

Clifton Park Town Board Meeting Minutes

September 17, 2001

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
Mark Heggen, Comptroller
Jason Kemper, Director of Planning
Michael Shahan, Town Administrator

Announcements and Communications

Supervisor Barrett expressed appreciation to all involved with Farm Fest, noting it was a celebration of our community. He thanked those involved with the Grooms Tavern activities.

The Supervisor announced a candlelight vigil will be held on the Common on Sunday, September 23, 2001 in honor of the victims and families of the September 11, 2001 tragedy.

Councilman Roth reminded residents the Special Collection Day is scheduled for September 29, 2001.

Councilman Roth reported Ambassador Pierre Richard Prosper is not to be in attendance this evening to receive the resolution in his honor due to the events of September 11, 2001, but it is hoped he will be able to attend in the near future.

Reports

Reports for August from the Saratoga County Sheriff's Department and the Transfer Station were filed with the Town Clerk.

A Moment of Silence was held in Memory of the Victims of the September 11, 2001

Tragedy at the World Trade Center, Pentagon and in the Pennsylvania Airplane Crash and in Support of their Families.

Presentation to the Board

Darryl Purinton, Marvin & Co., reviewed the Single Audit Report noting it is a clean report, as well as the Town Financial Report, stating he found no non-compliance with laws and regulations that could have a direct and material impact on the financial statements, and no reportable conditions with respect to internal control system. Mr. Purinton stated no problems were found with the accounting policies, agreed with the town's evaluation of the accounting estimates, and is not proposing any adjustments to financial statements. Supervisor Barrett said the town has reduced debt that is callable.

Town Administrator Shahan updated the Board on monthly activities, noting the tentative budget will be filed with the Town Clerk on September 28, 2001. He reported as of September 18, 2001, residents will be able to contact the security car in the evening by calling the Town Hall main number and following directions.

Town Comptroller Heggen reviewed the August financial report, noting the contingency line is at \$28,428 and principal and interest was paid on landfill bond.

MOTION BY Councilman Paolucci, seconded by Councilman Roth, to remove Resolution No. 240 of 2001 from the table.

Roll Call Vote on Motion

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

Noes: None

Absent: Councilman Speckhard

Motion Carried

Resolution No. 240 of 2001, a resolution adopting Local Law No. ___ of 2001, a local law amending Local Law No. 6 of 1983 as amended and amending Local Laws No. 5 of 1994 and No. 6 of 1998 entitled "Local Law Relating to the Zoning of the Town of Clifton Park Providing for the Creation of a Planned Unit Development District No. 24, to be known as Northcrest Park (Executive Woods)".

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

WHEREAS, an application has been made to amend the Northcrest Park PUD to add food services as per Exhibit A, and

WHEREAS, a public hearing was held on July 2, 2001 to consider the amendment and all comments were considered, and

WHEREAS, the Planning Board has previously submitted comments to the Town Board which have been duly considered; now, therefore, be it

RESOLVED, that Local Law No. ___ of 2001, a local law amending Local Law No. 6 of 1983 as amended and amending Local Laws No. 5 of 1994 and No. 6 of 1998 entitled "Local Law Relating to the Zoning of the Town of Clifton Park Providing for the Creation of a Planned Unit Development District No. 24, to be known as Northcrest Park (Executive Woods)" as provided in Exhibit A, is hereby adopted subject to the following conditions: 1) that there be no outside seating on the restaurant premises, 2) the service of alcohol on the premises is to be accessory to the provision of food in the restaurant and 3) fencing, berm and vegetation be installed; and, be it further

RESOLVED, that the Town Clerk is directed to file appropriate notice of same.

Roll Call Vote

Ayes: Councilwoman Walowit

Noes: Councilman Paolucci, Councilman Roth, Supervisor Barrett

Absent: Councilman Speckhard

Resolution Defeated - 3 - 1

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

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

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

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

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

WHEREAS, during this period he secured the conviction of Jean Paul Akaysu, the

former Mayor of the Rwanda Village of Taba, where more than 2000 people of the Tutsi minority were killed, and

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

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

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

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

Councilman Paolucci noted this resolution is most appropriate, particularly in light of events of the past week.

