

**Clifton Park Town Board Meeting Minutes
February 13, 2006**

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 Roth
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Absent: Councilman Speckhard

Also Present: Town Attorney Trainor
Myla Kramer, Director of Parks, Recreation and Community Affairs
Steven Myers, Director of Building and Development
Walter Smead, Assessor

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett thanked all involved in the very successful Winter Fest.

PUBLIC FORUM ON MOTORCYCLES, ATV AND OTHER OFF ROAD USAGE

Supervisor Barrett said he has received calls on this issue and wants to give an opportunity to hear both sides of the issue. He said overtime new housing developments are being built near or adjacent to areas that people used for off road vehicles, however, one neighborhood that has been in existence for decades is now experiencing these machines on neighboring property.

Stephanie Norton, Wildwood Court, expressed concern with snowmobiles, atvs, motorcycles and trucks from a home on Bruno Road being driven on property approximately 20 feet from her home. Ms. Norton said this is invasive and noisy with fumes coming into her house and believes this activity is reducing property values and interfering with the quiet enjoyment of her property. Ms. Norton asked if a town ordinance was being violated by the use of these vehicles and the constant excessive noise. This activity has been going on for one year.

Christine Burke, Wildwood Court, resident of 16 years, reported the adjacent property owner has not been responsive to requests to curtail the activity. She noted she cannot use her deck when these vehicles are being operated. She further stated there are times when

there are four to five vehicles being driven. She asked the Board to consider regulations that would allow her quality of life to not be infringed upon, as well as allowing the adjacent property owner to have his quality of life.

Emily Capone, Wildwood Court, questioned the noise ordinance.

Town Attorney Trainor said one remedy is a private lawsuit. He reviewed the town's noise legislation. Mr. Trainor reviewed legislation from other municipalities; e.g. distance machines can operate from property line, house, or other type of establishment; noise and hours of operation; registration with Town Clerk; as well as restricted to certain zones.

It was noted from the floor that this activity does not take place during 10:00 p.m. and 7:00 a.m. which are the hours regulated by the noise legislation.

Councilman Paolucci suggested looking at minimum acreage.

**PUBLIC HEARING, 7:10 PM
TO CONSIDER A LOCAL LAW AMENDING
CHAPTER 182, TAXATION
REGARDING REAL PROPERTY TAX EXEMPTION TO QUALIFIED VOLUNTEER
FIREFIGHTERS AND VOLUNTEER AMBULANCE WORKERS**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on February 9, 2006.

Supervisor Barrett said though this is minimal, it is a start and a thank you for all the time and effort volunteers put in. It was noted it does not affect school taxes. The Supervisor said this legislation will also allow Lifetime Members to access this minimal tax relief.

Councilman Paolucci agreed that this is an excellent program for retention purposes. He reviewed the point system used by fire departments.

Councilman Roth said this is just a beginning and shows an appreciation to volunteers but needs to go further. He hopes this will retain volunteers. His concern is that many volunteers are young students who volunteer on a part time basis, don't own a home and will receive no benefit from this legislation. He stated these people need to be taken into account.

Assessor Smead explained this was passed by NYS Legislature. Once this legislation is passed and volunteers register and are certified to the Assessor, the registrants will be in place when the law is changed in the future by the legislature.

The public hearing was opened for comments from the audience at 7:35 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 7:46 p.m.

PUBLIC HEARING, 7:20 PM
TO CONSIDER A LOCAL LAW AMENDING
SECTION 70 OF THE TOWN CODE
BINGO

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on February 9, 2006.

Phil Dana, Thunderbird Drive, Trustee of Clifton Park Elks and Co-Chair of the Bingo Committee explained there is competition with the Racino and charitable organizations are having difficulty in raising money for scholarships and donations. It was noted the proposed legislation will bring prizes up to state allowances.

