting the filing of the map, plan and report, the boundaries of the proposed District, the

improvements proposed, the estimated expense of these improvements, the proposed method of financing, the cost of the District to the properties in the District, the fact that the map, plan and report are on file in the Town Clerk's office for public inspection, and all other matters required by law to be stated, and

WHEREAS, the resolution called a public hearing to be held on October 6, 2003 at 7:10 p.m. to hear all persons interested in this matter and to take action as required by law, and

WHEREAS, the resolution was published and posted as required by law, and

WHEREAS, a public hearing on the matter was held by the Town Board on October 6, 2003 and the matter was fully discussed and all interested persons were heard; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby determines that:

1. The notice of hearing was published and posted as required by law, and is otherwise sufficient.
2. All the property and property owners within the proposed District are benefited thereby.
3. All the property and property owners benefited are included within the limits of the proposed District.
4. The establishment of this District is in the public interest.

AND IT IS FURTHER

RESOLVED, that the District, as set forth in the map, plan and report be approved, that the requested improvements be constructed, and that the necessary easements and lands be acquired, upon the required funds being made available and provided for, and it is further

RESOLVED, that this District shall be known as the Miller Road South Water District No. 1 in the Town of Clifton Park and shall be bounded and described as set forth on Exhibit A attached hereto, and it is further

RESOLVED, that the proposed improvements, including construction costs, cost of acquisition of lands and easements, legal and engineering fees, and all other expenses, be financed by the issuance of serial bonds and bond anticipation notes of the Town containing such terms as may be determined by the Town Board, the cost of such improvements to be assessed by the Town Board in proportion to the assessed value of each property in the District, and it is further

RESOLVED, that this resolution is subject to permissive referendum as provided in Town Law Section 209-e, in the manner provided in Article 7 of the Town Law, and is

subject to the approval of the State Department of Audit and Control in accordance with Town Law Section 209-f; and be it further

RESOLVED, that this resolution supersedes Town Board Resolution No. 262 of 2003 adopted October 14, 2003 regarding formation of the District.

Town Attorney Trainor explained this district was previously organized through Article 12 of Town Law, the petition method, but the town's bond counsel recommended using Article 12A, the permissive referendum method. Supervisor Barrett said he feels everything should go through permissive referendum process. Trainor agreed that the town should adopt an informal policy of using Article 12A when forming districts. Councilman Paolucci said he still likes the upfront work of surveying residents of a district.

#### ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 32 of 2004, a resolution authorizing the proper placement of an MEO position in the matrix.

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

WHEREAS, John Marcelli was promoted to an MEO in 1995 and was not placed in the proper step in the matrix, and

WHEREAS, the Highway Superintendent has requested John Marcelli's position be properly placed on the matrix; now, therefore, be it

RESOLVED, that authorization is given to place John Marcelli's MEO position in the proper place in the matrix from Grade 5, Step 8-5, to Grade 5, Step 9-1 retroactive to January 1, 2004, to be funded with a budget transfer of \$1126.40 from DA-5110-074 (Highway-Overtime) to DA-5110-E28 (Highway-MEO) and \$704.00 from DA-5142-074 (Highway-Overtime) to DA-5142-E28 (Highway-MEO).

#### ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 33 of 2004, a resolution authorizing the Director of Community Development to attend a seminar on March 22, 2004.

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

WHEREAS, Barbara McHugh has requested authorization to attend a "Skillpath" seminar on "How to Design Brochures, Ads, Newsletters and Reports" to be held in Albany, New York, March 22, 2004, and

WHEREAS, her attendance at this conference will confer a benefit upon and be in the best interest of the Town of Clifton Park; now, therefore, be it

RESOLVED, that the Director of Community Development, Barbara McHugh, is hereby authorized to attend a one day "Skillpath" seminar on March 22, 2004 in Albany, New York, at a cost not to exceed \$149.00 to be paid from A-8989-001 (Training and Conferences) to be vouchered appropriately.