Roll Call Vote

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

Noes: None

Absent: Councilman Speckhard

Declared adopted

Resolution No. 247 of 2001, a resolution authorizing the Catie Hoch Foundation Race to use Town roads during the Second Annual Catiebug for a Cure Race.

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

WHEREAS, the Catie Hoch Foundation will conduct its Second Annual Catiebug for a Cure Race within the Town of Clifton Park on Saturday, September 29, 2001, 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 race will commence at 1:30 p.m.; now, therefore, be it

RESOLVED, that the Catie Hoch Foundation may use the Town of Clifton Park roadways for its Second Annual Catiebug for a Cure Race on September 29, 2001; 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 adequate insurance which includes the Town of Clifton Park as a named insured.

Councilman Paolucci noted funds raised are to help parents be able to stay when a child is receiving treatment and for research.

Roll Call Vote

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

Noes: None

Absent: Councilman Speckhard

Declared adopted

Resolution No. 248 of 2001, a resolution authorizing the Town Historian to attend the Association of Public Historians of New York State Fall 2001 Conference from September 30 to October 2, 2001.

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

WHEREAS, it is the intention of the Town Board to have the Town Historian attend the Association of Public Historians of New York State Fall 2001 Conference from September 30 to October 2, 2001, and

WHEREAS, the attendance of the Town Historian at this conference will confer a benefit upon the Town and it's residents; now, therefore, be it

RESOLVED, that that the Town Historian is hereby authorized to attend the Association of Public Historians of New York State Fall 2001 Conference from September 30 to October 2, 2001 at a cost not to exceed \$250, with funds to be allocated from A7510-001 (Town Historian-Travel and Conference).

Roll Call Vote

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

Noes: None

Absent: Councilman Speckhard

Declared adopted

Resolution No. 249 of 2001, a resolution advertising for a bid opening for purchase of a new leaf machine for the Clifton Knolls Leaf District.

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

WHEREAS, the Highway Superintendent has identified the need for a new leaf machine for the Clifton Knolls Leaf District and has requested authorization to advertise a bid opening for the purchase of a new leaf machine; now, therefore, be it

RESOLVED, that authorization is hereby granted to advertise for a bid opening for the purchase of a new leaf machine; and be it further

RESOLVED, that the bid opening shall be scheduled for October 9, 2001 at 10:00 a.m. at the Clifton Park Town Hall, 1 Town Hall Plaza, Clifton Park, with the funds for such purchase to come from Account SR-2376-200 (Clifton Knolls Refuse-Equipment) and SR-909 (Leaf and Refuse-Fund Balance Unreserved).

Roll Call Vote

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

Noes: None

Absent: Councilman Speckhard

Declared adopted

Resolution No. 250 of 2001, a resolution marking the two hundred fourteenth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention.

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

WHEREAS, September 17 2001 marks the two hundred fourteenth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention, and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate the occasion, and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17th - 23rd as Constitution Week; now, therefore, be it

RESOLVED, that the Town of Clifton Park proclaims the week of September 17th - 23rd as "Constitution Week" and asks our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

Roll Call Vote

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

Noes: None

Absent: Councilman Speckhard

Declared adopted

Resolution No. 251 of 2001, a resolution authorizing the Director of Building and Zoning to immediately cause the clean-up, repair or demolition of a residence at 11 Glenbrook Drive, tax parcel 265.65-1-11.

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

WHEREAS, the Director of Building and Zoning and the Town Health Officer have determined that 11 Glenbrook Drive presents a clear and imminent danger to the life, safety or health of town residents in accordance with the attached report, and

WHEREAS, Town Law provides for such emergency authorization by resolution in Section 77-11 of the Town Code; now, therefore, be it

RESOLVED, that Donald Clemens, Director of Building and Zoning is hereby authorized to cause the clean-up, repair or demolition of the residence at 11 Glenbrook Drive, and that the expense of such clean-up, repair or demolition shall be charged against the land on which it is located and shall be assessed, levied and collected as provided in Section 77-10 of the Town Code; and be it further

RESOLVED, that the Director of Building and Zoning is directed to give proper prior notice of the repair or demolition as provided in Section 77-6 of the Town Code.

Supervisor Barrett said this is an emergency situation. This is an abandoned house and neighbors are being affected.

