

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

**April 9, 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 Roth  
Councilwoman Walowit  
Supervisor Barrett  
Town Clerk O'Donnell

Absent: Councilman Speckhard

Also Present: Town Attorney Trainor  
Sheryl Reed, Chief of Fire Prevention  
Michael Shahan, Town Administrator

MOTION by Councilman Roth, seconded by Councilman Paolucci, to approve the minutes of the March 19, 2001 meeting as presented.

### **ROLL CALL VOTE**

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

Noes: None

Absent: Councilman Speckhard

### **MOTION CARRIED**

### **ANNOUNCEMENTS AND COMMUNICATIONS**

Supervisor Barrett, speaking with regard to bringing water to the Ballston Lake area, reported nearly 80 percent of the surveys have been returned and it appears incomes are just under the threshold.

### **REPORTS**

Reports for March from the Parks, Recreation and Community Affairs, Transfer Station,

Highway, Animal Control Departments and Justice Court were filed with the Town Clerk.

PUBLIC HEARING, 7:10 PM  
TO CONSIDER EXTENDING FOR AN ADDITIONAL SIX MONTHS THE  
MORATORIUM ON THE REVIEW, APPROVAL AND ISSUANCE OF PERMITS  
FOR BILLBOARDS, OFF PREMISES SIGNS AND ADVERTISING SIGNS

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on March 26, 2001.

Supervisor Barrett said the moratorium would preclude anyone from coming in with an application for billboards while the litigation is underway.

The public hearing was opened for comments from the audience at 7:16 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 7:17 p.m.

PUBLIC HEARING, 7:20 PM  
TO CONSIDER A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF 1998,  
SECTION 80 - BURNING

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on April 6, 2001.

Supervisor Barrett reported this has gone through Emergency Services Advisory Board and the Environmental Specialist. Chief of the Bureau of Fire Prevention Reed reviewed current DEC requirements and types of burning permits. She summarized the proposed local law explaining this will allow a resident owning a minimum of five acres in R-2 or R-3 zone to obtain a town burning permit and should help some of the smaller farmers in the area or people who own large parcels of land. Ms. Reed reviewed areas that would be affected. She stated this proposed amendment would help people in more rural areas to maintain property and still meet the criteria that EnCon sets down for open burning. Ms. Reed said it is further recommended that the current fee of \$35.00 be reduced to \$20.00 and permit duration increased from 30 days to 60 days.

Supervisor Barrett said being able to burn will help make farms more productive and cost efficient and one of the best ways to preserve open space is to help farms of all sizes to remain profitable and productive.

In response to Councilman Roth, Ms. Reed said her office and Saratoga County Fire Control must be notified prior to and at completion of each burn.

The public hearing was opened for comments from the audience at 7:30 p.m.

Charles Eells, Kingcrest Farm - Grooms Road, speaking on behalf of several other farmers, said he can't imagine the revenue from burning permits is even enough to administer the program and doesn't think there should be any charge for a permit. Though he agrees with the permit system, charging for a permit is just another layer of requirements and expense. He asked that the fee be reduced further or eliminated.

Supervisor Barrett said there was discussion about reducing the fee further but due to administrative duties there was objection to reducing the fee or doing away with it altogether.

Ms. Reed said she believes the \$20.00 was put in place based on administrative fees and sites visits or field inspections if required.

Councilman Paolucci said it has been cut by two thirds given the fee reduction and permit time extension.

Ms. Reed said she believes the permit process has been in effect since the late 1970s and fees set in 1998. She reported since 1998 approximately a dozen permits a year are issued. She noted these numbers would go up if the proposed legislation goes through as it opens it up to many more residents. Councilman Paolucci said with so few permits issued why is there a fee.

Town Attorney Trainor said he doesn't believe reducing or eliminating the permit fee would be a substantive change.

Supervisor Barrett said consideration should be given to either eliminating or just having a token fee.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 7:45 p.m.

#### PRESENTATIONS TO THE BOARD

John Scherer, Town Historian, gave his Annual Report for 2000, attached.

Nathan Skinner, Teen Member of the CAPTAIN Board, updated the Board on the Teen Talk hotline and Phone Friend programs and what being a part of the programs has meant to him. He explained Teen Talk serves teens with relationship issues and, on occasion, more serious issues and Phone Friend assists elementary and middle school students with homework questions.

Ken Clements, President of CAPTAIN Board of Directors, expressed appreciation to the town reporting the largest portion of their funding comes from the town. He reviewed the highlights of the past year and upcoming events, as well as the Youth Shelter program.

He thanked Councilwoman Walowit for her efforts on behalf of the Youth Shelter.

County Supervisor Daly updated the Board on County projects and announced through the County revenue sharing plan of approximately \$3.5 million, the Town will receive just over \$630,000 this year.

#### PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 82 of 2001, a resolution authorizing Michael O'Brien, Environmental Specialist for the Town of Clifton Park, to attend a 30 hour Pesticide Training Course scheduled for April 12-18, 2001 at Schenectady County Community College.

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

WHEREAS, a 30 hour Pesticide Training Course will be held at Schenectady County Community College on April 12-18, 2001 as part of the training requirements to become a certified pesticide technician in category 8 (Public Health) by the NYSDEC, and

WHEREAS, Mr. O'Brien's attendance at this 30 hour Pesticide Training Course will provide a benefit to the Town of Clifton Park; now, therefore, be it

RESOLVED, that Michael O'Brien, Environmental Specialist for the Town of Clifton Park is hereby authorized to attend the 30 hour Pesticide Applicator training course from April 12-18, 2001 at a total cost not to exceed \$75.00, to be paid from budget account A-8989-001 (Community Development/Training/Conference).

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

#### DECLARED ADOPTED

Resolution No. 83 of 2001, a resolution authorizing the Southern Saratoga YMCA to conduct their annual races.

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

WHEREAS, the Southern Saratoga YMCA intends to conduct a Triathlon on May 6, 2001 from 8:00 AM to 10:00 AM and a 5K Road Race on August 21, 2001 from 6:30 PM to 7:15 PM, and

WHEREAS, the Road Race will commence at the YMCA and traverse Town roads including Wall Street, Clifton Country Road, Clifton Park Center Road and several streets within the Hollandale Complex and Clifton Gardens; and

WHEREAS, the Triathlon will traverse both the 5K Road Race route and a 10 mile Bike Loop along Wall Street, Clifton Park Center Road, Sitterly Road, Woodin Road, Grooms Road, Vischer Ferry Road, and NYS Route 146; now, therefore, be it

RESOLVED, that the Southern Saratoga YMCA is hereby granted permission to conduct a 5 Kilometer Road Race using Clifton Country Road, Clifton Park Center Road and Roads through Hollandale Apartment Complex and Clifton Gardens Development on August 21, 2001 from 6:30 PM to 7:15 PM, and be it further

RESOLVED, that the Southern Saratoga YMCA shall be permitted to conduct a Triathlon on May 6, 2001 from 8:00 AM to 10:00 AM using the designated 5K Road Race Route and the 10 Mile Bike Loop, and be it further

RESOLVED, that the Superintendent of Highways is hereby authorized to close that portion of Clifton Park Center Road which runs from Clifton Country Road to Moe Road, and be it further

RESOLVED, that the Southern Saratoga YMCA shall provide the Town with a Certificate of Insurance evidencing at least Two Million Dollars of General Liability Coverage and naming the Town as an additional insured and shall arrange for all relevant traffic enforcement agencies and emergency corps support.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 84 of 2001, a resolution to award the bid for computer system implementation and support.

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

WHEREAS, the Town solicited competitive bids for implementing the Town's new computer system and received several conforming bids, and

WHEREAS, the bid from Open Systems Technologies LLC was determined to be the lowest conforming bid at an amount of \$2040 with up to \$7500 of onsite support; now, therefore, be it

RESOLVED, that the Town Administrator is authorized to accept the bid of Open Systems Technology, LLC for implementation and support of the Town's new computer system at a cost not to exceed a total amount of \$2040 for the implementation and \$7500 for onsite support, as budgeted in A-886 (Designated Fund Balance-Computers) and A-1620-4 (Town Hall-Computers).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 85 of 2001, a resolution authorizing the hiring of John Esposito and William Cassidy as full time Security Officers.

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

WHEREAS, a need for full time security officers has been identified; and

WHEREAS, John Esposito, 18 Guilder Place, Ballston Lake and William Cassidy, 30F Hollandale Apartments, Clifton Park, have been recommended to fill these positions; now, therefore, be it

RESOLVED, that authorization is hereby granted to hire John Esposito, 18 Guilder Place, Ballston Lake and William Cassidy, 30F Hollandale Apartments, Clifton Park, as full time Security Officers at Grade 3, Step 6 effective immediately to be budgeted from A-3120-E2200 (Security-Staff Salary).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 86 of 2001, a resolution adopting Local Law No. 5 of 2001, a Local Law “Extending the Six Month Moratorium on the Review, Approval and the Issuance of Permits for Billboards, Off Premises Signs, and Advertising Signs in the Town of Clifton Park” for an additional six months and amending Local Law No. 7 of 2000 and Local Law No. 27 of 1989, Signs as amended by Local Law No. 8 of 1992.

