

Clifton Park Town Board Meeting Minutes

February 12, 2001

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 Pelagalli
Louis Gerard, Superintendent of Highways
Sheryl Reed, Chief, Bureau of Fire Prevention
Michael Shahen, Town Administrator

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Speckhard announced the biennial review of the Comprehensive Plan has begun. He said it is hoped to get the Plan on line so that the community can comment and to expand it to include the Open Space Plan as it develops.

REPORTS

Reports for January from Parks, Recreation & Community Affairs, Transfer Station, Highway and Planning Departments were filed with the Town Clerk.

PUBLIC PRIVILEGE

Bob Gauvreau, Oakwood Blvd., questioned the proposed purchase of the Round Lake reservoir by the Town of Clifton Park.

Supervisor Barrett explained the Village of Round Lake can no longer use the reservoir, located in the Country Knolls subdivision, as their drinking supply and will purchase water from the Clifton Park Water Authority. He stated it is the town's desire to keep the reservoir as open space. He further said the town is hoping for a fair price on the property considering the town assisted Round Lake in coming up with a much needed resource. Supervisor Barrett said the town could have the following options - keep ownership or transfer rights to a group such as Saratoga Land Trust . He said half the 80 acres are developable and he is sure residents would like it to stay as is, noting it is

environmentally important to keep land pristine and open. Supervisor Barrett said the right of first refusal was a proactive step to show the town is serious about purchasing the property. He noted the town has applied for a grant to purchase the property.

Mr. Gauvreau spoke in favor of a town wide leash law.

Supervisor Barrett said it is illegal to allow dogs to run free in town. He said though there are people who think there should be a town wide leash law, there is a large contingent that don't agree, and he doesn't think there is a need at this time. He further said it is hoped the increase in fines will curb dogs running free.

Debbie Olivera, Temple Hills, presented petitions "opposed to the overlay zoning of two 40 acre parcels of land located on I-87 (the Northway) to Pierce Road and Route 9 to Woods Road, which the Town of Clifton Park is considering for the purpose of Adult Business Zoning." She noted the petition contains approximately 2000 signatures.

Linda Malloy, Rolling Brook Drive, presented a written report on behalf of concerned citizens of Clifton Park, Round Lake, Ms. Olivera and herself, which addresses the proposed sites for adult entertainment overlay zones along the Northway (I-87) Pierce and Wood Roads.

Supervisor Barrett stated the Town has limited options but is still studying the situations.

County Supervisor Daly gave an update on County programs.

**PUBLIC HEARING, 7:10 PM
TO CONSIDER A LOCAL LAW AMENDING SECTION 73-19B, AS AMENDED,
ACCESSIBILITY TO PREMISES**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on January 29, 2001.

Councilman Roth emphasized the importance of the proposed local law explaining as a member of the Ballston Lake Ambulance Squad, he is aware of the importance of the visibility of house numbers, noting time is the most important factor when responding to an emergency call. Councilman Roth said he wished this could be made retroactive.

Councilwoman Walowit thanked the Emergency Services Advisory Board for their work regarding the proposed legislation. She also wished this could be retroactive. She noted the Scouts have a project alerting people to the necessity of visible house numbers.

Sheryl Reed, Chief of the Bureau of Fire Prevention said the proposed legislation is only applicable to new construction and is not retroactive. She reviewed the proposed legislation. She stated it is also vital, particularly for key hole lots, that the number be placed on both sides of a mailbox. Ms. Reed said this legislation will make the fire services' and ambulance corps' jobs much easier and emphasized seconds do count.

Councilman Speckhard recommended undertaking a public relations effort to encourage people to have larger numbers on their homes and possibly make numbers available through Ms. Reed's office at a minimum cost.

Ms. Reed said she will bring Councilman Speckhard's recommendation to the Emergency Services Advisory Board. In response to a question from the floor regarding enforcement, Ms. Reed said the building inspector will make sure the building is identified with the proper numbering at the final inspection. She noted there are no further enforcement powers to keep the numbering after the CO is issued.

The public hearing was opened for comments from the audience at 8:20 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 8:40 p.m.

