

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

**May 20, 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 Paolucci  
Councilman Speckhard  
Councilman Roth  
Councilwoman Walowit  
Supervisor Barrett  
Town Clerk O'Donnell

Also Present: Town Attorney Trainor  
Louis Gerard, Superintendent of Highways  
Patricia Haffner, Director of Parks, Recreation & Community Affairs  
Mark Heggen, Comptroller  
Barbara McHugh, Director of Community Development  
Michael Shahan, Town Administrator

MOTION by Councilman Roth, seconded by Councilman Paolucci, to approve the minutes of the May 6, 2002 meeting as presented.

### **ROLL CALL VOTE**

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

Noes: None

### **MOTION CARRIED**

### **ANNOUNCEMENTS AND COMMUNICATIONS**

Councilman Roth updated the Board on the Grooms Tavern renovation work, stating \$116,000 has been appropriated with Phase 1 costs of approximately \$31,000. The low bid for Phase 2, base bid and Alternates 1 & 2 came in at \$95,100. Councilman Roth said at the June 10th meeting he will be asking the Town Board to consider authorizing an additional \$15,000 from unappropriated surplus in order to finish this phase of the renovation work, noting Alternate 3 is not being considered at this time. This \$15,000 will also provide for some contingencies. Councilman Roth said the project is moving

along very well and generations to come will definitely appreciate what we have in this community. It is hoped events will be held at the Tavern in celebration of the Town's 175th Anniversary.

Councilman Paolucci noted a resolution is on the agenda to schedule a public hearing for June 17th regarding the rehabilitation of Ushers and Vischer Ferry Roads and construction of a ten-foot multi use path.

Supervisor Barrett recognized Matthew Jordan on attaining the rank of Eagle Scout and read Resolution No. 97 of 2002 commending him on his accomplishments and on his project of developing a perennial garden at the Bishop Hubbard Apartments.

#### PUBLIC FORUM ON TOWN WIDE LEASH LAW

Supervisor Barrett noted there is a leash law for dogs on the Clifton Common.

Councilwoman Walowit said the intent of the legislation is to give a tool with regard to irresponsible dog owners.

Bob Gauvreau, Oakwood Blvd., said he has urged a town wide leash law in the past. He spoke in favor of the dog park. He asked what "under control" means. He said veterinarians have said there is no way you can predict how a dog will react under a particular set of circumstances. A dog that has never shown a sign of aggressiveness may bite if startled or perceives danger. He encouraged the Town Board to act on a town wide leash law.

Steve Potter, Eagle Trace, said his dog is on a leash everywhere except Kinns Road Park and dogs he has seen running at Kinns Road Park are under control. He hopes there is room for compromise. He said it is important that his dog get exercise by running and urged the Board to think twice before coming up with an ultimate ban.

Dick Tobey, Forest Drive, recommended that any decision reached be based on fact. He asked the number of dog attacks for the last five years, have dog attacks been consistent with population growth, are some areas more prone to attacks than others, have more dangerous dogs been registered in town. He also asked for clarification on how the invisible fence would work with the leash law. Mr. Tobey said he worries that discretion could lead to corruption. Councilwoman Walowit explained with the invisible fence, the dog would be on the owner's property. She said the number of calls have increased but doesn't know if number of bites have increased as this is through the Department of Health. Councilwoman Walowit said she doesn't know of any target areas. She said people are hesitant to make written complaints so it is difficult to enforce the law.

John Penrose, Granada Drive, said he agrees with the last two speakers. He said the current law is sufficient and if there are problems, dog owners should be ticketed.

Michael Podowski, Bear Brook Court, said the current legislation is working. He read a

prepared statement, attached.

Supervisor Barrett reported fines have been greatly increased but it takes the cooperation of neighbors to work closely with the Animal Control Officers. He stated the Animal Control Officers have his full support in writing tickets. He said some documents are public record but he assured residents if they work with the Animal Control Officers it would stay confidential as much as possible.

Alexandra Post, Miller Road, spoke in favor of a leash law for the safety of the dog but doesn't want to see dogs tied up on their own property.

Chris Grossman, Nott Road, stated dogs need a chance to run and exercise in places such as Kinns Road Park and Vischer Ferry Preserve as the dog park isn't big enough. She said a leash law isn't any guarantee against being bitten.

