

Clifton Park Town Board Meeting Minutes

June 3, 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
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Absent: Councilman Roth

Also Present: Town Attorney Trainor
Jason Kemper, Director of Planning
Barbara McHugh, Director of Community Development
Michael O'Brien, Environmental Specialist
Michael Shahan, Town Administrator

MOTION by Councilman Paolucci, seconded by Councilman Roth, to approve the minutes of the May 13, 2002 meeting as presented.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

With regard to the tabled World Series resolution, Supervisor Barrett reported each Board member should have received a listing from the Babe Ruth Committee. He asked that the list be reviewed in order to vote on the resolution at the June 10th Town Board meeting since this is a time sensitive issue.

REPORTS

Report for May from the Justice Court was filed with the Town Clerk.

PUBLIC HEARING, 7:10 PM
TO CONSIDER A LOCAL LAW AMENDING CHAPTERS 33, 92, 194
OF THE TOWN CODE REGARDING SECURITY OFFICERS

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on May 27, 2002.

Supervisor Barrett said the Public Safety Task Force has discussed these issues favorably.

Director of Community Development McHugh said the town security force interacts with residents, visitors and businesses in town. The purpose of these amendments is to permit the officers to act in support of local town codes to ensure public safety and the protection of public facilities. Ms. McHugh noted this is within the guidelines of the NYS Home Rule Law and NYS Town Law. She stressed this is a compliance issue, not enforcement, as security officers are not law enforcement officers. She stated they would enforce the town ordinances when people intentionally engage in violations against the codes but their primary purpose is to gain compliance. Ms. McHugh reviewed, and gave examples of, various aspects of the proposed law, noting the officers do not have arrest powers. She stated the security officers are also code and parking enforcement officers.

Supervisor Barrett said security officers' hours have been extended and changed and with the adoption of the proposed law, will have more jurisdictional abilities. He reported the security officers patrol every night. He expressed appreciation to the NY State Police and Sheriff's Department for their involvement in the community.

Steve Williams, Chairman of the Public Safety Committee Task Force, spoke in favor of the proposed law.

The public hearing was opened for comments from the audience at 7:20 p.m.

Norman Goldman, London Square Drive, expressed concerned that the security officers will have more responsibilities and authority without anything that would strengthen safeguards for them.

Ms. McHugh reiterated the security officers are not law enforcement officers and they are instructed not to put themselves in jeopardy. She said the radio relationship with the security officers and state police dispatch center has been solidified. She said policies and procedures have also been put into place to ensure these responsibilities are handled appropriately.

Town Administrator Shahan said if this amendment passes, the security responsibilities will be addressed at the next training session.

Ms. McHugh stated this does not include roads. Town codes do not regulate public behavior on the highways as this is covered by state statutes.

Supervisor Barrett said resources are being directed to the pocket parks.

Kathy Kurpiel, Clifton Park, if you give the security officers the authority to write a ticket or to give some of type of punishment, this will make a big impact on this problem. She said the kids just move from one area to another. Ms. Kurpiel said if the youths are young enough, the impact should be put on the parents.

Tony Karam, member of the Public Safety Task Force, reported there is a federal initiative called "Operation Cooperation" which was established to encourage relationship between law enforcement and security professionals. This initiative eliminates the burden of trained police officers so they are able to handle more serious crimes by allowing the professional security officer of the town to handle the minor nuisance crimes. The other benefit will be increased crime prevention. Mr. Karam said now is the time to take the town security professionals and have them coincide with law enforcement to enhance the quality of life issues. He said the security officers will be well trained, valuable members of the community based on their knowledge of the safety issues facing the town. He noted the security officers work well with the Sheriff's Department and State Police.

Jim Larken, Heartwood Court, spoke in favor of the proposed legislation.

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 8:15 p.m.

PUBLIC HEARING, 7:20 PM
TO CONSIDER A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF 1980,
CHAPTER 97, DISPOSAL OF REFUSE AND GARBAGE

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on May 27, 2002.

Director of Community Development McHugh explained this addresses the illegal dumping of refuse and trash. She said NYS Vehicle and Traffic Law does delegate certain responsibilities to towns, which allows the town to regulate certain things on highways. If the town adopts what is referred to as the "littering law" the town security officers can police and enforce littering types of violations. Ms. McHugh noted the marked car and uniform is a deterrent to a lot of the quality of life nuisance issues.

Councilman Speckhard asked if residents could sign and bring a complaint to a security officer and have that security officer follows up on that complaint.

Ms. McHugh responded yes, if the complaint constitutes a violation of one of the codes, the security officer could look into it, substantiate it, and then make a determination as to who is responsible.