Resolution No. 38 of 2001, a resolution adopting Local Law No. 2 of 2001, a local law amending Town Code Section 73-19B as amended by Local Law No. 11 of 1993 regarding Accessibility to Premises.

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

WHEREAS, changes to sections of the Clifton Park Town Code relative to Accessibility to Premises were identified and drafted by the Town Fire Marshall, and

WHEREAS, a public hearing was held on February 12, 2001 to consider the adoption of said amendments, and

WHEREAS, no comments were received from the public; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby adopts Local Law No. 2 of 2001 a local law amending Town Code Section 73-19B as amended by Local Law No. 11 of 1993 regarding Accessibility to Premises; and be it further

RESOLVED, that the Town Clerk file said local law with the New York State Department of State as required by law.

LOCAL LAW NO. 2 OF 2001

§ 73-19B Accessibility to premises.

B. All new structures shall be assigned a postal number or 911 number at the Planning Board stage of the project. These number(s) shall be permanently placed on the structure prior to issuance of a Certificate of Occupancy. The number(s) should be a minimum

height of 4 inches and a minimum stroke width of ¼ inch. The color of the number should be one that is contrasting with the background color where the numbers are to be placed. The numbers must be visible from the roadway in a well lighted area. If the numbers are not clearly visible on the structure from the street, then a mailbox or post with numbers on both sides can be utilized to identify the structure.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 39 of 2001, a resolution authorizing appointments to the Project Adventure Staff as recommended per Schedule A.

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

WHEREAS, it is necessary that the Project Adventure Staff be appointed to conduct the Project Adventure Program within the Department of Parks, Recreation and Community Affairs;

now, therefore, be it

RESOLVED, that the individuals on the annexed Schedule A are appointed to said positions at the salary amounts listed, effective March 5, 2001 to be budgeted from A7621-Project Adventure.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 40 of 2001, a resolution authorizing the Director of Buildings and Grounds to purchase two 2001 Pick Up Trucks for the Buildings and Grounds Department.

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

WHEREAS, Michael Handerhan, Director of Buildings and Grounds has identified the need for two vehicles for use by the Buildings and Grounds Department, and

WHEREAS, the Director of Buildings and Grounds has requested authorization to purchase a Model Year 2001 Ford 3/4 Ton Pick Up Truck, 4x4, # PC 57130, 14B and Model Year 2001 Ford 1 Ton Pick Up Truck, 4x4, # PC 5731, 22B as described in Schedule A; now, therefore, be it

RESOLVED, that Michael Handerhan, Director of Buildings and Grounds is hereby authorized to purchase two Model Year 2001 Ford Trucks as described in Schedule A as per State Contract for the Buildings and Grounds Department at a cost not to exceed \$54,817.60 with the funds to come from A-7110-200 (Equipment –Buildings & Grounds), \$54,000 and A-7110-024 (Buildings & Grounds – Gen. Maintenance), \$817.60.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 41 of 2001, a resolution setting a public hearing to consider adoption of a Local Law amending Local Law No. 8 of 2000 Imposing a Ninety-Day Moratorium on Town Sewer Districts Outside User Hook-ups.

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

WHEREAS, a proposed Local Law amending Local Law No. 8 of 2000 being proposed, a copy of which is attached hereto, and to be known as the Local Law Imposing and extending a Ninety-Day Moratorium on Town Sewer Districts Outside User Hook-ups, is to be considered for adoption by the Town Board, and

WHEREAS, the Town Board desires to hold a public hearing with respect to the adoption of said Local Law; now, therefore, be it

RESOLVED, that a public hearing be held by the Town Board with respect to considering the adoption of the aforesaid Local Law at 7:20 PM on February 26, 2001 in the Wood Memorial Meeting Room, 1 Town Hall Plaza, Clifton Park, and, be it further

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

Supervisor Barrett said the town is in the process of putting together rules and regulations

to govern sewer districts for which the town is responsible.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 42 of 2001, a resolution setting a public hearing on April 2, 2001 regarding the Town of Clifton Park Section 8 Program.