John Daubney, Woodbine Drive, said he treasures the parks in town as he likes to hike and snowshoe, but Kinns Road Park has become a dog park and it has become very scary to walk there. He stated "under control" is strictly a subjective term and asked people to consider what it is like to be on the other side of the dog.

Kathy Strait, Pepper Hollow Drive, said she never lets her dog off leash in the development but uses Kinns Road Park to let her dog run. Ms. Strait asked the Board not to take Kinns Road Park away as it is the only place in town to go. She reported there is a no leash law in New York City's Central Park on Sundays and asked if Clifton Park couldn't do the same.

Councilman Speckhard stated Kinns Road Park is a county park and is intended for recreation and doesn't ever remember distinguishing between dogs and people.

Barbara Pollock, Southbury Road, spoke in favor of a leash law, noting her daughter was bitten in her own yard and the owners of the dog received a \$20.00 fine. She said one don't know what a dog is going to do.

Supervisor Barrett said a dog running thirty feet ahead of an owner would be in violation of the current law.

Jim Reale, Robinwood Drive, said he uses an invisible fence and as a responsible dog owner is concerned with how far the law is going to go and how will it be enforced. He said if speed limits can't be enforced in neighborhoods how can a leash law be enforced.

Town Administrator Shahan emphasized the importance of calling the Animal Control Officer whenever a dog is seen running loose.

Supervisor Barrett reassured residents that complaints are followed up on. He asked residents to make note of the time of day dogs are running loose.

Councilwoman Walowit said Animal Control is a 24/7 department with officers either on duty or on call.

Madeline Hyatt, corner of Van Patten Drive and Greensboro Blvd., said people in her development ride their bikes and dogs run on a leash with them. She said she doesn't go in her backyard in the early morning or mid-afternoon as people park across from her house and let their dogs run loose up and down Van Patten Drive in the early morning, around 1:00 p.m. and 5:00 p.m. She asked if people would be allowed to run their dogs on the proposed Van Patten Trail. The Board responded it is a multi-purpose trail. Ms. Hyatt asked the Board to think not just about the dog owners who want their dogs to be able to run, but for other people as well.

Supervisor Barrett said the Animal Control Officer would patrol the area.

Jim Larken, Heartwood Court, stated there is an existing law and it seems pretty clear that the incidences that have been raised as reasons to have a leash law are violations of current law. He stated if people are violating the current law, they are not going to leash their dog. He requested when considering local laws look at the facts and not just anecdotal evidence.

Supervisor Barrett asked if enacting a town wide leash law would reduce the incidents of bites.

Councilwoman Walowit said it is important to also consider how residents feel about walking in parks and neighborhoods.

Mary Post, Miller Road, spoke in favor of a leash law, stating with dogs running free at any time rights of people are being taken away.

Carol Ball, Par Del Rio, asked about number of reported incidences in Kinns Road Park as compared with the town at large. She spoke in favor of dogs using Kinns Road Park. She said in the non-residential or shared use areas there can be a world of compromise. Ms. Ball said there are numerous places where people can ski or walk where dogs are not allowed.

Councilwoman Walowit said she has received a lot of calls from people who feel unsafe walking in the Preserve and Kinns Road Park.

Gil Kortz, Vischer Ferry Road, said activities should not be regulated to the point where the freedom of an entire population is taken away for the transgressions of a very few individuals. The current law allows the town to penalize those violators without infringing on the freedoms of responsible people. He said he doesn't believe an unleashed dog that is under the immediate supervision and control of its handler is, by itself, a threat to the well being of persons or property. Mr. Kortz noted that the current law allows for hunting and service dogs. He stated he is very much in favor of strong enforcement.

Councilwoman Walowit said in most of the codes during hunting season a dog can be off leash, as well as police dogs, and noted there is a whole classification of dogs that don't qualify for the law. Town Attorney Trainor said in the current law there is a provision that permits a hunting dog where there is permission from the property owner.

Larry Kaempf, Nottingham Way North, adjacent to Kinns Road Park, stated he doesn't use a leash in Kinns Road Park and would rather see effort being put into being more specific with the current law as far as what control is. He said a dog running at somebody is not under control. He stated he doesn't support a town wide leash law.

