

Clifton Park Town Board Meeting Minutes

April 15, 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 led by Ambassador Pierre Richard Prosper

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

Absent: Councilman Paolucci

Also Present: Town Attorney Trainor
Mark Heggen, Comptroller
Barbara McHugh, Director of Community Development
Michael Shahan, Town Administrator
Donald Baker, Animal Control Officer

MOTION by Councilman Roth, seconded by Councilwoman Walowit, to approve the minutes of the April 1, 2002 meeting as presented.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett explained it would be necessary to hold another public hearing regarding the Van Patten Golf Course PUD as restrictions have been added to the legislation. He said these restrictions came from the previous public hearing.

REPORTS

Report from Saratoga County Sheriff's Department for March was filed with the Town Clerk.

PRESENTATION

Councilman Roth presented Resolution No. 246, adopted September 17, 2001, to Pierre Richard Prosper, Ambassador-at-large for War Crimes Issues. He reviewed accomplishments of Ambassador Prosper, a 1981 graduate of Shenendehowa High School. Ambassador Prosper reviewed his current duties, explaining on behalf of the President and Secretary of State, he formulates U.S. policy response to atrocities as they occur around the world. He thanked the Town Board for recognizing him stating it is an honor he will cherish the rest of his life.

Resolution No. 246 of 2001, a resolution honoring Pierre Richard Prosper on his appointment to United States Ambassador-at-Large for War Crime Issues.

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

WHEREAS, Pierre Richard Prosper, Washington, DC, formerly of Ballston Lake, NY; and

WHEREAS, Pierre Richard Prosper resided with his parents Dr.'s Jacques and Jeanine Prosper from 1968 through 1986 and graduated from Shenendehowa High School in June of 1981, and

WHEREAS, Pierre Richard Prosper served for more than two years between 1996 and 1998 as a war crimes prosecutor for the United Nations International Criminal Tribunal for Rwanda, and

WHEREAS, during this period he secured the conviction of Jean Paul Akaysu, the former Mayor of the Rwanda Village of Taba, where more than 2000 people of the Tutsi minority were killed, and

WHEREAS, the prosecution of this case resulted in the first government official ever to be convicted of genocide, which case focused on the killings and rapes in Taba, made legal history as the first case in which a judge ruled that rage was a crime against humanity and an act of genocide, and

WHEREAS, on March 26, 2001, President George W. Bush announced his intention to nominate Pierre Richard Prosper as Ambassador-at-Large for War Crimes Issues with his primary function to shape and advocate policy on genocide, crimes against humanity and related issues, and

WHEREAS, on August 3, 2001, Pierre Richard Prosper was officially sworn in by United States Secretary of State Colin L. Powell as Ambassador-at-Large for War Crimes Issues;

now, therefore, be it

RESOLVED, that Pierre Richard Prosper, Washington, DC, is hereby recognized and honored for his outstanding achievement.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Supervisor Barrett said there has been an outpouring of support for the Enduring Freedom Fund monetarily, as well as in packages. He said Clifton Park Center and CNB Bank have volunteered to pay for the shipping of packages. The Supervisor introduced Terry Benway and students from Karigon Elementary School who wrote letters and prepared packages to be sent to soldiers serving in Afghanistan.

Town Administrator Shahan reviewed monthly activities stating the Security Force is out in full force. He reported Buildings and Grounds Department is working on the soccer fields at Parkside Trail.

Town Comptroller Heggen reviewed his monthly report, explaining Riverview Landing Sewer District BAN was sold at 1.85 percent. He is in the process of completing the annual update document to the State Comptroller.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 91 of 2002, a resolution authorizing the Environmental Specialist to attend the New York State Wetlands Federation Annual Conference.

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

WHEREAS, Environmental Specialist Michael O'Brien has requested that he be authorized to attend a two day conference to be held in Liverpool, New York, on April 17-18, 2002; at a cost of \$250.00, and

WHEREAS, the amount has been budgeted for 2002 in budget line 8989-1 (Community Development-Training/Conference), and his attendance at the conference would provide

a benefit to the Town; now, therefore, be it

RESOLVED, that Michael O'Brien is hereby authorized to attend a two day NYS Wetlands Federation Conference in Liverpool, New York, on April 17-18, 2002 at a cost not to exceed \$250.00 to be budgeted from 8989-1.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 92 of 2002, a resolution authorizing the Supervisor to sign an agreement with Automatic Data Processing (ADP) for payroll services.