Roll Call Vote

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

Noes: None

Absent: Councilman Speckhard

Declared adopted

Resolution No. 252 of 2001, a resolution authorizing the Director of Building and Zoning to immediately cause the clean-up, repair or demolition of a residence at 13 Cortland Boulevard, tax parcel 283.20-1-33.

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

WHEREAS, the Director of Building and Zoning and the Town Health Officer have determined that 13 Cortland Boulevard presents a clear and imminent danger to the life, safety or health of Town residents in accordance with the attached report, and

WHEREAS, Town Law provides for such emergency authorization by resolution in Section 77-11 of the Town Code; now, therefore, be it

RESOLVED, that Donald Clemens, Director of Building and Zoning is hereby authorized to cause the clean-up, repair or demolition of the residence at 13 Cortland Boulevard, and the expense of such clean-up, repair or demolition shall be charged against the land on which it is located and shall be assessed, levied and collected as provided in Section 77-10 of the town code; and be it further

RESOLVED, that the Director of Building and Zoning is directed to give proper prior notice of the repair or demolition as provided in Section 77-6 of the Town Code.

Supervisor Barrett said this is an emergency situation. This is an abandoned house and neighbors are being affected.

Roll Call Vote

Ayes: Councilman Paolucci, Councilman Roth,

Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Speckhard

Declared adopted

Resolution No. 253 of 2001, a resolution accepting a conveyance of the following street.

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

WHEREAS, Thomas Nelson of 18 Robinson Street, Rexford wishes to transfer a portion of Sunset Street to the Town of Clifton Park; now, therefore, be it

RESOLVED, that the Town Board accepts the conveyance of the following street, briefly described as follows and by the attached survey description:

Street Name of Owner
Sunset Street Thomas F. Nelson

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 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 in accordance with the provision of Section 171 of the Highway Law of the State of New York, consent be and the same hereby is given to the Superintendent of Highways of the Town of Clifton Park make an Order laying out the aforescribed Town Highways, said Town Highways to consist of the lands described in the aforesaid deed.

Councilman Paolucci asked if there was a recommendation from the Highway Superintendent. Mr. Trainor said this has been worked on for awhile and title search and title insurance have been received, and he believes it this comes with Highway Superintendent Gerard's recommendation. It was noted that the Highway Department is already maintaining the street. Councilman Paolucci asked if there was any urgency to this request, as he would like to become more familiar with it.

MOTION TO TABLE by Councilman Paolucci, seconded by Councilwoman Walowit.

Roll Call Vote on Motion

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

Noes: None

Absent: Councilman Speckhard

Motion Carried

Resolution No. 254 of 2001, a resolution setting a public hearing to consider amending Local Law No. 5 of 1996, Chapter 165, Sections 2,3 and 4 regarding Refuse Collection Activities.

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

WHEREAS, the Town Board has received input supportive of amending Local Law No. 5 of 1996, Chapter 165, Refuse Collection Activities, and

WHEREAS, the Town Board wishes to obtain comments from the public in this regard; now, therefore, be it

RESOLVED, that a public hearing to consider Local Law No. ____ of 2001, a Local Law amending Chapter 165, Sections 2,3 and 4 adopted by Local Law No. 5 of 1996, Refuse Collection Activities as per Schedule A is hereby set for October 1, 2001 at 7:30 p.m. in the Wood Memorial Room at One Town Hall Plaza, Clifton Park; and be it further

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

Supervisor Barrett said this relates to situations where there are buildings in commercial districts that are fairly close to houses and refuse collection in the middle of the night is creating a lot of noise for certain neighborhoods. He said the town doesn't want to do anything to hurt business, their routines or profitability but it is necessary to protect residents in neighborhoods.

Roll Call Vote

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

Noes: None

Absent: Councilman Speckhard

Declared adopted

Resolution No. 255 of 2001, a resolution to hire an engineering firm to review Cell Tower applications.

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

WHEREAS, the Planning Department has recommended that C. T. Male be hired to review the Town's Telecommunications Towers Ordinance and to review future cell tower applications, and

WHEREAS, in the event C. T. Male has a conflict of interest on a potential application, Vollmer Associates will be hired to review that application instead; now, therefore, be it

RESOLVED, that C. T. Male and Vollmer Associates be hired to assist the Town by reviewing both the existing Telecommunications Tower Ordinance and future cell tower applications at a minimum cost of \$2500 per application.