Councilman Roth said he is hoping a town newsletter will be published in 2004.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 34 of 2004, a resolution scheduling a public hearing regarding the establishment of Katherine Terrace Water District Extension.

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

WHEREAS, the Town Board of the Town of Clifton Park, Saratoga County, New York (the "Town") has caused a map, plan and report (the "Maps and Plans") to be prepared in a manner and detail as determined by the Town Board in connection with the proposed establishment and improvement of a water district in the Town to be known as Katherine Terrace Water District Extension (the "District"), and

WHEREAS, the boundaries of the proposed District are set forth on Exhibit A attached hereto, and

WHEREAS, the Town proposes to acquire, construct and install a water supply and distribution system and related facilities in the District (the "Improvements"), including (a) construction and installation of water transmission mains and lines and related facilities, (b) acquisition of furnishings, equipment, machinery or apparatus required in connection therewith, and (c) acquisition of land or rights in land, all as more particularly described in the Maps and Plans, and

WHEREAS, the maximum amount proposed to be expended for the Improvements is \$48,000.00, and

WHEREAS, the cost of the proposed District to the typical property in the District is estimated to be approximately \$705.02 per year, and

WHEREAS, the proposed method of financing the costs of the Improvements consists of the issuance of serial bonds and bond anticipation notes of the Town to mature in annual installments over a period not exceeding 25 years, payable in the first instance from assessments levied on real property in the proposed District, and

WHEREAS, the cost of acquiring, constructing and installing the District Improvements will be assessed among the properties in the District in proportion to the assessed value of each property, and

WHEREAS, usage, operation and maintenance fees will be charged in accordance with the Clifton Park Water Authority standard fee schedule, and

WHEREAS, the Maps and Plans describing the foregoing, including a detailed explanation of how the estimated cost of the District to the typical property was computed, have been filed in the Town Clerk's office and are available for public inspection during regular business hours; now, therefore, be it

RESOLVED, that the Town Board will hold a public hearing to hear all persons interested in the establishment of the District and the proposed water system improvements, which public hearing shall be held in the Wood Memorial Room, Town Hall, One Town Hall Plaza, in the Town of Clifton Park on February 23, 2004 at 7:10 p.m., and be it further

RESOLVED, and ordered that the Town Clerk give notice of such hearing by publishing in the official Town newspaper a copy of this resolution and by posting a copy of this resolution on the Town's official sign-board not less than ten nor more than twenty days before such hearing.

#### ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 35 of 2004, a resolution scheduling a public hearing regarding the establishment of Katherine Terrace Sewer District Extension.

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

WHEREAS, the Town Board of the Town of Clifton Park, Saratoga County, New York (the "Town") has caused a map, plan and report (the "Maps and Plans") to be prepared in a manner and detail as determined by the Town Board in connection with the proposed establishment and improvement of a sewer district in the Town to be known as Katherine Terrace Sewer District Extension (the "District"), and

WHEREAS, the boundaries of the proposed District are set forth on Exhibit A attached hereto, and

WHEREAS, the Town proposes to acquire, construct and install a sewer system and related facilities in the District (the "Improvements"), including (a) construction and installation of sewer transmission mains and lines and related facilities, (b) acquisition of furnishings, equipment, machinery or apparatus required in connection therewith, and (c) acquisition of land or rights in land, all as more particularly described in the Maps and Plans, and

WHEREAS, the maximum amount proposed to be expended for the Improvements is \$97,000.00, and

WHEREAS, the cost of the proposed District to the typical property in the District is estimated to be approximately \$814.09 per year, and

WHEREAS, the proposed method of financing the costs of the Improvements consists of the issuance of serial bonds and bond anticipation notes of the Town to mature in annual installments over a period not exceeding 25 years, payable in the first instance from assessments levied on real property in the proposed District, and