Introduced by Councilman Paolucci, 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 2001 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

WHEREAS, a public hearing is required in order to consider adoption of the Annual Plan establishing local policies for the administration of the Section 8 Housing Assistance Payments Program; now, therefore, be it

RESOLVED, that a public hearing to consider adoption of the Annual Plan establishing local policies for administering the Town of Clifton Park Section 8 Housing Assistance Payments Program is hereby set forth and scheduled for April 2, 2001 at 7:10 PM in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York and the Town Clerk is directed to publish notice of same.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 43 of 2001, a resolution authorizing the purchase of a Gehl-Skid Steer Loader with options, for the Highway Department.

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

WHEREAS, Louis Gerard, Highway Superintendent, has identified the need for the purchase of one Gehl-Skid Steer Loader with options for use by the Highway Department; now, therefore, be it

RESOLVED, that authorization is hereby given to the Highway Superintendent to purchase one Gehl-Skid Steer Loader with options, as per Schedule A, from NYS contract PCS6219 at a cost not to exceed \$29, 556.00 with the funds to be taken from account DA-5130-00219 (Highway-Medium Truck 2).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth
Councilwoman Walowit, Supervisor Barrett
Noes: None

DECLARED ADOPTED

Resolution No. 44 of 2001, a resolution appointing Karen Esposito to the Historic Preservation Commission.

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

WHEREAS, the Historic Preservation Commission has recommended that Karen Esposito, 8 Guilder Place, Ballston Lake be appointed to the Commission for a term to expire on December 31, 2003; now, therefore, be it

RESOLVED, that Karen Esposito, 18 Guilder Place, Ballston Lake is hereby appointed to the Historic Preservation Commission for a term to expire December 31, 2003.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 45 of 2001, a resolution setting a public hearing to consider adopting a local law amending Local Law No. 9 of 2000, a local law imposing a moratorium on the review, approval and/or issuance of permits for Adult Use Businesses in the Town of Clifton Park.

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

WHEREAS, the Town Board of the Town of Clifton Park has commenced a study of the adverse secondary impact of the location of adult entertainment businesses within the Town of Clifton Park, and

WHEREAS, additional time is required to complete this study and, therefore the moratorium on the establishment of adult entertainment businesses needs to be extended until December 31, 2001; now, therefore, be it

RESOLVED, that a Public Hearing to consider extending the moratorium until December 31, 2001 on the review, approval and/or issuance of permits for Adult Use Businesses within the Town of Clifton Park is hereby set for February 26, 2001 at 7:30 PM in the Wood Memorial Room, One Town Hall Plaza, Clifton Park and the Town Clerk is directed to publish notice of same.

In response to a question from the floor, Town Attorney Pelagalli said there is no hard and fast rule as to moratoria being set. Supervisor Barrett said a tremendous amount of work has been done on the issue and the Town continues to look at options and work with people in the community to come up with the best option. Councilman Paolucci there is a substantial record showing the work that has gone into this study. Councilman Speckhard said there is not enough time to schedule a hearing and adopt legislation on the adult use zone before the current moratorium runs out and it is hoped this proposed moratorium will only be needed for a few weeks.

Supervisor Barrett said it is important to get public input and to study every option.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 46 of 2001, a resolution scheduling a public hearing to consider

applications for the Conservation Easement program.

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

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

WHEREAS, the properties listed in Exhibit A have requested inclusion in the program; now, therefore, be it

RESOLVED, that a public hearing is scheduled for February 26, 2001 in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York at 7:40 PM to consider the properties contained in Exhibit A for inclusion in the Conservation Easement program, and be it further

RESOLVED, that each of the proposed property owners give the notice to their neighbors and other entities as provided in the Town's Conservation Easement legislation in advance of the public hearing, and the Town Clerk is directed to publish appropriate notice of the same.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Debby Olivera, Temple Hills, expressed appreciation to the Town Board for looking at all the options and for listening to the concerns of residents with regard to the adult use business zone.

Larry Curran, Berkshire Drive, suggested recognizing the Clifton Park Center area.

Supervisor Barrett said this will be done.

Councilman Roth said historic markers have been ordered recognizing Clifton Park Center and Flagler Corners.

MOTION by Councilman Paolucci, seconded by Councilman Speckhard, 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