Town Attorney Trainor said an action could be substantiated by the observance of one person.

The public hearing was opened for comments from the audience at 8:15 p.m.

Edgar Shopmyer, Vischer Ferry Road, reported debris blows from new construction across the street onto his property.

Mr. Shahan said he would have Mr. Clemens look at the work site in the morning and make sure the contractor controls the debris.

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 8:43 p.m.

Supervisor Barrett noted the last two resolutions regarding rate increases in the Rexford and Rivercrest Water Districts are time sensitive issues.

MOTION BY Supervisor Barrett to recess for five minutes, seconded by Councilman Paolucci. Motion unanimously carried at 8:55 p.m.

Town Board meeting resumed at 9:00 p.m.

Resolution No. 145 of 2002, a resolution authorizing the hiring of Kenneth Hassett as a part-time security officer.

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

WHEREAS, a need for a part-time security officer has been identified, and

WHEREAS, Michael Shahan, Town Administrator for the Town of Clifton Park has recommended Kenneth Hassett, 1 Cabot Way, Clifton Park, for this position; now, therefore, be it

RESOLVED, that authorization is hereby granted to hire Kenneth Hassett, 1 Cabot Way, Clifton Park, as a part-time security officer at Grade 3, Step 1, effective immediately, to be paid from A-3120 (Law Enforcement).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 146 of 2002, a resolution authorizing Clough, Harbour, & Associates to prepare bid specifications for a multi-use pathway connection between the Wishing Well and The Oaks subdivisions.

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

WHEREAS, it is the intention of the Town of Clifton Park to solicit bids to construct a multi-use pathway connection between the Wishing Well and The Oaks subdivisions, and

WHEREAS, in order to provide the contractors with information suitable for bidding, the Town is requesting Clough, Harbour & Associates to prepare a set of Division 2 Specifications for the site work as per Schedule A; now, therefore, be it

RESOLVED that Clough, Harbour & Associates is hereby authorized by the Town Board of the Town of Clifton Park to prepare bid specifications for a multi-use pathway connection between the Wishing Well subdivision and The Oaks subdivision per Schedule A at a cost not to exceed \$1000 to be paid from A-7629-015 (Recreation-Clifton Park Trails-Contractual)

The Trails Committee has expressed support for this project.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 147 of 2002, a resolution authorizing the Supervisor to sign a lease contract with Ontario Investments for a large format copier.

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

Councilwoman Walowit.

WHEREAS, quotes were received for a large format copier, and

WHEREAS, the Town Administrator has recommended that the quote of Northco Products, Inc. for \$123.53 per month, for 48 months be accepted, and

WHEREAS, the Town of Clifton Park wishes to sign a lease contract with Ontario Investments for a large format copier to be purchased from Northco Products; now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to enter into a lease agreement with Ontario Investments for the leasing of a large format copier at a cost not to exceed \$2000 per year, \$1000 to be paid from A8021-004 (Planning-Computers) and \$1000 to be paid from A3620-003 (Building & Zoning-Copier).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 148 of 2002, a resolution accepting a conveyance of a right-of-way from RPJ Holding Company, LLC.

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

WHEREAS, on August 14, 2001, the Town of Clifton Park Planning Board required that the developer convey to the Town of Clifton Park a right of way as a condition of approval of a 4,000 square foot office building on Plank Road, and

WHEREAS, a Bond has been provided to the Town Planning Department as security for the contractor to complete all remaining punch list items; now, therefore, be it

RESOLVED, that the Town Board accepts the conveyance of the following right of way, briefly described as follows:

Street Name of Owner

Right-of-way on Plank Road RPJ Holding Company, LLC

and more particularly described on Schedule "A" attached hereto and made part hereof, and be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt of an approval by the Town Attorney, Highway Superintendent and Town Engineer of all necessary documents, provisions of a title report which is acceptable to the Town Attorney, and upon payment of all taxes and assessments, and be it further

RESOLVED, that there be appended to the within resolution a copy of the recorded conveyance after it has been returned from the Saratoga County Clerk; and be it further

RESOLVED, that upon acceptance, the condition imposed by the Planning Board is deemed satisfied and that the Building Department is to be so notified as to review the project to determine if the issuance of a certificate of occupancy is appropriate.

Mr. Kemper noted this is part of the site plan approval for the Phillip's office buildings on Plank Road.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 149 of 2002, a resolution hiring a substitute driver for the Senior Express.