Donna Profeto, Woodcliffe Drive, spoke in favor of the leash law, at least in residential areas, noting her dogs are always on leash. She said she has stopped taking her dogs to Kinns Road Park because of loose dogs. She questioned how far away can a dog be before he is considered no longer under control.

Noreen Galeo, Damask Drive, reported she was attacked on the Clifton Common by dogs off leash and with the barking that was going on the dogs could not hear their owner. She said dogs are pack animals and their actions cannot be guaranteed. Ms. Galeo said she also has a right to walk her dogs where she wants to and doesn't want to be harassed by other dogs.

Karl Salzer, Vischer Ferry Road, read a letter from Valerie Wolf, dated May 19, 2002, attached.

Kathy Fagan, Pepper Hollow, asked that the health of the dogs be taken into consideration. She said during winter months, salt on the road hurts the dogs' paws and asked that Kinns Road Park be left for the dogs.

Angela Baris, Forest Pointe Drive South, said she was told by someone in the town hall that there are traps in Vischer Ferry Preserve and asked if this was true.

Mr. Shahan said possibly New York State has put them there but the town has not been informed. Supervisor Barrett asked Ms. Haffner to call the state to determine who has placed the traps and to call Ms. Baris.

Ms. Baris asked that the response be published so as to guide children as well. She stated she does not support a town wide leash law. She uses Kinns Road Park for her dog.

Norman Goldman, London Square, said people should be able to use town facilities without fear and perhaps the Mary Jane Row Dog Park needs to be expanded or a new park built. He said he would like to know the number of people that don't use town facilities because of fear of dogs, noting people have every right to use town facilities and walk along their streets without danger and he sides with the people.

Councilman Paolucci referred to letters from Ass't. Town Attorney Paul Pelagalli, Mary Hannah Suarez and Joseph and Dena Suarez in favor of a leash law.

Lorna Kircher, Lilac Court, said she is opposed to changing the leash law with the exception of some clarifications. She said she is more afraid of a dog on leash. She stated there is a leash law and it needs to be enforced but finds people are not reporting violations. Ms. Kircher said this law has a broad application and could take away freedoms unnecessarily. Ms. Kircher distributed a letter from Leland Palmer, and one from Kelley Ambrose, containing 27 signatures, against a town wide leash law.

Barb Pasinella, Foxwood Drive, uses Kinns Road Park and has never had a problem. She said people who violate the current law are going to continue to violate a new law. Ms. Pasinella said people can responsibly utilize the park and would hate to totally lose the privilege. She said it bothers her that a hunting dog can be off leash, stating walking through the park is her sport.

Mary Shopmyer said having a dog on a leash is not sufficient as it should be under control as well.

Councilwoman Walowit said the Animal Control Officer is enforcing the current law to the greatest extent of his ability but often people will not sign complaints.

Beverly Czub, Miller Road, agreed that dogs are pack animals. She said Kinns Road Park was established for the tax paying people of the town and some arrangement must be made so that people are not afraid to use the Park.

Supervisor Barrett said problem areas can be addressed and the town is trying to make sure there is enough parkland to meet the town's needs in the future.

Youseff Ballout, Torrero Drive, said the town does not have a leash law because a specific leash law would not have to have been created for the Clifton Common. He stated this issue needs to be looked at from the side of the people not the dogs and there are times when dogs are not under control. A law is needed to protect people in the parks, public places and roads.

Supervisor Barrett said this is one issue where there can be compromise.

MOTION BY Supervisor Barrett, seconded by Councilman Paolucci, to recess for five minutes.

Motion unanimously carried at 9:35 p.m.

Meeting resumed at 9:48 p.m.

Supervisor Barrett said due to the hour, the Town Administrator and Town Comptroller reports will not be given this evening.

#### PUBLIC PRIVILEGE ON RESOLUTIONS

Norman Goldman, London Square Drive, questioned paying for an employee to attend

Leadership Saratoga stating this is personal improvement not specifically related to the job.

Resolution No. 125 of 2002, a resolution authorizing the eighth annual Special Collection Day on September 28, 2002.

