

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

**February 9, 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  
Deputy Town Clerk Brobston

Also Present: Town Attorney Trainor  
Louis W. Gerard, Superintendent of Highways  
Michael O'Brien, Environmental Specialist  
Michael Shahan, Town Administrator

### **ANNOUNCEMENTS AND COMMUNICATIONS**

Supervisor Barrett reported the Winter Block Party was a success. He thanked everyone who was a part of it.

Supervisor Barrett congratulated residents of Clifton Park for placing in the Cross Country Ski Challenge in Round Lake recently. Geof Gurzler captured the Trophy for the Challenge with Christopher Burdge in 3rd, Eric Hamilton in 5th and Kathleen Andonic in 8th.

Supervisor Barrett announced a special Town Board meeting will be held on Wednesday, February 11, 2004 at 7PM in the Wood Room of Town Hall to present the build out projections for the Western Clifton Park GEIS.

Councilman Roth thanked Jerry Oakes and the Highway Department for their quick response and clean up of ice on Eastside Drive on Sunday, February 8, 2004. A resident called him with concern for the ice conditions on the road. The resident also was very appreciative of their efforts.

Supervisor Barrett requested resolution authorizing the Town Supervisor to sign a Letter of Understanding for employee participant life insurance from the agenda be taken off as Attorney Trainor would like to further investigate this request of agreement.

Councilman Roth stated he was notified that there is a vacancy on the Saratoga County

Fire Advisory Board.

Supervisor Barrett stated Phil Brousseau was appointed to that Board. It was suggested at that time of appointment the appointee be rotated from another Fire Department.

Supervisor Barrett stated in a letter dated February 3, 2004, the Clifton Park Youth Hockey requested a \$1200 donation to help defray costs of an upcoming tournament to be held at the Clifton Park Ice Arena. Mr. Ken Boland, Clifton Park Youth Hockey, is in attendance tonight to answer questions pertaining to the request.

Ken Boland, Vice President Clifton Park Youth Hockey, stated the upcoming tournament is a more expensive one and they are looking for the Town to help defray the costs. There will be a lot of teams coming from out of the area using the hotels & restaurants in the town. The Clifton Park Youth Hockey is probably the #1 client for the arena which is now turning a profit.

Councilman Roth questioned why the request was late in coming to the town.

Mr. Boland explained that they were aware of the tournament in September and just somehow the request for donation slipped through the cracks. He apologized for the late request.

Councilman Roth questioned where the additional \$1,000 will come from.

Mr. Boland stated from various aggressive fundraising and gate charges.

Councilman Roth suggested the \$1200 come from the arena fees not from the "rainy day" fund as the "rainy day" fund was set aside for repairs and there are substantial repairs on the horizon.

Councilman Paolucci agreed that the donation should come out of the revenues for the arena. He also suggested discounted ice times since it is vacation time for the schools during the tournament. The town will benefit from the other 6 teams from outside the area staying within town.

Supervisor Barrett suggested to use money in the "rainy day" funds then replace it at the end of the fiscal year when we know the profits. He also would be in favor of taking from arena revenues.

**PUBLIC HEARING, 7:15 PM  
TO CONSIDER APPLICATIONS FOR CONSERVATION EASEMENT PROGRAM**

The Deputy Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on January 22, 2004.

The public hearing was opened for comments from the audience at 7:22 p.m.

Supervisor Barrett said the applicants want to be part of the town's Conservation Easement Program where larger land owners are eligible for tax breaks if they agree not to develop their land for a set period of time. Properties on the applications include 989 Main St., 986 Hatlee Rd., and Route 146A & MacElroy Road.

Jim Basley, Barkwood Ln., questioned if there will be restriction built into the agreement and if it is permanent.

Supervisor Barrett replied restrictions are in the Town Code and the easements will be for a minimum of 15 years.

Norman Goldman, London Square, questioned if the agreements include specific restrictions for each one under these agreements.

Attorney Trainor stated the agreements includes parts of the Town Code pertaining to Conservation Easements.

Supervisor Barrett stated there is nothing out of the ordinary concerning these applications. Two are for Conservation Easements and one is a Historic Easement.

Raymond Seymour, Nadler Rd., member of the Board of Saratoga Land Conservancy and the Clifton Park Open Space committee, applauds the three applicants. He is glad to see the preservation of the historic Jonesville store. He asked the total number of acres that would be on the conservation easement program. He also applauds the town, one of the few in the Capital District Region, that has taken the initiative to offer the process and preserve open space.