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

WHEREAS, a need exists for a substitute driver for the Senior Express, and

WHEREAS, Joseph Cummings, 18 Haystack Road, Clifton Park, has been recommended to fill the position; now, therefore, be it

RESOLVED, that Joseph Cummings, 18 Haystack Road, Clifton Park, be appointed to fill the position of substitute driver, for the Senior Express, at Grade 1, Step 3, to be paid from A6772-E666 (Community Support-Senior Support-Sub Driver), effective immediately.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 150 of 2002, a resolution authorizing the Assistant Comptroller to attend the Government Accounting and Auditing Conference.

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

WHEREAS, Comptroller Mark Heggen has recommended that Assistant Comptroller James Tunney be authorized to attend the Government Accounting and Auditing Conference to be held in Albany, New York on June 4, 2002, and

WHEREAS, Mr. Tunney's attendance at this conference will confer a benefit upon and be in the best interest of the Town of Clifton Park; now, therefore, be it

RESOLVED, that Assistant Comptroller James Tunney is hereby authorized to attend the Government Accounting and Auditing Conference June 4, 2002 in Albany, New York, at a cost not to exceed \$245.00 to be paid from A-1315-1 (Comptroller-travel and conference) to be vouchered appropriately.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 151 of 2002, a resolution establishing a Water Development Capital Reserve Fund.

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

WHEREAS, there is a wide spread and increased need for water in the western portions of our Town, and

WHEREAS, both the Town and the Clifton Park Water Authority have indicated the need and the desire to connect the Corporate Commerce Zone Water District with the Rexford Water District in order to better serve the water needs of the residents in that area, and

WHEREAS, there presently exists a significant unappropriated General Fund Balance that is dedicated solely to support the best interests of the Town residents; now, therefore, be it

RESOLVED, that a Water Development Capital Reserve Fund be established and dedicated to the extension of water services into the western part of the Town, and be it further

RESOLVED, that the sum of \$600,000 be withdrawn from the Town's current unappropriated General Fund Balance to be deposited in the said Reserve Fund, and be it further

RESOLVED, that any further applications for payment from said Reserve Fund must comply with General Municipal Finance Law Section 6-c and NYS Town Law Section 209-q, as amended from time to time, may require a public hearing, and may be subject to permissive referendum.

Councilman Speckhard read comments from Councilman Roth, attached, expressing concern with the resolution. Councilman Speckhard said Councilman Roth's comments raise some important questions and the resolution needs to be amended to reflect its direction to all water needs in town. Councilman Speckhard said the resolution was not intended to target the extension between the Corporate Commerce zone and the Rexford Water District but intended to be an account from which funds can be drawn to address any water related problem in town. He said these needs have been in town for many years. The reference to \$600,000 reflects an early estimate some time ago of what it might mean to extend the water pipe from the Corporate Commerce zone into the Rexford Water District. Councilman Speckhard said this will be enough to address the hookup into the Rexford Water District with significant monies left over to assist in addressing other water related problems. He stated the Clifton Park Water Authority is very supportive as this will greatly improve water services to their customers and will provide a town benefit. With regard to hookup between the Rexford Water District and the Corporate Commerce zone, Councilman Speckhard said this will permit outside users to the Rexford Water District which are now prohibited because Rexford Water District does not have a backup system. This hookup will also benefit customers of the Water Authority as this would provide that system with an emergency backup which they currently do not have. Councilman Speckhard said he doesn't see \$600,000 as being sufficient money to address the increasing water problems and more money will be needed in this fund. He recommended that a resolution be passed that would automatically, every year, transfer a certain percentage of the surplus into the water fund.

Councilman Speckhard emphasized the surplus is being used for other expenditures while water is a basic need of life and health. In Councilman Roth's absence, Councilman Speckhard asked that this resolution be tabled. Supervisor Barrett said would like to see a clear spelling out of what the commitment is between the Town of Clifton Park and the Town of Glenville in any future resolution. Councilman Speckhard explained the agreement with Glenville requires a 24 hour backup and if that is not accomplished they will not approve outside users. He said there was a development plan for the Rexford Water District that was approved and adopted that did stipulate a hookup from the Water Authority to the District by the year 2005 and this fund will help support that. Supervisor Barrett said there is a county water plan being worked on. He said the Eastside area and the Town of Ballston are also being looked at and the professional opinion is that there would be a much better chance of getting the necessary funding if the projects were put together. Councilman Speckhard noted each water problem will require a different solution but each one will require some type of expenditure that will come from the town.

MOTION TO TABLE by Councilman Speckhard, seconded by Councilman Paolucci.

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

Noes: None

Absent: Councilman Roth

MOTION CARRIED

Resolution No. 152 of 2002, a resolution authorizing the Town Clerk to enter into an agreement with the Department of Environmental Conservation (DEC) regarding the sale of sporting licenses and authorizing DEC access to the Town Clerk's checking account for Automated Clearing House (ACH) fund transfers for licenses sold.

