

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

**February 11, 2002**

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

Absent: Councilman Paolucci

Also Present: Town Attorney Trainor  
Louis Gerard, Superintendent of Highways  
Barbara McHugh, Director of Community Development  
Michael Shahan, Town Administrator

### **ANNOUNCEMENTS AND COMMUNICATIONS**

Supervisor Barrett reported the Public Safety Task Force met to consider additional powers for the town security force, as well as the use of pepper spray and cameras in vehicles. He said the Task Force was very positive on additional powers and cameras in the vehicles but tepid on the use of pepper spray. Ms. McHugh is to get more information on the use of pepper spray and report back the Town Board and Task Force. The Supervisor said he feels the Town Board should proceed with the positive items.

### **REPORTS**

Reports for January from Sheriff's Department, Transfer Station and Planning Department were filed with the Town Clerk.

The Key to Clifton Park was presented to Ray Shade, Eldorado Drive, for his volunteer efforts in organizing tutoring services at Shenendehowa High School now totaling 11 tutors. The tutors visit with students over 1200 times a year. It was noted this service is offered through the Senior Center and Carelinks. Frances Wasserman, member of the Senior Center, praised Mr. Shade for setting an example for other seniors. Mr. Shade reported the tutoring program takes place two nights a week in a stress free and encouraging environment.

**PUBLIC HEARING, 7:10 PM**

TO CONSIDER A LOCAL LAW AMENDING LOCAL LAW NO. 1 OF 2002  
REGARDING THE REVIEW, APPROVAL AND ISSUANCE OF PERMITS FOR  
BILLBOARDS/OFF PREMISES SIGNS/ADVERTISING SIGNS IN THE TOWN OF  
CLIFTON PARK

Town Attorney Trainor said there are two small proposed changes that are meant to clarify and be preventative in nature; one is to ensure the restrictions put in place do not limit the billboards that are put in the zone itself and the other clarifies that the signs that have been authorized in the zone may contain non-commercial copy in lieu of any other copy. He stated the town is not looking to prohibit any non-commercial speech. Supervisor Barrett reviewed Local Law No. 1 of 2002 and actions that led up to its adoption.

The public hearing was opened for comments from the audience.

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 7:25 p.m.

Supervisor Barrett presented the following resolution to 5 year old Sam Olsen declaring the week of February 11, 2002 as Clifton Park Congenital Heart Defect Awareness Week and naming him as Clifton Park's 2002 Inspirational Honoree.

Resolution No. 36 of 2002, a resolution proclaiming February 14, 2002 as Congenital Heart Defect Awareness Day in the Town of Clifton Park.

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

WHEREAS, Congenital Heart Defects are those existent at the time of birth, and

WHEREAS, with the increasing familiarity of the disorder, more diagnoses are being made of what was not long ago thought to be an extremely rare disorder, but there is still a necessity for continuing research and awareness, and

WHEREAS, Congenital Heart Defects continue to be among the most common birth defects and it is estimated that almost one in one hundred children are born with some type of congenital heart defect, and

WHEREAS, many babies, children and adults continue to battle the devastating effects of a congenital heart defect every day and while many of these defects are repairable or require no surgery at all, nearly half of all those born with a defect will at some time face one, if not many, surgeries, and

WHEREAS, overwhelming numbers of those afflicted with a congenital heart defect continue to lose their lives due to late detection of the disorder, a lack of donor hearts, or

the severity of the condition, and

WHEREAS, the citizens of Clifton Park, New York State and the Nation remain hopeful as congenital heart defects continue to be researched by numerous professionals so that the medical community may more accurately describe their origin, physical signs and symptoms, and uncover new surgical options that will better aid our loved ones in their fight against a congenital heart defect, and

WHEREAS, we seek to raise awareness of this disorder so that the likelihood of early diagnosis and intervention will increase; now, therefore, be it

RESOLVED, that February 14, 2002 is hereby proclaimed to be Congenital Heart Defect Awareness Day and the week of February 11, 2002 as Clifton Park Congenital Heart Defect Awareness Week; and be it further

RESOLVED, that Samuel Olsen, a town resident who suffers from the defect, is hereby named as Clifton Park's 2002 Inspirational Honoree for this event.

#### ROLL CALL VOTE

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

Noes: None

Absent; Councilman Paolucci

#### DECLARED ADOPTED

#### PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 37 of 2002, a resolution authorizing a change order for the Country Knolls Pool Clubhouse Roof Replacement.