The public hearing was opened for comments from the audience at 7:48 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 7:50 p.m.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 44 of 2006, a resolution authorizing the Code Enforcement Officer and the Assistant Code Enforcement Officer to submit an application for membership to the Code Enforcement Disaster Assistance Response Program and to complete the necessary training.

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

WHEREAS, in the event of a disaster, many communities do not have sufficiently trained Code Enforcement Officials to inspect buildings affected by such disaster, and

WHEREAS, Codes Division, in partnership with the New York State Building Official Conference, has a program to render volunteer assistance to disaster stricken communities known as CEDAR (Code Enforcement Disaster Assistance Response), and

WHEREAS, the Town of Clifton Park supports the CEDAR program and supports the participation in the program by code enforcement officials employed by the Town who meet the qualifications of CEDAR; now, therefore, be it

RESOLVED, that Code Enforcement Officer Steven Myers and Assistant Code Enforcement Officer Shaun Bertok are authorized to submit application for membership to the Code Enforcement Disaster Response program and to complete the necessary training; and be it further

RESOLVED, that the Town of Clifton Park agrees to provide indemnification and insurance coverage for said Code Enforcement personnel while acting as part of the CEDAR Team for mutual aid purposes.

Director of Building and Development Myers explained this is handled through NYS SEMO.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 45 of 2006, a resolution awarding a contract for the building of two low rope courses and five high rope courses for the Project Adventure Course.

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

WHEREAS, quotes were received for the building of seven new elements for the Project Adventure Course located at Collins Park, and

WHEREAS, the lowest conforming quote for the work to be done was presented by High 5 Adventure Learning Center in Brattleboro, Vermont, at a total cost not to exceed \$14,516; now, therefore, be it

RESOLVED, that the Town Board hereby awards the contract to High 5 Adventure Learning Center as the lowest responsible bidder and authorizes the Supervisor to sign a contract to build the seven new elements at the Project Adventure Course at Collins Park, at a cost not to exceed \$14,516, to be budgeted from A-7621-44 (Project Adventure); and be it further

RESOLVED, that the contract with High 5 Adventure Learning Center will also include a pulley, anchor bolts and haul cords for high elements and free tuition to a staff person for an Adventure Basics workshop held at their facilities in Vermont.

Director of Parks, Recreation and Community Affairs explained this will replace elements lost in an electrical storm and will be a big boost to the program.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 46 of 2006, a resolution authorizing the Supervisor to sign contracts with 2006 Summer Recreation Independent Contractors per Schedule "A".

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

WHEREAS, Town Attorney James Trainor has updated the contracts for use with Summer Recreation Independent Contractors, and

WHEREAS, the new contracts require the signature of the Town Supervisor; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign contracts with 2006 Summer Recreation Independent Contractors per Schedule "A".

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 47 of 2006, a resolution adopting Local Law No. 2 of 2006, a local law amending Chapter 70 of the Town Code regarding Bingo.

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

WHEREAS, per the attached letter, Clifton Park Elks Lodge 2466 has requested the Town Board to consider amending Chapter 70 of the Town Code to keep pace with changes made at the State level regarding acceptable amounts of Bingo prizes, and

WHEREAS, the Town Board wishes to amend Chapter 70 of the Town Code regarding Bingo, and

WHEREAS, a Public Hearing was conducted on February 13, 2006 to solicit the comments of the Town's residents regarding the proposed local law; now, therefore, be it

RESOLVED, that Local Law No. 2 of 2006, a local law amending Chapter 70 of the Town Code regarding Bingo is hereby adopted, and be it further

RESOLVED, that the Town Clerk file said local law with the New York State Department of State as required by law; and be it further

RESOLVED, that this local law shall take effect immediately upon its adoption.

Supervisor Barrett and Councilman Roth noted they are members of the Clifton Park Elks and don't feel it is necessary to recuse themselves from voting on this legislation.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

PUBLIC PRIVILEGE

No one wished to be heard.

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

Motion carried at 8:02 p.m.

Patricia O'Donnell
Town Clerk