Supervisor Barrett stated total acreage is over 2,000.

Margaret Catalier, Royal Oak Drive, member of Friends of Open Space, thanked the applicants and the town for preserving open space.

Supervisor Barrett urged anyone interested in Conservation Easements or residents interested in selling their property to let him know. The Town Board is interested in purchasing land valuable to the town to preserve open space.

Frank Berlin, Main St., is happy that the Jonesville Store is now open and being preserved. He also applauds the town for a smart growth plan. He is in favor of helping out property owners and businesses with grants, tax cuts and such to keep with open space and preservation.

Youseff Ballout, Torrero Drive, encourages the Town Board to consider the applications on preserving open spaces. He suggested the applicants be offered state level relief also. He suggested the agreements be made public for everyone to see.

Supervisor Barrett explained that the applications and agreements are in the Town Clerk's Office for public review.

Councilman Roth stated the Conservation Easements are one of the six topics that will be highlighted in the upcoming Newsletter.

Supervisor Barrett explained that a brochure of the programs the town offers is in the works.

Everyone was given an opportunity to speak in favor of or against the Conservation Easements. Supervisor Barrett declared the public hearing closed at 7:45 p.m.

Resolution No. 39 of 2004, a resolution authorizing the Town Supervisor to sign a lease agreement with Electronic Business Products for a copier.

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

WHEREAS, the Highway Superintendent has requested that a new copier be leased for use by the Highway Department, and

WHEREAS, the proposed cost for leasing the copier has been budgeted per the attached schedule; now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to enter into a lease agreement with Electronic Business Products for a Lanier LD 122 Copier for thirty nine (39) months at a cost not to exceed \$121.00 per month plus .01 per copy for services and supplies, as budgeted in item A-5010-3 (Highway Administration-Computer).

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 40 of 2004, a resolution authorizing Change Order No. 1 for Captain Building Contract No. 2, Electrical Work.

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

WHEREAS, a contract for Electric Work at the Captain Building was authorized in an amount of \$47,900.00, and

WHEREAS, a Change Order was prepared by McDonald Engineering which provides the breakdown of individual item costs, and

WHEREAS, the Change Order results in a decrease of \$1,435.34 for Electrical Work at the Captain Building from the current contract amount of \$47,900.00 to arrive at a new contract amount of \$46,464.66; now, therefore, be it

RESOLVED, that Supervisor Barrett is hereby authorized to sign Change Order No. 1 dated January 13, 2004, to Harold Clune, Inc. for Contract No. 2, Electrical Work at the Captain Building.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 41 of 2004, a resolution authorizing the sale of equipment declared surplus by the Highway Superintendent.

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

WHEREAS, the Highway Superintendent has declared the equipment on the enclosed attachment as surplus property, and

WHEREAS, the Highway Superintendent has recommended that such be advertised and sold by means of sealed bid, "as is", subject to New York State sales tax, with the Town of Clifton Park reserving the right to reject any bid and all bids; now, therefore, be it

RESOLVED, that the Town Clerk of the Town of Clifton Park is hereby authorized to advertise said equipment listed on the attached list determined to be surplus by the Town Board by sealed bid, with such sealed bids to be opened on February 24, 2004 at 3:00 p.m., at the Town Hall of the Town of Clifton Park.

#### ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 42 of 2004, a resolution honoring David Robert Post for attaining the rank of Eagle Scout.

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

WHEREAS, David Robert Post, Clifton Park, Boy Scout Troop 45, has attained the rank of Eagle Scout, and

WHEREAS, the Town of Clifton Park Town Board wishes to acknowledge and honor David Robert Post's achievements, including his project at the Mary Jane Row Dog Park which consisted of planning and helping to build two large picnic tables as well as clearing the area of weeds, allowing Town citizens to better utilize the park; now, therefore, be it

RESOLVED, that David Robert Post, Clifton Park, Boy Scout Troop 45, is hereby recognized and honored for having attained the rank of Eagle Scout.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 43 of 2004, a resolution awarding the bid for a new Senior Bus.