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

WHEREAS, McDonald Engineering, P.C. has recommended that additional work be done to complete the Country Knolls Clubhouse Roof Replacement at a cost of \$1,700.00, and

WHEREAS, S & L Roofing and Sheetmetal, Inc., the contractor for the Country Knolls Clubhouse Roof Replacement has submitted a quote for the additional work, and to adjust for the decrease in the contract, and

WHEREAS, a change order is required to authorize these changes; now, therefore, be it

RESOLVED, that authorization is hereby granted to the Town Supervisor to execute a change order for additional work for the Country Knolls Clubhouse Roof Replacement, and to adjust for the unused portion of the allowance in the contract, decreasing the contract sum by \$3,300.00.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 38 of 2002, a resolution authorizing the promotion of one employee in the Highway Department.

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

WHEREAS, an opening exists for the position of MEO in the Highway Department, and

WHEREAS, the Highway Superintendent recommends that Dan Lynch be promoted to fill this position, and

WHEREAS, the recommended laborer has met all the qualifications; now, therefore, be it

RESOLVED, that Dan Lynch, is hereby appointed to the position of MEO, Grade 5, Step 1, effective immediately, to be budgeted from DA-05110-E1500 (Highway MEO/Working Supervisor) and DA-05142-E1500 (Highway MEO).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 39 of 2002, a resolution in connection with the establishment of new election districts and correction of boundaries of various election districts located in the Town of Clifton Park.

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

WHEREAS, the Town Clerk for the Town of Clifton Park has received correspondence from the Commissioners of Elections for Saratoga County stating the New York State Election Law requires any division of election districts to be made on or before February 15, 2002, and

WHEREAS, the Commissioners of Elections for Saratoga County has also stated that Districts 11, 12, 15, 18, 25 and 28 in the Town of Clifton Park exceed the required number of voters and thus must be split, and

WHEREAS, there has been submitted to the Town Board of the Town of Clifton Park a report which was prepared by Sally J. Vedder, Chairman, Anthony LaFleche, Nancy Renzi and Dorothy Moreton, containing recommendations on new district boundaries; now, therefore, be it

RESOLVED, that the recommendations contained in the report setting forth the creation of new Election Districts No. 32, 33, and 34, and the alteration of certain boundaries of existing districts No. 3, 11, 12, 14, 15, 18, 19, 21, 25, 28 are hereby adopted, and be it further

RESOLVED, that the polling place for Election District No. 27 formerly located at the Glenclyff Elementary School be located in the Rexford Fire Station, and be it further

RESOLVED, that there are hereby established new election districts whose boundaries and numbers are set forth in the report annexed hereto; and it is further

RESOLVED, that the Town Clerk forward a copy of this resolution and report to the Saratoga County Board of Elections forthwith.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

#### DECLARED ADOPTED

Regarding the following two resolutions, Councilman Roth reported he and Councilman Speckhard have met with users of the dog park and the users have requested lights as many of the users aren't able to use the park due to darkness. He said solar lighting would

probably be adequate and the least expensive. Councilman Roth said the users of the park are willing to have changes made in the permit fees that would enable the town to recoup the amount spent on the lights in a little over two years. He said there may be more dog park applications with the lighting. Councilman Roth explained there are six lights, four for the dog park at a higher illumination and two for the parking area at a lower illumination.

Resolution No. 40 of 2002, a resolution amending the rules and permit system adopted for the Mary Jane Row Dog Park.

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

WHEREAS, the Town Board established a permit system for dogs to utilize the Mary Jane Row Dog Park, and regulations governing the use of the park, and

WHEREAS, the Town Board wishes to amend the Dog Park Rules to raise the fee for usage of the Park to \$30.00 to help defray the cost of installing lights at the Park; now, therefore, be it

RESOLVED, that the permit system and regulations regarding the Mary Jane Row Dog Park are hereby amended by increasing the permit for use of the Park from \$20.00 to \$30.00 effective immediately.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

#### DECLARED ADOPTED

Resolution No. 41 of 2002, a resolution awarding the bid for a lighting system at the Mary Jane Row Dog Park.

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

WHEREAS, quotes were solicited for a lighting system for the Mary Jane Row Dog Park, and

WHEREAS, the lowest conforming quote was received from Jade Mountain in the amount of \$5,900.00; now, therefore, be it

RESOLVED, that the bid is hereby awarded to Jade Mountain in the amount of \$5,900.00 to be budgeted from a transfer from the Contingency Fund to A-7027-00200 (Mary Jane Row Memorial Dog Park-Capital Improvements).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 42 of 2002, a resolution authorizing a Building Maintenance Mechanic to attend a Boiler Seminar.

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

WHEREAS, Michael Handerman, Director of Buildings and Grounds, wishes to have a Building and Maintenance Mechanic attend a course regarding information for safe, efficient, and reliable operation of boilers to be held on March 19 - 20, 2002, and

WHEREAS, attendance at this course by a Building Maintenance Mechanic will benefit the Town of Clifton Park; now, therefore, be it

RESOLVED, that the Director of Buildings and Grounds is authorized to send a Building Maintenance Mechanic to a Boiler Seminar March 19 - 20, 2002 at a cost not to exceed \$260.00 to be paid from Account A-7110-024 (Buildings & Grounds General Maintenance).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 43 of 2002, a resolution authorizing the Supervisor to appoint Wade

Schoenborn to the position of Code Enforcement officer.