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

WHEREAS, DEC is instituting the Department of Environmental Conservation Automated Licensing System (DECALS) and it is necessary that an agreement between the Town Clerk, as Agent to issue hunting and fishing licenses, and DEC be signed, and

WHEREAS, it is also necessary that the Town Clerk authorize DEC access to the Town Clerk checking account to allow for Automated Clearing House fund transfers for licenses sold; now, therefore, be it

RESOLVED, that the Town Clerk, as Agent to issue hunting and fishing licenses, is hereby authorized to sign an agreement with the Department of Environmental Conservation with regard to the DECAL program; and be it further

RESOLVED, that DEC access to the Town Clerk checking account to allow for Automated Clearing House fund transfers for licenses sold is hereby authorized.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 153 of 2002, a resolution with regard to the agreement with the Department of Environmental Conservation (DEC) regarding the sale of sporting licenses.

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

WHEREAS, DEC is instituting the Department of Environmental Conservation Automated Licensing System (DECALS) and a dedicated telephone line is to be installed in the Town Clerk's office at the expense of DEC, and

WHEREAS, it is necessary that the Town of Clifton Park pay the charge for said dedicated telephone line at an estimated cost of \$30.00 per month; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes payment of the monthly dedicated telephone line for the issuance of sporting licenses from A-1620-2 (Town Hall Telephone).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 154 of 2002, a resolution appointing an MEO light in the Buildings and Grounds Department.

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

WHEREAS, an opening exists in the Buildings and Grounds Department for an MEO light, and

WHEREAS, Michael Handerhan, Director of Buildings and Grounds, has recommended John Olkowski, 9 Gauthier Drive, Clifton Park, be appointed to fill the position; now, therefore, be it

RESOLVED, that John Olkowski, 9 Gauthier Drive, Clifton Park, is appointed to the position of MEO light in the Buildings and Grounds Department, Grade 4, Step 5, (\$27,392 per year), effective immediately to be budgeted from A-7110 (Buildings & Grounds).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Councilman Speckhard explained the following two resolutions stem from the fact that the Town of Glenville has raised their rate from \$1.65 to \$2.35 per thousand. He explained the residents of the Rexford Water District pay per 1000 gallons of water used, which would be \$2.35 per thousand, but also pay through taxes for water that is lost through spillage, as well as maintenance and salary costs.

Resolution No. 155 of 2002, a resolution establishing a rate for water service in the Rexford Water District.

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

WHEREAS, the Rexford District Advisory Committee has recommended an increase in water rates from \$1.65/1000 gallons to \$2.35/1000 gallons due to increased service charges from the Town of Glenville and the Town Board has considered the recommended increase and found it to be appropriate; now, therefore, be it

RESOLVED, by the Town Board of the Town of Clifton Park, acting as Commissioners of the Rexford Water District, that a charge for water service shall be established at a rate

of \$2.35 per thousand gallons of usage effective immediately.

MOTION BY Councilman Speckhard, seconded by Councilman Paolucci, to amend the resolution to \$2.35 from \$2.65 per thousand.

ROLL CALL VOTE ON MOTION

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

Noes: None

Absent: Councilman Roth

MOTION CARRIED

ROLL CALL VOTE ON RESOLUTION

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 156 of 2002, a resolution establishing a rate for water service in the Rivercrest Water District.

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

WHEREAS, the District Superintendent has recommended an increase in water rates from \$1.65/1000 gallons to \$2.35/1000 gallons due to increased service charges from the Town of Glenville and the Town Board has considered the recommended increase and found it to be appropriate; now, therefore, be it

RESOLVED, by the Town Board of the Town of Clifton Park, acting as Commissioners of the Rivercrest Water District, that a charge for water service shall be established at a rate of \$2.35 per thousand gallons of usage effective immediately.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

PUBLIC PRIVILEGE

Guy Bassi, Miller Road, presented a petition from residents of Miller Road asking the Town Board to consider extending water lines from the Settlers Hill development to Grooms Corners. He said the area to be covered is 7/10ths of a mile. Supervisor Barrett said the town would help with the process.

Edgar Shopmyer, Vischer Ferry Road, said the town lacks affordable senior housing and natives can no longer live here. Supervisor Barrett agreed there is a need.

Norman Goldman, London Square Drive, read prepared comments, attached, regarding adult use overlay zone acreage.

Beverly Czub, Miller Road, spoke in support Mr. Bassi's request for water.

MOTION by Supervisor Barrett, seconded by Councilman Paolucci, to adjourn the meeting to the next regular meeting or any other meeting necessary for the conduct of Town business.

Motion carried at 9:45 p.m.

Patricia O'Donnell
Town Clerk