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

WHEREAS, bids were received for a Senior Bus, and

WHEREAS, the low bidder was Matthews Buses, Inc., Ballston Spa, New York, in an amount not to exceed \$40, 227.00, and

WHEREAS, Town Administrator, Michael Shahan has reviewed the bids and has recommended that the Town Board accept the bid of Matthew Buses, Inc. as the lowest most responsible bidder; now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced bid in an amount not to exceed \$40, 227.00 to Matthews Buses, Inc., Ballston Spa, New York, for a 2004, eight passenger plus one wheelchair Supreme Senator Bus with options,

to be budgeted from A-6772-200 (Equipment-Senior Support).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 44 of 2004, a resolution authorizing Jason Kemper to attend the Association of Towns Meeting.

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

WHEREAS, the New York State Association of Towns will be holding its annual meeting from February 15-18, 2004 in New York City, consisting of seminars and other educational meetings, and attendance at those seminars and meetings would provide a public benefit to the Town; now, therefore, be it

RESOLVED, that the Comptroller is authorized to reimburse Jason Kemper for reasonable transportation and lodging after attending the New York State Association of Towns meeting in New York City from February 15-18, 2004, to be vouchered appropriately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 45 of 2004, a resolution authorizing 8 people from the Building Department to attend a one day NYS Building Officials Conference in Albany.

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

WHEREAS, the New York State Building Officials Conference is designed to give their members the needed hours to complete the NYS 24 hour requirement for in service education for all Code Enforcement Officers to maintain their certification, and attendance at this seminar would provide a public benefit to the Town; now, therefore, be

it

RESOLVED, that the Building Department is authorized to send 8 people to the one day NYS Building Officials Conference in Albany at a cost of \$45.00 each as budgeted in item A-3620-001 (Building Dept.-Travel & Conferences).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 46 of 2004, a resolution donating \$1200 to the Clifton Park Youth Hockey Association (CPYHA) for the Pee-Wee Pre-Sectionals on February 13-15, 2004.

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

WHEREAS, the CPYHA has requested the Town to donate \$1200 to defray tournament fees and ice time for the Northern Zone Pre-Sectional Tournament on the weekend of February 13-15, 2004, and

WHEREAS, the Town Board proposes to support the request by utilizing Arena revenues generated through Arena operations; now, therefore, be it

RESOLVED, that the Comptroller is hereby authorized to send a check in the amount of \$1200 to the CPYHA as a donation to defray tournament fees and ice time for the Northern Zone Pre-Sectional Tournament on the weekend of February 13-15, 2004.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 47 of 2004, a resolution accepting certain applications for conservation easements.

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

WHEREAS, a public hearing was held on February 9, 2004 in order to receive public comment for parcels at 986 Hatlee Road (SBL 258.-1-19) and at Route 146A and MacElroy Road (SBL's 264.3-71 and 264.3-4.1) which have applied for conservation easements in accordance with Local Law No. 12 of 1996, and

WHEREAS, the Town Board has considered the applications and the comments received; now, therefore, be it

RESOLVED, that the applications for parcels at 986 Hatlee Road (SBL 258.-1-19) and Route 146A and MacElroy Road (SBL's 264.3-71 and 264.3-4.1) are hereby accepted and are granted conservation easements in accordance with the provisions of Local Law No. 12 of 1996; and be it further

RESOLVED, that the applicants whose parcels have been granted a conservation easement shall execute an agreement provided by the Town of Clifton Park.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 48 of 2004, a resolution accepting a Historic Conservation Easement application for 989 Main Street, Clifton Park.

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

WHEREAS, a public hearing was held on February 9, 2004 in order to receive public comment on the application for an Historic Conservation Easement for a structure located at 989 Main Street (SBL 259.9-1-20) in accordance with Local Law No. 12 of 1996, and

WHEREAS, the Town Board has considered the application and favorable comment was received; now, therefore, be it

RESOLVED, that the Historic Conservation Easement application for 989 Main Street (SBL 259.9-1-20) is hereby accepted and conservation easement granted in accordance with the provisions of Local Law No. 12 of 1996; and be it further

RESOLVED, that the applicant whose parcel has been granted a conservation easement shall execute an agreement provided by the Town of Clifton Park.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Norm Goldman, London Square, questioned the changing of the fiscal year of the arena.

Discussion on fiscal year of the arena was pursued.

Beverly Czub, Miller Road, questioned the state program for working farms. She understood that the state has very limited money for that program and the application time is very lengthy.

Supervisor Barrett offered anyone who is applying for the state working farm program help in any way.

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 8:20 p.m.

Teresa J. Brobston  
Deputy Town Clerk