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

WHEREAS, the Director of Building and Zoning has requested that the vacant position of Code Enforcement Officer in the Building and Zoning Department be filled, and

WHEREAS, Wade Schoenborn, Swaggertown Road, Scotia, has been recommended to fill the position; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to appoint Wade Schoenborn, Swaggertown Road, Scotia, to the position of Code Enforcement Officer, Grade 8, Step 1, effective immediately, to be budgeted from A-3620-E708 (Building and Zoning-Schoenborn).

The Supervisor spoke favorably of Mr. Schoenborn's appointment.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

#### DECLARED ADOPTED

Resolution No. 44 of 2002, a resolution approving the installation of lighting at the Clifton Common.

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

WHEREAS, the Clifton Park Baseball League desires to install lighting at Baseball Field No. 13 at the Clifton Common entirely at its own cost in order to expand the hours of play and allow more games and opportunities for youngsters to play, and

WHEREAS, an environmental impact study has determined there to be no adverse environmental impacts and the Baseball League has agreed to limit the hours of use of the lights and public address system for both fields; now, therefore, be it

RESOLVED, that the Town Board hereby approves the installation of lighting at Baseball Field No. 13 at the Clifton Common so long as an inning is not started after 10:00 p.m. on weeknights (Sunday through Thursday) or after 10:30 p.m. on weekends



(Friday and Saturday) and so long as the public address system at the field is set at the lowest volume practicable and only used as necessary.

Councilman Speckhard asked, noting the World Series in particular, what the leagues would have to do for an exception to the resolution. Supervisor Barrett responded the leagues would have to ask the Town Board and a resolution passed to grant an exception.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

#### DECLARED ADOPTED

Resolution No. 45 of 2002, a resolution scheduling a public hearing regarding placement of Riverview Landing Sewer District No. 1 sewer system facilities and related improvements.

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

WHEREAS, the Riverview Landing Sewer District No. 1 (the "District") was created in May, 1999, by the Town Board of the Town of Clifton Park (the "Town"), and

WHEREAS, certain sewer system facilities in the District are in need of replacement, as described in the report prepared by John M. McDonald Engineering, P.C., which is on file in the Town Clerk's office, and

WHEREAS, the estimated maximum cost of the replacement sewer system facilities, and related sewer system improvements, including acquisition and installation of equipment, machinery or apparatus required in connection therewith, is \$175,000, and

WHEREAS, the Town Board now desires to call a public hearing regarding the acquisition, construction and installation of the replacement facilities and related improvements, as required by Town Law Section 202-b; now, therefore, be it

RESOLVED, that the Town Board will hold a public hearing to hear all persons interested in the replacement of Riverview Landing Sewer District No. 1 facilities and related 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 25, 2002 at 7:40 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 the Notice of Public Hearing in substantially the form attached hereto and by posting the Notice of Public Hearing on the Town's official sign-board not less than ten nor more than twenty days before such hearing.

Supervisor Barrett stated the \$175,000 is most likely higher than what will be needed but if costs come in higher than anticipated will save the town from having to go through this process again.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

#### DECLARED ADOPTED

#### PUBLIC PRIVILEGE

David Miller, Hidden Valley Drive, expressed appreciation to the Town Board for support of baseball in Clifton Park. Supervisor Barrett said it is important that every child have the opportunity to play.

Norman Goldman, London Square Drive, said the Sign Law states no off-premises or billboard signs shall exceed ten feet in height, including structure and this doesn't seem to apply to the ones going up and asked if this is a case where the court decision allows the sign company to proceed with what was approved. He asked since the three signs are allowed to go up, the other signs will have to come down and no new ones will be allowed, to what does the restriction apply. Supervisor Barrett said he will look into it. Mr. Goldman asked if any of the existing billboards are owned by the company that took the town to court. Supervisor Barrett said he doesn't believe so. Mr. Goldman asked if any other billboard companies were involved in the negotiations. Supervisor Barrett responded no, and added the town has met First Amendment obligations.

Lorna Kircher, Lilac Court, thanked the Town Board for action on solar lights at the Dog Park.

Bob Gauvreau, Oakwood Blvd., asked the Town Board to enact a town wide leash law and asked if individual members of the Board feel it is necessary to have a leash law.

Kelly Ambrose, Clute Circle, said a leash law isn't necessary, as dogs should be under control of the owner.

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 8:25 p.m.

Patricia O'Donnell  
Town Clerk