

Clifton Park Town Board Meeting Minutes

July 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

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
Donald Clemens, Director of Building and Zoning
Mark Heggen, Comptroller
Jason Kemper, Director of Planning
Barbara McHugh, Director of Community Development
Michael Shahan, Town Administrator

MOTION by Councilman Roth, seconded by Councilman Paolucci, to approve the minutes of the July 1, 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

Councilwoman Walowit referred to a letter she is distributing that states Clough, Harbor & Associates will be making a decision regarding Ushers Road. She said Clough, Harbour & Associates would not be making a decision but a recommendation to the Town Board

Councilman Roth expressed appreciation to the Not So Common Players for their production of "Crazy for You" from July 10th – 14th, noting over 1300 people attended.

Councilman Roth announced registration forms are available for Special Collection Day, September 28, 2002.

PRESENTATION OF OPEN SPACE CONCEPT PLAN

Dave Miller, Co Chairman of the Open Space Committee, expressed appreciation to Director of Planning Kemper and Behan Associates for their assistance in preparation of the Open Space Concept Plan. He gave a brief review, summary attached, of the plan noting there are five major concepts with enhanced protection for drinking water resources proposed, including Wildlife Nature Preserves and Watersheds, Farmland Protection Program, Parkland and Ballfields, Town-wide Trails and Pathways, Scenic Road, Cultural Resources and Historic Preservation.

Mr. Romano reminded residents to return the survey. He expressed appreciation to all committee members for their efforts.

PUBLIC HEARING, 7:10 PM REGARDING A RESIDENTIAL FACILITY FOR DEVELOPMENTALLY DISABLED PERSONS

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on July 8, 2002.

Gary Siegel, Executive Director of Catholic Charities Disabilities Services (CCDS), reported the facility is located at 524 Foxwood Drive, Foxwood Apartments, Clifton Park, and would house two young adult women with developmental disabilities. He noted CCDS gives priority to persons who have family living in the Capital District. This notification is in compliance with Section 41.34 of the Mental Hygiene Law. Mr. Siegel presented plaques to Board Members in recognition of their support to the disabled citizens of the town.

The public hearing was opened for comments from the audience at 7:10 p.m.

William Grimm, Terrace Court, questioned the necessity of a public hearing. Supervisor Barrett responded a municipality has 40 days to approve the site presented or come up with another site. If no action is taken within the 40 days the proposed site is deemed accepted.

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

PUBLIC HEARING, 7:20 PM TO CONSIDER A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF 1978 REGARDING

NOTIFICATION OF DEFECTS

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on July 8, 2002.

Highway Superintendent Gerard noted this is an expansion of the current law. Town Attorney Trainor explained this amendment was suggested by NYMIR, the town's insurance carrier.

The public hearing was opened for comments from the audience at 7:50 p.m.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 7:55 p.m.

PUBLIC HEARING, 7:30 PM TO CONSIDER COMMENTS REGARDING A HOME LOCATED AT 6 RIVERCREST DRIVE, REXFORD, TOWN OF CLIFTON PARK

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on July 8, 2002.

Supervisor Barrett noted there is correspondence from Messrs. Clemens and Miller of the Building Department and Town Health Officer Buckley.

Donald Clemens, Director of Building and Zoning, said this has been a problem for the past two years with complaints dating back to June of 2000. He said there have been contacts with the owner and her attorney and very little has been done. He said this house is dragging down the rest of the neighborhood and when investigated this spring he found about three feet of litter throughout the basement with a foot of water underneath. Mr. Clemens said this is rapidly becoming a health problem. The house was posted after the July 1, 2002 Town Board meeting and there has been no communication with Ms. Kiatkowski. He said if the owner fails to respond and clean the place up within the 60 day period, he will request authorization from the Town Board to get it taken care of. Mr. Clemens said Dr. Buckley has stated this is a public health hazard, as well as a public safety issue as the house is not secure. He said the owner needs to contact him in order to find out what needs to be done. Mr. Clemens said it appears taxes have been paid promptly over the years. According to Mr. Clemens there is no evidence that the house has been broken into, but it is not locked.

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

Norman Goldman, London Square Drive, asked if the house will be demolished. Mr. Clemens said he doesn't believe so but there won't be a true assessment until the house is cleaned up.

Sybil Telfian, 4 Rivercrest Drive, said this problem on been ongoing for more than two years. She said residents would be interested in knowing what the town is asking to be done to the house.