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

WHEREAS, the Town wishes to process its payroll through ADP at a lower cost than previously provided through Paychex in accordance with the attached agreement; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign a Payroll Service Agreement with Automatic Data Processing (ADP) in the form attached hereto.

Comptroller Heggen this change will allow extra features at a lower cost. This will go into effect July 1, 2002.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 93 of 2002, a resolution setting a public hearing to consider adoption of a Local Law of 2002, a local law Regulating Noise in the Town of Clifton Park.

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

WHEREAS, a public concern has arisen from excessive or unreasonable noises within the Town, and

WHEREAS, the Town Board wishes to solicit comments from the public regarding the proposed enactment of the attached local law; now, therefore, be it

RESOLVED, that a public hearing be set for May 6, 2002 at 7:10 p.m. in the Wood Memorial Room, 1 Town Hall Plaza, to consider the adoption of a local law Regulating Noise in the Town of Clifton Park and the Town Clerk is directed to publish and post notice of same.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 94 of 2002, a resolution adopting Local Law No. 4 of 2002, amending Local Law No. 11 of 1983 regarding the Green Meadows PUD and Local Law No. 10 of 1996 the Zoning Code of the Town of Clifton Park.

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

WHEREAS, a public hearing was held on April 8, 2002 to consider whether the Town Board should approve the proposed amendment to the Green Meadows PUD, and no comments were received from the public, and

WHEREAS, the Planning Board after due deliberation and review, has recommended the approval of the PUD amendment as contained in Exhibit A attached hereto; now, therefore, be it

RESOLVED, that Local Law No. 4 of 2002, amending Local Law No. 11 of 1983, the Green Meadows PUD, and Local Law No. 10 of 1996, the Zoning Code of the Town of Clifton Park is hereby adopted and the Town Clerk is directed to publish and post notice

of same.

Supervisor Barrett noted this is not a zoning change but a lifting of restrictions imposed by the PUD. These parcels will revert to the B-1 zoning.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 95 of 2002, a resolution awarding the bid for Pool Painting and Repairs of the Barney Road and Locust Lane Pools.

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

WHEREAS, on April 12, 2002, bids were publicly opened for the above referenced contract, and

WHEREAS, the lowest responsible bidder for this contract is MAPCO Enterprises, Inc., in the amount of \$55,500, and

WHEREAS, McDonald Engineering has reviewed the bid and has recommended to the Town Supervisor that the bid of MAPCO Enterprises, Inc., Schenectady, NY be accepted; now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced bid to MAPCO Enterprises, in the amount of \$55,500 to be budgeted from amounts previously designated from Resolution No. 287 of 2001.

Councilman Roth said the amount is higher than what was budgeted for painting. Mr. Shahan explained the specs called for more than painting and some repairs need to be done. Mr. Heggen said there is money available from Resolution No. 287 of 2001.

ROLL CALL VOTE

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

Noes: None

Absent; Councilman Paolucci

DECLARED ADOPTED

Supervisor Barrett said upkeep and general maintenance on the pools is necessary in order to keep them a viable part of the community.

Resolution No. 96 of 2002, a resolution to change reporting of Self-Insurance Dental Fund from Risk Retention Fund (CS) to Self-Insurance (MS) Fund.

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

WHEREAS, the Office of the New York State Comptroller has recommended that local governments change the method of accounting for Self-Insurance Dental Funds; now, therefore, be it

RESOLVED, that the Town Comptroller is hereby directed to change reporting of the Self-Insurance Dental Fund from Risk Retention Fund (CS) to Self-Insurance Fund (MS), effective January 1, 2001.

Mr. Heggen explained this change is necessary due to the State Comptroller's office eliminating the CS fund.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 97 of 2002, a resolution honoring Matthew L. Jordan for attaining the rank of Eagle Scout.