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

WHEREAS, the Town Board of the Town of Clifton Park wishes to conduct the eighth annual Special Collection Day for household hazardous waste to be held on September 28, 2002, and

WHEREAS, an application will be made to the New York State Department of Environmental Conservation for reimbursement of up to 50% of eligible costs, and

WHEREAS, the citizens of Clifton Park have supported such programs in the past; now, therefore, be it

RESOLVED, that authorization is hereby granted to allocate up to \$12,000 from Account A-8989-150 (Community Development-Special Collection Day), in order to conduct the Special Collection Day, and it is further

RESOLVED, that authorization is given to the Town Environmental Specialist to apply for funding for reimbursement of up to 50% of eligible costs.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 126 of 2002, a resolution hiring Daniel McKillip as Labor Negotiator for the Highway Department.

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

WHEREAS, Highway Superintendent Louis Gerard has identified a need for a Labor Negotiator to address the many items that need to be addressed immediately; and

WHEREAS, Mr. Gerard has recommend to the Town Board that Daniel McKillip be hired as Labor Negotiator; now, therefore, be it

RESOLVED, that the Town Board authorizes the hiring of Daniel McKillip as Labor Negotiator in the Highway Department for the balance of year 2002 at an amount up to \$3000 to be paid from Contingency Fund.

MOTION BY Councilman Roth, seconded by Councilman Speckhard to amend the resolution under RESOLVED by removing “at \$50.00 per hour to be paid from AO 1010-026” and adding “at an amount up to \$3000 to be paid from Contingency Fund”

#### ROLL CALL VOTE ON AMENDMENT

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

Noes: None

#### MOTION CARRIED

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 127 of 2002, a resolution authorizing the transfer of funds for the 2002 National Babe Ruth World Series.

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

WHEREAS, by Resolution No. 312 of 2001 the Town Board on behalf of its residents, pledged it's full support of the 2002 Babe Ruth World Series with a commitment of \$25,000, toward the sponsorship of the 2002 National Babe Ruth World Series; now, therefore, be it

RESOLVED, that the Comptroller is hereby authorized to transfer \$25,000 from the Contingency Fund to A-7550-56 (Festivals) and make payment therefrom for sponsorship of the 2002 National Babe Ruth World Series.

Supervisor Barrett stated this is a great event for the town and will generate a great amount of sales tax revenue. Councilman Paolucci stated he supports the programs in town but the discussions surrounding Resolution No. 312 of 2001 was whether the Town Board wanted to commit funds to the 2002 Babe Ruth World Series and it was a



unanimous commitment. He said the discussion referred to a contribution of \$25,000 which, he understood was specifically on paying for the cost of some bleachers, as well as in kind expenditures for personnel relating to security and to clean up by the Buildings and Grounds Department. He stated he didn't think the conversation ever resulted in giving a \$25,000 blank check to the organization and is concerned that this resolution basically hands over \$25,000 without any checks and balances. Councilman Paolucci stated the Board has always specifically designated funds in the past, and he asked that the Board take some time over the next two weeks with the people from the World Series and get some firm costs and figure out what we are actually supporting. Supervisor Barrett said it is his understanding the Town Board agreed to \$25,000 in cash, knowing all along the in-kind expenses were there. Town Administrator Shahan said his comment at the November 13, 2001 meeting was that he wanted to make the Board aware that approximately \$15,000 to \$20,000 was spent in kind in past years and the \$25,000 could turn into \$45,000. He said it was his understanding the \$25,000 referred to was the cash. Town Attorney Trainor said he has reviewed both Resolution No. 312 of 2001 and the minutes of that meeting and concurs with Councilman Paolucci that it was somewhat ambiguous as to exactly what the Board was committing to. Councilman Paolucci would like a list of needs from the World Series committee and perhaps the town could purchase items through state contract. He would like to see what type of support the town could give and offset some of the costs to the level agreed upon in the resolution. Mr. Shahan said he believes in the past the town committed in kind plus cash and purchased and rented bleachers. Councilman Speckhard said he would wholeheartedly support this resolution even in addition to the in-kind because of the nature of the event, but agrees with Councilman Paolucci and Mr. Trainor with the conversation that took place. He said he believed Resolution No. 312 was setting up an in kind fund that was going to be used to pay for those expenses. Mr. Shahan said this item was not budgeted during the 2002 budget process. Councilman Speckhard asked if this means there will be no town expenditures regarding the World Series until we pass this resolution. Councilman Paolucci said yes. Councilman Roth said the town should ask for the budget and see what items this money would cover. Councilman Paolucci said he would like to see this discussed on the agenda June 3, 2002. Supervisor Barrett stated he would vote for the resolution as is. Councilman Speckhard asked that the minutes reflect that the Board's tabling motion is not an objection to the \$25,000 but a need for an itemize budget.