Jeff Feldman, 8 Rivercrest Drive, asked if there are any mortgage holders on the property as they may be interested in the condition of the house. He asked if the town has looked at structural issues. Mr. Clemens said they have not been that far into the house to determine structural issues. In response to a question regarding abandonment, Town Attorney Trainor said the resolution calls for the house to be secured and hopefully this will reverse the problem of it being abandoned.

Edwin Meyer, 7 Rivercrest Drive, asked if the house is insured as he doesn't believe insurers will cover abandoned property. He asked if the neighbors will have to look at boarded up windows and doors.

Mr. Clemens said that could be true. He said what the town can do is somewhat limited, safety of neighborhood can be protected and the health issues can be addressed but unfortunately, if the owner wants the house boarded up, the neighbors have very little recourse and the town has almost none.

Halsey Rule, Hillcrest Ave, Schenectady, said he is interested in purchasing the house and asked how to get in touch with the owner. Mr. Clemens said Mr. Rule could file a Freedom of Information Request for the address.

Everyone was given an opportunity to speak in regard the 6 Rivercrest Drive and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 8:15 p.m.

REPORTS TO THE BOARD

Town Administrator Shahan reviewed the 4th of July event. He said the 2003 budget process is underway.

Town Comptroller Heggen reported new payroll software has been instituted and expressed appreciation to Laurie Luse of the Comptroller's office for her efforts in getting it completed. He reported mortgage tax received in May was over \$700,000 for period October 2001 to March 2002 which exceeds the budget line.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 187 of 2002, a resolution regarding a software upgrade for the Building Department.

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

Councilman Paolucci.

WHEREAS, the Director of Building and Zoning has recommended that the Town contract with Discovery Software Services, Inc. to upgrade and modify the Building Department's software at a cost not to exceed \$9750; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign the attached contract with Discovery Software Services, Inc. to upgrade and modify the Building Department's Software at a cost not to exceed \$9750, to be paid from A-1620-4 (Town Hall-Computer).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 188 of 2002, a resolution to promote Transfer Station laborer Joseph Broscko.

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

WHEREAS, the Transfer Station Supervisor has recommended the promotion of laborer Joseph A. Broscko, residing at 9 Linden Court, Clifton Park, to MEO Light at Grade 4, Step 1 (\$24,817 per year); now, therefore, be it

RESOLVED, that Joseph A. Broscko, 9 Linden Court, Clifton Park, be promoted to MEO Light at Grade 4, Step 1 (\$24,817 per year) effective immediately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 189 of 2002, a resolution appointing Jeffrey Vedder Transfer Station Assistant Supervisor.

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

Walowit.

WHEREAS, the Transfer Station Supervisor has recommended that Jeffrey Vedder, 742 Carlton Road, Clifton Park, be promoted to Assistant Transfer Station Supervisor effective immediately; now, therefore, be it

RESOLVED, that Jeffrey Vedder, 742 Carlton Road, Clifton Park, be promoted to Assistant Transfer Station Supervisor at no change in pay, effective immediately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 190 of 2002, a resolution to increase lifeguard rate for Matthew Neuber to \$6.75 per hour.

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

WHEREAS, Matthew Neuber was rehired for a second summer as a Locust Lane lifeguard, and

WHEREAS, Matthew Neuber's pay was mistakenly listed at a lower rate on the Town Board's earlier resolution; now, therefore, be it

RESOLVED, that Matthew Neuber's pay rate be increased to \$6.75 per hour effective as of his start date.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 191 of 2002, a resolution authorizing the issuance of a Mass Gathering Permit to Clifton Park Center for a car show, truck display and concert for August 8-11, 2002.

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

WHEREAS, the Clifton Park Center has requested that the Town issue a Mass Gathering Permit for the purpose of utilizing the southwest parking lot of the Clifton Park Center for a car show, truck display and concert for August 8-11, 2002, and

WHEREAS, the Town has been provided with the insurance and bond information concerning this activity as required by Chapter 64 of the Town Code, and

WHEREAS, the Town has been named as an additional insured on the required insurance policy; now, therefore, be it

RESOLVED, that the Town Board is satisfied with the information provided that the potential effect of the proposed public assemblage will have minimal effect upon the public health, safety and welfare of the people and property of the Town of Clifton Park, and be it further

RESOLVED, that the Town Board hereby directs that a permit be issued to the Clifton Park Center for a public assemblage to be held in the southwest parking lot of Clifton Park Center from August 8-11, 2002 for the purpose of a car show, truck display and concert.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 192 of 2002, a resolution proclaiming the week of August 1-7, 2002 as Clown Week.