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

WHEREAS, Matthew Jordan, 35 Rolling Brook Drive, Clifton Park, of Boy Scout Troop 246, Twin Rivers Council, has attained the rank of Eagle Scout, and

WHEREAS, the Town of Clifton Park Town Board wishes to acknowledge and honor Matthew Jordan's achievements, particularly his service project, leading a group of 30 scouts and adults to follow his design in the creation of two perennial gardens for the Bishop Hubbard Senior Housing complex; now, therefore, be it

RESOLVED, that Matthew L. Jordan, 35 Rolling Brook Drive, Clifton Park, of Boy Scout Troop 246, Twin Rivers Council, is hereby recognized and honored for having attained the rank of Eagle Scout.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 98 of 2002, a resolution authorizing the appointment of Shari Washer to the position of Account Clerk.

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

WHEREAS, a vacancy exists in the Office of the Comptroller for a full-time Account Clerk for the Town of Clifton Park, and

WHEREAS, the Town Board wishes to hire Shari Washer, 508 Leahy Lane, Ballston Spa, as Account Clerk; now, therefore, be it

RESOLVED, that the Comptroller is hereby authorized to hire Shari Washer 508 Leahy Lane, Ballston Spa, as Account Clerk at a salary of \$18,442.00 annually (Grade 4, Step 3) effective April 22, 2002.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 99 of 2002, a resolution approving application for permission of the New York State Comptroller regarding formation of Corporate Commerce Zone Water District No. 1 and construction of improvements to the District.

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

WHEREAS, the Town Board of the Town of Clifton Park, New York (the “Town”) has authorized the establishment of Corporate Commerce Zone Water District No. 1 (the “District”) and the acquisition and construction of improvements to the District, subject to receipt of permission of the New York State Comptroller in accordance with Town Law Section 209-f and Part 85 of the New York State Comptroller’s Regulations, and

WHEREAS, at the direction of the Town Board, the Town Supervisor has prepared an application for permission of the State Comptroller (the “Application”) a copy of which is attached to this resolution;

NOW, THEREFORE, be it resolved by the Town Board of the Town of Clifton Park as follows:

1. The Town Board believes the contents of the Application to be accurate.
2. The Town Board has previously determined that the formation of the District and the acquisition, construction and installation of the proposed improvements thereto are in the public interest and will not constitute an undue burden on the property which will bear the cost thereof.
3. The real property to be assessed the cost of the proposed improvements will be benefited by the proposed improvements and no benefited property has been excluded.
4. This resolution is adopted in accordance with Section 85.3 of the New York State Comptroller’s Regulations.

Councilman Speckhard noted the Town has been served with an Article 78 by Niagara Mohawk as they do not want to be a part of the district. Town Attorney Trainor said the Article 78 will have to be disclosed in the application and isn’t sure what kind of a delay will result in the State Comptroller’s office.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 100 of 2002, a resolution approving application for permission of the New York State Comptroller regarding formation of Corporate Commerce Zone Sewer District No. 1 and construction of improvements to the District.

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

WHEREAS, the Town Board of the Town of Clifton Park, New York (the "Town") has authorized the establishment of Corporate Commerce Zone Sewer District No. 1 (the "District") and the acquisition and construction of improvements to the District, subject to receipt of permission of the New York State Comptroller in accordance with Town Law Section 209-f and Part 85 of the New York State Comptroller's Regulations, and

WHEREAS, at the direction of the Town Board, the Town Supervisor has prepared an application for permission of the State Comptroller (the "Application") a copy of which is attached to this resolution;

NOW, THEREFORE, be it resolved by the Town Board of the Town of Clifton Park as follows:

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Councilman Speckhard noted the Town has been served with an Article 78 by Niagara Mohawk as they do not want to be a part of the district. Town Attorney Trainor said the Article 78 will have to be disclosed in the application and isn't sure what kind of a delay

will result in the State Comptroller's office.

ROLL CALL VOTE

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

Noes: None

Absent; Councilman Paolucci

DECLARED ADOPTED

Resolution No. 101 of 2002, a resolution setting a public hearing to consider adoption of a Local Law of 2002, a Local Law establishing the Van Patten Golf Course PUD and amending Local Law No. 10 of 1996.