MOTION BY Councilman Paolucci to table the resolution, seconded by Councilman Roth.

#### ROLL CALL VOTE ON MOTION TO TABLE

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

Noes: None

MOTION CARRIED

Resolution No. 128 of 2002, a resolution authorizing the Alplaus Residents' Association to use a section of Riverview Road on July 4, 2002.

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

WHEREAS, the Alplaus Residents' Association wishes to conduct a parade on a portion of Riverview Road on July 4, 2002, and

WHEREAS, it is anticipated that the Alplaus Residents' Association will receive the full cooperation and assistance of the Schenectady County Sheriff's Department and the Town of Glenville Police Department to aid in traffic control as these law enforcement agencies have done in past years; now, therefore, be it

RESOLVED, that the Alplaus Resident's Association shall be permitted to use a portion of Riverview Road within the Town of Clifton Park on Thursday July 4, 2002 for the 2002 Alplaus Fourth of July Parade which shall commence at approximately 10:30 a.m. at the Glenclyff School, and be it further

RESOLVED, that the Alplaus Residents' Association shall obtain and file a certificate of insurance naming the Town of Clifton Park as an insured, shall indemnify and hold the Town of Clifton Park harmless for injuries or damages and employ all relevant traffic enforcement agencies and Emergency Corps.

Councilman Roth asked if there should be insurance with the town named insured. Town Attorney Trainor explained there is an additional provision in the resolution in that the Alplaus Residents' Association shall indemnify and hold the town harmless and feels this is sufficient.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 129 of 2002, a resolution authorizing the Catie Hoch Foundation Race to use Town roads during the Third Annual Catiebug Race.

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

WHEREAS, the Catie Hoch Foundation will conduct it's Third Annual Catiebug Race within the Town of Clifton Park on Saturday, September 28, 2002, and

WHEREAS, the Catiebug Race will be a 5K race proceeding along Burning Bush Boulevard to Meridian Lane to Thunderbird Drive to Blue Spruce and to South Hollow Drive back to Blue Spruce then to Terrace Court and back to Burning Bush Boulevard, and

WHEREAS, the fun run will commence at 12:00 noon, and the 5K race would begin at 1:00 p.m.; now, therefore, be it

RESOLVED, that the Catie Hoch Foundation may use the Town of Clifton Park roadways for its Third Annual Catiebug Race on September 28, 2002, and be it further

RESOLVED, that the Catie Hoch Foundation shall notify all of the appropriate law enforcement and emergency service agencies and shall obtain at least \$1,000,000 of insurance which includes the Town of Clifton Park as a named insured.

Councilman Paolucci noted last year's event raised over \$30,000, aiding families of children with neuroblastoma.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 130 of 2002, a resolution in connection with a block party to be held on Hampshire Place in The Oaks.

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

WHEREAS, residents of Hampshire Place in The Oaks are desirous to have a block party on June 8, 2002 (rain date June 9) and have requested permission to use the court for their block party activities; now, therefore, be it

RESOLVED, that the residents, with the approval and advice of the Highway Superintendent may conduct their block party on Hampshire Place in The Oaks on Saturday June 8, 2002, (rain date June 9th), and be it further

RESOLVED, that the residents shall be responsible for all clean-up activities on Town property or on the street right-of-way resulting from the social activity; and be it further

RESOLVED, that the residents may not block off any portion of the roadway and make

sure that emergency vehicles can gain access to the court if needed.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 131 of 2002, a resolution authorizing the expenditure of funds for equipment for the Soccer Fields at Parkside Trails.

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

WHEREAS, the Town Administrator has recommended the expenditure of budgeted funds for equipment to outfit the soccer fields at Parkside Trails, and

WHEREAS, the recommended equipment is attached hereto as Schedule A; now, therefore, be it

RESOLVED, that the expenditure of \$11,500 for equipment as outlined in Schedule A, to outfit the soccer fields at Parkside Trails is hereby approved, to be paid with a transfer from the Trust and Agency Parkland Account to A-7026-200 (Parks-Soccer Fields - Longkill-Capital Improvements).