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

WHEREAS, the people of the Town of Clifton Park recognize the importance of laughter in their lives, and

WHEREAS, clowning encourages laughter in people from young to old; rich to poor, and

WHEREAS, clowns can dissolve thoughts of prejudice, and intolerance of others, and

WHEREAS, clowns can make people forget their pain, sadness, illness, and distress;

now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park, do hereby proclaim the week of August 1-7, 2002 as CLOWN WEEK.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 193 of 2002, a resolution adopting Local Law No. 6 of 2002, a Local Law amending Local Law No. 17 of 1989, as amended by Local Law No. 2 of 1998, Section 33, Officers and Employees; Section 92 Dogs; Section 194 Vehicles and Traffic of the Town Code regarding Security Officers.

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

WHEREAS, a public hearing was held on June 3, 2002 to consider the attached Local Law concerning Security Officers, and

WHEREAS, the comments of the public have been considered; now, therefore, be it

RESOLVED, that Local Law No. 6 of 2002, a Local Law amending Local Law No. 17 of 1989, as amended by Local Law No. 2 of 1998, Section 33, Officers and Employees; Section 92 Dogs; Section 194 Vehicles and Traffic of the Town Code regarding Security Officers is hereby adopted, and the Town Clerk is directed to file and publish appropriate notice of the same.

Supervisor Barrett explained the security officers will not be armed and have no arresting powers but will have the ability to write appearance tickets. Director of Community Development McHugh will train the security officers.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 194 of 2002, a resolution adopting Local Law No. 7 of 2002, a Local Law

amending Local Law No. 2 of 1980 regarding the Disposal of Refuse and Garbage.

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

WHEREAS, a public hearing was held on June 3, 2002 to consider the attached Local Law concerning Disposal of Refuse and Garbage, and

WHEREAS, the comments of the public have been considered; now, therefore, be it

RESOLVED, that Local Law No. 7 of 2002, a Local Law amending Local Law No. 2 of 1980 regarding Disposal of Refuse and Garbage is hereby adopted, and the Town Clerk is directed to file and publish appropriate notice of the same.

Councilman Speckhard asked if there is anything in what is being added that is not included in state law. Ms. McHugh explained the proposed law is almost verbatim of the state law. Councilman Speckhard questioned items dropped accidentally. Town Attorney Trainor replied the wording in the proposed law refers to conduct that takes active participation as opposed to items inadvertently falling from a vehicle.

Highway Superintendent Gerard said Vehicle and Traffic laws regarding plowing snow into the street should be included in this law.

Councilman Speckhard stated he is uncomfortable with a law like this that basically tries to control all behavior. He said the language doesn't have one exception other than agricultural business, and it seems to him that this allows anyone who spills or drops anything to be cited. He stated there is nothing that refers to accidental. Ms. McHugh said the State Police and Sheriff's Deputies can currently act on this state law. Supervisor Barrett said if this becomes a town law, town security will be able to act on it. He explained this is a matter of giving security officers the same abilities as law enforcement officers.

ROLL CALL VOTE

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

Noes: None

Abstain: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 195 of 2002, a resolution awarding Technical Building Services, Inc. the contract to perform heating work at the Senior Center.

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

WHEREAS, McDonald Engineering has recommended that TBS Inc. be engaged to perform heating work at the Senior Center for \$10,730 pursuant to Resolution No. 152 of 2001; now, therefore, be it

RESOLVED, that Technical Building Services, Inc. be engaged to perform heating contract work at the Senior Center to McDonald Engineering specifications pursuant to Resolution No. 152 of 2001 at a cost not to exceed \$10,730 with the transfer of funds to A-1624-200 (H. Kinns Community Center - Equipment)

Councilman Roth said the Senior Center heat and air is controlled outside of the building and has caused problems during events. This will allow the heat and air to be controlled within the building and may bring some organizations back that left because they were not able to control the temperature.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 196 of 2002, a resolution to authorizing a change order for work at the Barney Road Pool.

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

WHEREAS, the Town engineer, John M. McDonald, has recommended the approval of a change order submitted by MAPCO Enterprises for work at the Barney Road Pool in the amount of \$4,413.33; now, therefore, be it

RESOLVED, that the change order submitted by MAPCO Enterprises for work at the Barney Road Pool be approved in an amount not to exceed \$4,413.33, to be paid from the funds allocated in Resolution No. 287 of 2001.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 197 of 2002, a resolution awarding bid for computer monitors to CDW-G, Inc.