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

WHEREAS, a public hearing was conducted on April 9, 2001, relative to extending the six month moratorium on the review, approval and the issuance of permits for billboards, off premises signs, and advertising signs in the Town of Clifton Park for an additional six months and no comments were received; now, therefore, be it

RESOLVED, that Local Law No. 5 2001, a Local Law “Extending the Six Month Moratorium on the Review, Approval and the Issuance of Permits for Billboards, Off Premises Signs, and Advertising Signs in the Town of Clifton Park” for an additional six months and amending Local Law No. 7 of 2000, Local Law No. 27 of 1989, Signs, as amended by Local Law No. 8 of 1992 is hereby adopted and the Town Clerk is directed to file appropriate notice of same.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 87 of 2001, a resolution accepting the Final GEIS for the Corporate Commerce Zone.

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

WHEREAS, the Town Board accepted the Draft Generic Environmental Impact Statement (DGEIS) as complete on February 26, 2001, and

WHEREAS, the Town Board conducted a public hearing on March 19, 2001, and

WHEREAS, the Town Board closed the public comment period on March 30, 2001, and

WHEREAS, the Town Board did not receive any substantive comments on the DGEIS,  
and

WHEREAS, the Town Board authorized its consultant to prepare a Final GEIS in  
accordance with 6NYCRR 617.10; now, therefore, be it

RESOLVED, that the Town Board hereby determines the Final Generic Environmental  
Impact Statement as complete; and be it further

RESOLVED, that the FGEIS shall be filed with the Town Clerk, NYS Department of  
Environmental Conservation and other involved Agencies.

Councilman Paolucci said he would like to see architectural standards set when  
development occurs in the Corporate Commerce zone.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

#### PUBLIC PRIVILEGE

Youssef Ballout, Torrero Drive, expressed concern that not everyone was given the  
opportunity to speak last week at the earlier public privilege. Supervisor Barrett replied  
the two gentlemen who spoke had contacted him and asked to speak at an earlier time. He  
noted there is always the opportunity to speak at public privilege at the end of the  
meetings.

Norman Goldman, London Square Drive, expressed concern with tape problems when  
the Town Board meetings are televised. He distributed photos of the Odyssey located on  
Route 9 in the Town of Halfmoon.

Herman Finkbeiner, Vischer Ferry, President of Friends of the Historic Grooms Tavern,  
announced the "Friends" have been chartered by NYS Board of Education and now have  
a real opportunity to make an important contribution to Clifton Park. He asked the Town



Board's support in making things happen at Grooms Tavern and assistance in going after funds. Mr. Finkbeiner said he would like to see one thousand members of Friends of the Historic Grooms Tavern by the end of 2002 and support from the Town Board in promoting this is key to making it happen.

Jan Lemon, Esopus Drive, stated it is time to take on the State of New York on the constable issue as the constable force is the way to go in terms of maintaining and controlling parks, etc., without calling out the Sheriff and NY State Police. She recommended reviewing the Judge's comments from the lawsuit from a number of years ago regarding constables. Supervisor Barrett said the Town has looked at the constable issue and options are limited.

Ms. Lemon expressed concern that she was unable to get copies of the ice arena agreements for a week after the resolution was adopted. She asked if any of the amendments discussed at the Town Board meeting has been included in the agreement and, if so, are those copies available to the public. Supervisor Barrett said any wording that Councilman Speckhard brought up was added. He said the Town arena ice is booked and Mr. Bobrow's ice is 85 to 90 percent booked. Ms. Lemon asked if the town has a guarantee that the contracts written for the town arena are going to remain with the town. Supervisor Barrett explained the bleachers are in the town arena so the Shen hockey team will remain there and Youth Hockey will have the majority of their time there. He reported Mr. Bobrow's rink will have public skating seven days a week and Artic Foxes, Learn to Skate, Youth Hockey will have the opportunity to play in town. He said the bottom line is the majority of groups in the town arena will be the groups that bring in the most amount of people because of the bleachers. Ms. Lemon said wording protecting the revenue stream of the town arena is not in the current contract. Supervisor Barrett responded it is because it is guaranteed that the town ice time is to be used first before those groups go to the other rink. She questioned why the town didn't bid the management agreement. Supervisor Barrett said everything in the agreements has been done by the letter of the law. Mr. Trainor said the issues presented in the agreement have been thoroughly researched. Ms. Lemon said B.I.G Arena approached the Supervisor by registered letter in July 2000 asking to be involved in the conversation regarding the privatization of the town arena. Supervisor Barrett said he did not received a letter but only a couple of phone calls from an individual who would not identify who he was or who he was representing. Mr. Trainor said cases regarding municipal bidding were also researched in this regard.

Norman Goldman reviewed portions of the proposed adult use legislation. Mr. Trainor stated this is a zoning document and doesn't outlaw anything but defines the business. Councilman Paolucci said the legislation shows how one would recognize the business and is not prohibiting anything. Mr. Goldman recommended keeping a balance and keeping in mind what is generally accepted in society now.

**MOTION** by Councilman Paolucci, 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 10:00 p.m.

Patricia O'Donnell  
Town Clerk