Supervisor Barrett said this is providing more playing fields for soccer clubs and recreational teams, thus allowing more children the opportunity to play. It is anticipated the fields will be in use in the fall.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 132 of 2002, a resolution authorizing the hiring of summer workers for Buildings and Grounds as per schedule A.

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

WHEREAS, the Buildings and Grounds Supervisor has recommended that individuals listed in Schedule A be hired for this position; now, therefore, be it

RESOLVED, that the individuals listed in Schedule A attached hereto be hired as summer staff for the Buildings and Grounds Department, to be budgeted from A7110-E4000 (Buildings & Grounds Part Time Labor-Seasonal) for the summer of 2002.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 133 of 2002, a resolution setting a public hearing to consider amending Local Law No. 17 of 1989, as amended by Local Law No. 2 of 1998 and Chapter 33, Officers and Employees, Chapter 92, Dogs, Article II Section 12 and Chapter 194 Vehicles and Traffic, Section 3 of the Town Code regarding Security Officers.

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

WHEREAS, the Town's Director of Community Development has recommended that certain provisions of the Town Code be amended to clarify the role and authority of the Town's Security Officers, 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 June 3, 2002 at 7:10 p.m. in the Wood Memorial Meeting Room, 1 Town Hall Plaza, to consider the adoption of a local law amending Local Law No. 17 of 1989 as amended by Local Law No. 2 of 1998 and Chapter 33, Officers and Employees, Chapter 92, Dogs, Article II Section 12 and Chapter 194 Vehicles and Traffic, Section 3 of the Town Code regarding Security Officers.

Community Development Director McHugh explained these changes are to help the security patrols enforce local town codes and to close a few of the gaps where their enforcement authority was not clear.

#### ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 134 of 2002, a resolution appointing Art Specialists and Physical Education Specialists for the Summer Recreation program.

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

WHEREAS, the Director of Parks and Recreation and Community Affairs has identified a need for Art and Physical Education Specialists for the Summer Recreation Program, and

WHEREAS, the Director of Parks and Recreation and Community Affairs has recommended that the positions of Art Specialists and Physical Education Specialists be filled per Schedule A; now, therefore, be it

RESOLVED, that the individuals identified in Schedule A are hereby appointed to the positions of Art Specialists and Physical Education Specialists for the Summer Recreation 2002 program, effective June 1 through August 30, 2002 to be budgeted from A7310-E9000 (Summer Rec. Site Super/Specialists).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 135 of 2002, a resolution authorizing the transfer of funds to cover additional charges from the Town of Glenville.

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

WHEREAS, it is necessary to transfer \$10,000 from Account FX-8340-24 (General Maintenance) to FX-8320-305 (Glenville Water Use) to cover additional water charges from the Town of Glenville; now, therefore, be it

RESOLVED, that the Comptroller is hereby authorized to transfer \$10,000 from FX-8340-24 to FX-8320-305 to cover the additional water charges from the Town of Glenville.

Councilman Speckhard said this \$10,000 reflects increasing financial burdens that Rexford Water District is facing. He noted the rates are going up and a meeting will be held with the Town of Glenville to readjust the formula so that the bottom line expense won't be as great. This \$10,000 has nothing to do with the rate increase but with the infrastructure that is deteriorating very quickly and, in the process, is losing a lot of water. This is money that needs to be spent to pay for water that is lost and to repair the infrastructure. Councilman Speckhard noted in the future, the Rexford Water District is going to face increasing financial needs: 1) increasing rates, 2) increasing repair costs, and 3) having to pay for the water that is lost. Supervisor Barrett noted it is good the Town Board has committed to getting the connection between the Clifton Park Water Authority and Rexford Water District. Councilman Speckhard said this would be a back up connection.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 136 of 2002, a resolution setting a public hearing to discuss the proposed Ushers Road and Vischer Ferry Road Projects.

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

WHEREAS, Councilman Paolucci has recommended that a public hearing be held on the proposed Ushers Road and Vischer Ferry Road Projects in order to solicit comment from the public; now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled for June 17, 2002 at 7:10 p.m. in the Wood Memorial Room, 1 Town Hall Plaza and the Town Clerk is directed to publish notice of the same.