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

WHEREAS, the Director of Community Development has recommended the Town accept the lowest responsible bid for 16 replacement computer monitors from CDW-G, Inc. at a total cost of \$2809.14; now, therefore, be it

RESOLVED, that the bid of CDW-G, Inc. for 16 replacement computer monitors at a total cost of \$2809.14 is hereby accepted, to be paid from account A-1620-004 (Town Hall – Computers).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 198 of 2002, a resolution to purchase networking software for the Supervisor's Office and Planning Department.

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

WHEREAS, the Director of Community Development has recommended that the Town purchase additional software to enable direct posting of meeting agendas and minutes to the Town's website, and

WHEREAS, the Adobe Acrobat Version 5.0 for windows has been quoted by Gov Connection, Inc. at \$439.90 for two packages; now, therefore, be it

RESOLVED, that the Director of Community Development be permitted to purchase two packages of Adobe Acrobat version 5.0 for Windows software for the Supervisor's Office and the Planning Department from GovConnection, Inc. at a cost not to exceed \$439.90, to be paid from A-1620-4 (Town Hall – Computers).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 199 of 2002, a resolution authorizing the appointment of a laborer in the Highway Department.

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

WHEREAS, the Highway Superintendent has recommended that William Flavin of 82C Fellows Road, Clifton Park be appointed as a laborer for the Highway Department at Grade 4, Step 1, effective immediately; now, therefore, be it

RESOLVED, that William Flavin, 82C Fellows Road, Clifton Park, be appointed as a laborer for the Highway Department at Grade 4, Step 1, effective immediately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 200 of 2002, a resolution authorizing the appointment of a laborer in the Highway Department.

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

WHEREAS, the Highway Superintendent has recommended that Stanley Rusinovich, 2 Briarfield Drive, Clifton Park, be appointed as a laborer for the Highway Department at Grade 4, Step 1, effective immediately; now, therefore, be it

RESOLVED, that Stanley Rusinovich, 2 Briarfield Drive, Clifton Park, be appointed as a laborer for the Highway Department at Grade 4, Step 1 effective immediately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 201 of 2002, a resolution approving the lease of 46 Dell Corporation computers from Ontario Investment.

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

WHEREAS, the Director of Community Development has recommended leasing 46 Dell Corporation computers from Ontario Investment at a rate of \$100.21 per CPU per quarter for 3 years; now, therefore, be it

RESOLVED, that the Town Supervisor be authorized to lease 46 Dell Corporation computers from the Ontario Investment at the rate of \$100.21 per CPU per quarter for 3 years with the attached specifications to be paid from account A-1620-004 (Town Hall – Computers).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 202 of 2002, a resolution setting a public hearing to consider Local Law No. ___ of 2002, a local law Regulating Noise in the Town of Clifton Park.

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

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

WHEREAS, a public hearing was held on May 6, 2002 and the comments of the public have been duly considered, and

WHEREAS, the Town Board wishes to solicit additional 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 August 19, 2002 at 7:10 p.m. in the Wood Memorial Room, 1 Town Hall Plaza, to consider the adoption of Local Law No. ___ of

2002, a local law Regulating Noise in the Town of Clifton Park.

Councilman Paolucci said after reviewing scientific research, the decibel level in the proposed legislation has been changed to 50 from 45. Mr. Trainor said under this proposed legislation only one complaint is necessary regarding barking or howling dogs, and noise from car stereos as opposed to other types of car noises emanating from motor vehicles is covered in Section 8D.

Resolution No. 203 of 2002, a resolution approving the site selected for a group home by Catholic Charities Disabilities Services.

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

WHEREAS, the Town Board of the Town of Clifton Park has received written notification of the intention of Catholic Charities Disabilities Services to establish a community residential facility (group home) for two (2) young adult women at 524 Foxwood Drive, Foxwood Apartments, Clifton Park, New York, and

WHEREAS, a public hearing was held at the Town Board's July 15, 2002 meeting and all comments have been considered; now, therefore, be it

RESOLVED, that pursuant to Mental Hygiene Law 41.34 the Town Board hereby approves Catholic Charities Disabilities Services selection of 524 Foxwood Drive, Foxwood Apartments, Clifton Park, New York as the site of a community residential facility to house two young adult women.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Norman Goldman, London Square Drive, read a prepared statement, attached.

William Grimm, Terrace Court, commented on several of the resolutions, including traffic and noise issues regarding the mass gathering permit and additional powers to security officers.

MOTION by Councilman Paolucci, seconded by Councilwoman Walowit, to adjourn the meeting to the next regular meeting or any other meeting necessary for the conduct of

Town business.

Motion carried at 9:40 p.m.

Patricia O'Donnell
Town Clerk