WHEREAS, the cost of acquiring, constructing and installing the District Improvements will be assessed among the properties in the District in proportion to the assessed value of each property, and

WHEREAS, usage, operation and maintenance fees will be charged in accordance with the Saratoga County Sewer District standard fee schedule, and

WHEREAS, the Maps and Plans describing the foregoing, including a detailed explanation of how the estimated cost of the District to the typical property was computed, have been filed in the Town Clerk's office and are available for public inspection during regular business hours; now, therefore, be it

RESOLVED, that the Town Board will hold a public hearing to hear all persons interested in the establishment of the District and the proposed sewer system improvements, which public hearing shall be held in the Wood Memorial Room, Town Hall, One Town Hall Plaza, in the Town of Clifton Park on February 23, 2004 at 7:20 p.m.; and be it further

RESOLVED, and ordered that the Town Clerk give notice of such hearing by publishing in the official Town newspaper a copy of this resolution and by posting a copy of this resolution on the Town's official sign-board not less than ten nor more than twenty days before such hearing.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 36 of 2004, a resolution accepting a conveyance of land from Jay and Tina Russell.

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

WHEREAS, the Planning Board, as a condition of approval regarding the Subdivision of Lands of Jay and Tina Russell, required that a five foot strip of land lying along the northerly line of Hubbs Road and along the southwesterly line of Hatlee Road be conveyed to the Town of Clifton Park, and

WHEREAS, a copy of a duly executed deed conveying the five foot strip to the Town is attached hereto, and

WHEREAS, Jay and Tina Russell will pay all filing fees related to the conveyance, and subject to the approval of the Town Attorney, Town Engineer and Highway Superintendent; now, therefore be, it

RESOLVED, that the Town of Clifton Park hereby accepts the conveyance from Jay and Tina Russell along Hubbs and Hatlee Roads as described in the attached deed and the Town Clerk is directed to file all required documentation with the appropriate agencies to evidence the same.

#### ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 37 of 2004, a resolution permitting a refund of a sewer hook-up fee to Gary and Shirley Jones.

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

WHEREAS, Gary and Shirley Jones have been members of the Dutch Meadows Sewer District since its inception, and

WHEREAS, the sewer main to their home was constructed several years ago and hook-up to the system was completed with the cost being paid by Mr. & Mrs. Jones, and

WHEREAS, Gary and Shirley Jones have requested that the sewer hook-up fee of \$1,000.00 that they paid be refunded to them, and

WHEREAS, the Town Board has recommended that the Jones's request be granted; now, therefore, be it

RESOLVED, that the Comptroller be permitted to refund the \$1,000.00 hook-up fee to Gary and Shirley Jones for hook-up to the Dutch Meadows Sewer District and; be it further

RESOLVED, that the Assessor identify Gary and Shirley Jones as users of the operation and maintenance portion of the Dutch Meadows Sewer District.

Town Comptroller Heggen explained the Jones were included in the original boundaries of the sewer system and should not have been the charged the \$1000 hook up fee.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 38 of 2004, a resolution adopting an Annual Plan for 2004 for the Town of Clifton Park Section 8 Program.

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

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, the Town Board of the Town of Clifton Park has caused a written Annual Plan for 2004 to be prepared establishing 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 has reviewed such written plan, now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby adopts the Annual Plan for 2004 for operation of the Town of Clifton Park Section 8 Housing Assistance Payments Program.

It was noted the Town Board will consider another resolution supporting the Family Self Sufficient Program.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Norman Goldman, London Square Drive, stated the senior citizens need more transportation and presented a statement in this regard. Supervisor Barrett responded he has spoken with people who run the Senior Center and town personnel and they said there is no problem with seniors getting rides on the senior vans. Mr. Goldman said he is concerned about the publication of a town newsletter. Councilman Roth said anyone can edit the newsletter before it goes out.

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

Town business.

Motion carried at 8:38 p.m.

Patricia O'Donnell  
Town Clerk