Councilman Paolucci reported 95 percent of the funds for this project will come from state and federal sources which necessitates "buying" their standards, however, comments from the public have expressed the standards will decimate the Ushers Road area. Clough, Harbor & Associates have recommended having a public hearing before proceeding any further. Councilman Paolucci stated the public hearing comment will determine the course the project takes.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 137 of 2002, a resolution authorizing Clough, Harbour & Associates to design the proposed multi-use Van Patten Trail.

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

WHEREAS, the Town of Clifton Park wishes to construct a multi-use trail along Van Patten Drive, and

WHEREAS, the Clifton Park Trails Advisory Committee has recommended that the Town Board authorize Clough, Harbour & Associates to proceed with design of the proposed multi-use Van Patten Trail; now, therefore, be it

RESOLVED, that Clough, Harbour & Associates is hereby authorized by the Town Board to design the proposed multi-use Van Patten Trail at a cost not to exceed \$53,000, \$45,000 of which to come from Designated Funds from the 1999 County Surplus distribution-trails and \$8,000 to come from money designated in Resolution No. 287 of 2000 with a transfer to A-7629-135 (Recreation-Clifton Park Trails-Engineering).

Councilman Paolucci explained the proposed trail would start at the Stewart's store on Ushers Road to Van Patten Drive to Carlton Road. Councilman Roth asked if there would be any overlap with road construction. Councilman Paolucci responded yes, but a very small piece.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 138 of 2002, a resolution to form a committee to study infrastructure improvements for High Speed Internet Service.

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



WHEREAS, the Town Board would like to study the capability of upgrading its communication infrastructure with an emphasis on high speed broadband, and

WHEREAS, Councilman Paolucci has volunteered to organize and chair the committee; now, therefore, be it

RESOLVED, that Councilman Paolucci is hereby appointed to organize and chair a committee of the Town Board to study communication infrastructure improvements for the Town.

Councilman Paolucci said he believes with broadband development, “clean” businesses will be attracted to Clifton Park.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 139 of 2002, a resolution establishing the summer schedule for Town Board meetings in 2002.

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

WHEREAS, the Town Board wishes to set the summer meeting schedule at two meetings per month consistent with past practice; now, therefore, be it

RESOLVED, that the Town Board hereby establishes the following summer schedule for July and August 2002:

Monday July 1, 2002

Monday July 15, 2002

Monday August 5, 2002

Monday August 19, 2002

#### ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 140 of 2002, a resolution authorizing the Director of Planning to attend the 2002-2003 Leadership Saratoga Program.

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

WHEREAS, Councilman Paolucci has recommended that Jason Kemper be authorized to attend the 2002-2003 Leadership Saratoga Program being presented by the Saratoga Chamber of Commerce, and

WHEREAS, the residents of the Town of Clifton Park will receive a public benefit through Mr. Kemper's continued service after the Leadership Training is complete; now, therefore, be it

RESOLVED, that the Director of Planning Jason Kemper, be authorized to attend the 2002-2003 Leadership Saratoga Program being presented by the Saratoga Chamber of Commerce at a cost not to exceed \$675, one-half to be paid from budget line item A-8021-001 (Planning-Training & Conference) and one-half from Contingency Funds.

Councilman Paolucci stated it is common in business to invest in employees. He noted courses include skill development, as well discussions that affect the whole county involving water development, open space and development issues, and the opportunity for networking. Councilman Speckhard said people have been sent to this program using governmental funds and the town is not breaking new ground.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 141 of 2002, a resolution setting a public hearing to consider amending Local Law No. 2 of 1980, Article II, Section 97-10, regarding the Disposal of Refuse and Garbage.

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

WHEREAS, the Town's Community Development officer has recommended that certain provisions of Local Law No. 2 of 1980 be amended in order to more closely conform with the language used by the New York State Vehicle and Traffic Law Sections 1219

and 1220, prohibiting disposal of materials upon roadways, 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 June 3, 2002 at 7:20 p.m. in the Wood Memorial Room, 1 Town Hall Plaza, to consider the adoption of a local law amending Local Law No. 2 of 1980, Article II, Section 97-10, regarding the Disposal of Refuse and Garbage.