Councilman Paolucci recommended also capping the cost. Director of Planning Kemper said the cost depends upon the application and if a maximum limit were applied, the town might be responsible for anything over the upper limit. Supervisor Barrett said the above named companies come at the recommendation of the Planning Department. It was noted the applicant is responsible for the cost.

Roll Call Vote

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

Noes: None

Absent: Councilman Speckhard

Declared adopted

Resolution No. 256 of 2001, a resolution authorizing the Town Clerk to schedule public hearings on the matter of financing the costs of certain sewer improvements in the Dutch Meadows Sewer District and the Woodland Hills Sewer District.

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

WHEREAS, the Town Board has authorized certain capital improvements to correct deficiencies in the Dutch Meadows Sewer District and the Woodland Hills Sewer District, and

WHEREAS, a public hearing on the improvements for each district is required in accordance with municipal finance law; now, therefore, be it

RESOLVED, that the Town Clerk is hereby authorized to schedule two public hearings to be held before the Town Board at the regularly scheduled Town Board meeting of October 1, 2001, with the Woodland Hills Sewer District public hearing scheduled for 7:40 p.m. and the Dutch Meadows Sewer District public hearing scheduled for 7:50 p.m.; and be it further

RESOLVED, that the Town Clerk of the Town of Clifton Park shall cause notice to be published in the official newspaper of the Town of Clifton Park at least ten (10) days before the date of public hearing.

Supervisor Barrett said improvements are being made to protect the long-term viability of the systems, the property values of residents and to bring the systems up to County standards in the hopes that they may be taken over by the County at some point in the future.

Roll Call Vote

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

Noes: None

Absent: Councilman Speckhard

Declared adopted

Public Privilege

Doug Smalley, 51 Pico Road, said he is under contract to buy 13 Cortland Boulevard and the closing date is October 4, 2001. He asked the Town to hold off sending anyone to clean up the property since he already has contracted with someone to clean it up. Mr. Trainor recommended Mr. Smalley talking with Mr. Clemens. Supervisor Barrett said the Town's main concern is the health, welfare and safety of the neighbors of this property. Councilman Paolucci said there is a recommendation from the Town Health Officer and apparently the building is not secure. Mr. Smalley said he could secure the building. Mr. Shahan stated being notified by the Town Health Officer requires some action but if Mr. Smalley can board up the building with Mr. Clemens's approval then perhaps the town can wait until the closing. Supervisor Barrett said he does not want to change the resolution but will speak with Mr. Clemens to see if something can be worked out.

Norman Goldman, London Square Drive, asked that an opportunity be given to speak on resolutions before they are adopted. He expressed concern with resolutions being added

to the agenda on the day of the Town Board meeting. Supervisor Barrett explained reasons for the lateness of some of the resolutions. Mr. Goldman said if there is to be a newsletter, he hopes it would not come out before Election Day. Supervisor Barrett responded there will not be a newsletter this year but will be one of the first assignments of the new Community Development Director. Mr. Goldman said he doesn't believe what the Supervisor intended to accomplish with a newsletter would be anything useful on a timely basis. Mr. Barrett said he envisioned an information piece for residents that would be a supplement to cliftonpark.org website. He stated Mr. Goldman would have the opportunity to edit the newsletter.

Jennifer Knight, 9 Glenbrook Drive, owner of townhouse connected to 11 Glenbrook Drive, has been in their house six weeks and had to move out due to illness of husband and child caused by an infestation of mold in 11 Glenbrook Drive. She is concerned with the length of time her family will be out of the house. Mr. Shahan said Mr. Clemens will be contacting someone to do the clean up in the morning. Supervisor Barrett said any actions taken will be added to the owner's tax bill. He asked Mr. Shahan to contact Mr. Clemens to advise him the resolution has been passed and to taken any steps necessary to get the house cleaned up as soon as possible.

Youssef Ballout, Torrero Drive, urged the Town Board to continue discussions with DCG Development in order to remove some pressures on neighbors that live on Tallow Wood Drive.

Beverly Czub, Miller Road, asked how long the flags would remain along Vischer Ferry Road. Supervisor Barrett responded indefinitely. She recommended the flags going up on Memorial Day and remaining until the last event is held on the Common.

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 8:40 p.m.

Patricia O'Donnell
Town Clerk