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

WHEREAS, an application for the Van Patten Golf Course PUD has been presented to the Town Board, and

WHEREAS, on September 18, 2001 the Planning Board sent a letter to the Town Board recommending approval of the PUD, and

WHEREAS, a public hearing was held on February 25, 2002 to consider a local law establishing the Van Patten Golf Course PUD at which time public comments were heard, and

WHEREAS, it is necessary to schedule a second public hearing to consider additional changes; now, therefore, be it

RESOLVED, that a public hearing to consider a local law establishing the Van Patten Golf Course PUD is hereby scheduled for May 6, 2002 at 7:20 p.m. in the Wood Memorial Meeting Room, One Town Hall Plaza, Clifton Park; and be it further

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

Supervisor Barrett said this is a procedural matter as substantive changes have been made to the proposed legislation. Town Attorney Trainor agreed the changes are substantive and read the restrictions based on the public hearing and Board members' comments. Councilman Roth asked if there are no objections at the public hearing, can this legislation be adopted the same evening. Mr. Trainor responded yes. Councilman Roth said he would like this considered.

ROLL CALL VOTE

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

Noes: None

Absent; Councilman Paolucci

DECLARED ADOPTED

Resolution No. 102 of 2002, a resolution appointing Ryan Dreher as part-time Animal Control Officer.

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

WHEREAS, the position of part-time Animal Control Officer is vacant and the Town Board wishes to fill this position; now, therefore, be it

RESOLVED, that Ryan Dreher, 184 West North Street, Ballston Spa, is hereby appointed to the position of part-time Animal Control Officer at Grade 3, Step 1, \$11.46 per hour, to be budgeted from a transfer of \$6500 from A-3510-E107 (Animal Control-John Esposito).

Animal Control Officer Donald Baker expressed appreciation to John Esposito for his hard work and dedication as Ass't. Animal Control Officer.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 103 of 2002, a resolution authorizing the Town Receiver of Taxes & Assessments attendance at the Tax Collecting Officer's Seminar.

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

WHEREAS, Lorraine Varley, Receiver of Taxes & Assessments, has requested

permission to attend the New York State Association of Town's Tax Collector's Seminar to be held in Lake Placid, New York on June 9-12, 2002 at a cost of \$550, and

WHEREAS, the amount has been budgeted for 2002 in budget line item A-1330-1 (Tax Collector Travel & Conferences) and her attendance at the Seminar would provide a benefit to the Town citizens; now, therefore, be it

RESOLVED, that Lorraine Varley be authorized to attend the Tax Collecting Officer's Seminar in Lake Placid, New York from June 9-12, 2002 at a cost not to exceed \$550 to be appropriately vouchered and the Comptroller is authorized to pay the same from budget line item A-1330-1 (Tax Collector Travel & Conferences).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 104 of 2002, a resolution authorizing three individuals from Building and Zoning to attend a one day seminar.

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

WHEREAS, the Director of Building and Zoning has recommended that three people in his department attend a one day seminar on Appendix K Building Code of NYS , and

WHEREAS, the seminar is to be held at the Best Western Albany Airport Inn, Colonie, NY to be held on May 13-15, 2002 at a cost of \$135.00 each; now, therefore, be it

RESOLVED, that the Director of Building and Zoning is authorized to send three people from his department to the one day seminar on Appendix K Building Code of NYS to be held May 13-15, 2002 as budgeted in line item A-3620-001 (Travel and Conferences).

ROLL CALL VOTE

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

Noes: None

Absent; Councilman Paolucci

DECLARED ADOPTED

Councilwoman Walowit said she has received requests from residents that the Town Board consider a town wide leash law and would like to schedule a Public Forum for the May 20th Town Board meeting in this regard. Supervisor Barrett noted the Clifton Common is the only area that has a leash law.

PUBLIC PRIVILEGE

Norman Goldman, London Square Drive, spoke in favor of the Van Patten Golf Course PUD and said he believes the public wanted the Planning Board to deal with the issues presented at the first public hearing not have the legislation changed. Mr. Goldman asked for a response to information he distributed at the April 1 Town Board meeting regarding Adult Use Business zone.

Patricia Wheeler, Route 146, expressed appreciation to town government and the Town Board for the hours put in to remove the two parcels out of the Green Meadows PUD.

Beverly Czub, Miller Road, spoke in favor of a town wide leash law.

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 8:30 p.m.

Patricia O'Donnell
Town Clerk