Ms. McHugh said this is part of the effort to consolidate and unify the authorities of the security officers to allow them to write tickets for basically littering.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 142 of 2002, a resolution authorizing the hiring of summer staff for Parks, Recreation and Community Affairs.

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

WHEREAS, an additional staff member is required to staff the office of Parks, Recreation and Community Affairs during the summer months, and

WHEREAS, the Director of Parks, Recreation and Community Affairs has recommended that Kristen Bini, be hired as a summer office staff member; now, therefore, be it

RESOLVED, that the Director of Parks, Recreation and Community Affairs is hereby authorized to hire Kristin Bini, 22 Ashley Drive, Ballston Lake as a part-time summer office staff member at Grade 1, Step 1, from May 28, 2002 to August 23, 2002, to be budgeted from A7021-E4000 (Parks & Rec. – Part Time Staff).

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 143 of 2002, a resolution setting a public hearing to consider amending

Chapter 92, Dogs, Article II, Running at Large, Section 92-5 Definitions of the Town Code.

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

WHEREAS, a public forum was held on May 20, 2002 regarding a town wide leash law; and

WHEREAS, the Town Board would like to receive comment from the public regarding the proposed enactment of the attached local law; now, therefore, be it

RESOLVED, that a public hearing be set for June 10, 2002 at 7:30 p.m. in the Wood Memorial Meeting Room, 1 Town Hall Plaza, to consider the adoption of a local law amending Chapter 92, Dogs, Article II, Running at Large, Section 92-5 Definitions, of the Town Code.

Supervisor Barrett said he supports setting the public hearing but he thinks there is more to look at regarding this issue. Councilman Speckhard said, after hearing comments this evening, it is almost guaranteed that this particular proposed local law, as stated, will be defeated and doesn't feel a public hearing should be set at this time. He stated a public hearing is not an exploratory exercise. Councilwoman Walowit said she has concerns about discussing and passing legislation at summer Town Board meetings. Councilman Roth said based on what has been heard this evening there are different aspects to this issue and what is being presented doesn't begin to cover what is being addressed. He said the Town Board should make sure people understand what the present law means. Councilwoman Walowit said she is also concerned about this issue coming to a standstill during the summer months when there may be a lot of dog activity. Supervisor Barrett said information received this evening will help with enforcement.

MOTION TO TABLE by Councilwoman Walowit, seconded by Supervisor Barrett

Councilman Speckhard reiterated it isn't time to bring this issue to a public hearing as a public hearing is a critical part of an issue and the Town Board is just beginning a very comprehensive discussion of a very important issue. He stated what impressed him most this evening was the idea of residents of the town being fearful of going into public places. Councilman Speckhard stated he doesn't see the purpose of tabling this resolution but perhaps setting another public forum in order to continue the discussion. A discussion ensued on whether or not to table the resolution or let it die after a period of time. It was decided to set another public forum.

ROLL CALL VOTE TO TABLE

Ayes: None

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

MOTION DEFEATED 5-0

## ROLL CALL VOTE ON ORIGINAL RESOLUTION

Ayes: None

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

## RESOLUTION DEFEATED 5-0

The Town Board asked that a resolution be considered to set a public forum in order to show commitment to this issue.

Resolution No. 144 of 2002, a resolution setting a public forum for June 17, 2002 at 7:30 p.m. to hear comment regarding a town wide leash law.

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

WHEREAS, a public forum was held on May 20, 2002 regarding a town wide leash law;  
and

WHEREAS, the Town Board wishes to receive additional input at the public forum level;  
now, therefore, be it

RESOLVED, that a public forum be held on June 17, 2002 at 7:30 p.m. to receive input regarding a town wide leash law.

## ROLL CALL VOTE

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

Noes: None

## DECLARED ADOPTED

Councilman Speckhard reiterated that consideration of Resolution No. 127 does not mean that the Town Board has voted against both in kind and cash contribution – that that is still a possibility.

## PUBLIC PRIVILEGE

Norman Goldman, London Square Drive, said in the last year or so between 50 and 100 people have spoken to him in favor of a leash law. He reiterated his concerns about adult use zone and read prepared comments, attached.

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 11:20p.m.

Patricia O'Donnell  
Town Clerk