

August 6, 2007

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 Hughes  
Councilman Roth  
Councilwoman Walowit  
Supervisor Barrett  
Town Clerk O'Donnell

Also Present: Deputy Town Attorney Renzi  
Mark Heggen, Comptroller  
Myla Kramer, Director of Parks, Recreation and Community Affairs  
Steven Myers, Director of Building and Development  
Michael Shahen, Town Administrator

MOTION BY Councilman Roth, seconded by Councilwoman Walowit to approve the minutes of the July 16, 2007 meeting as presented.

**ROLL CALL VOTE**

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

Noes: None

**MOTION CARRIED**

**ANNOUNCEMENTS AND COMMUNICATIONS**

Myla Kramer, Director of Parks, Recreation and Community Affairs announced the "Shoot Out at the Common Corral", basketball foul shooting as well as other events, is scheduled for August 7<sup>th</sup>.

Councilman Roth reported registration forms are available for Hazardous Waste Day scheduled for September 29<sup>th</sup>.

Councilman Hughes announced the Governor has signed the Clifton Park rebate bill and expressed appreciation to Assemblyman Riley and Senator Bruno for carrying the bill. He reported \$150 will be going to homeowners and renters, totaling \$2.25 million.

Supervisor Barrett presented Tim Kineke with the following resolution and commended him on his accomplishments. Tim explained his project and thanked all who helped him attain the rank of Eagle Scout.

Resolution No. 228 of 2007, a resolution honoring Timothy Stephen Kineke for attaining the rank of Eagle Scout.

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

WHEREAS, Timothy Stephen Kineke, 12 Huntwood Drive, Clifton Park, of Boy Scout Troop 42, has attained the rank of Eagle Scout, and

WHEREAS, the Clifton Park Town Board wishes to acknowledge and honor Timothy's achievements, including his Eagle Scout Service Project which consisted of his leadership in

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designing, planning, and building a dunk tank for his church (Shenendehowa United Methodist Church) annual County Fair, and

WHEREAS, the money raised through the dunk tank went to the church's Missions Committee which helped to fund a group of youth and adult leaders in their mission traveling to Williamsport, Maryland to help repair houses for the disabled and senior citizens of that community; now, therefore, be it

RESOLVED, that Timothy Stephen Kineke, 12 Huntwood Drive, Clifton Park, of Boy Scout Troop 42, is hereby recognized and honored for having attained the rank of Eagle Scout.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 229 of 2007 was adopted designating the first week in August as International Clown Week. Members of the Electric City Clowns explained their various functions, including Clowns on Rounds and Caring Clowns, visiting nursing homes and hospitals, Joyful Joeys and Red Nose Relief, a worldwide organization that responds to disasters.

Resolution No. 229 of 2007, a resolution proclaiming the first week of August 2007 as International Clown Week.

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

WHEREAS, the President of the United States has proclaimed that the first week of August be recognized as International Clown Week, and that all Governors and local officials should encourage such recognition by their citizens, and

WHEREAS, Clowns are recognized the world over as messengers of good tidings, bringing happiness and joy to all those whose lives they touch, and

WHEREAS, it is universally known that laughter is the best medicine, and

WHEREAS, Clowns have helped us preserve our sense of humor and ability to laugh at ourselves, and

WHEREAS, Clowns encourage laughter in the young and old, rich and poor; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park, does hereby proclaim that the week of August 1-7, 2007, shall be recognized as International Clown Week within the Town of Clifton Park, and shall encourage all citizens to give fitting recognition to the clowns of the world.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

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PUBLIC HEARING, 7:10 PM  
TO CONSIDER A LOCAL LAW AMENDING CHAPTERS 138, JUNKYARDS, AND 208-7,  
ZONING CODE

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on July 25, 2007.

Councilman Roth reported a timeframe has been added to the proposed legislation regarding length of time vehicles can be left in front of junkyards.

Director of Building and Development Myers explained vehicles are dropped off at these junkyards at all hours of the day and night. The junkyard owner cannot legally take in vehicles until the necessary paperwork is received and this can take a few days. The proposed legislation allows two days to obtain proper paperwork. Councilman Roth noted the two days excludes weekend.

The public hearing was opened for comments from the audience at 7:37 p.m.

Ted Kunker, Bayhill Court, noted after previously speaking with the Town Board his immediate issue has been addressed, and asked the Board to continue with that effort and pass laws that will help other people.

Nancy Bellamy, Eastside Drive, reported though necessary paperwork may not have been received, tires are taken off vehicles and gas tanks removed. She asked that vehicle fluids be contained correctly before cars are crushed.

George Sheldon, Eastside Drive, asked for clarification of the proposed law.

Deputy Town Attorney Renzi explained the amendments are intended to expand the language which describes junk and give Code Enforcement officers and the Building Department more latitude in their exercise of discretion. This also expands the idea of what is or is not visible to the road. Mr. Renzi stated this statute covers both residential and commercial areas. He reviewed the current legislation and noted the proposed language strengthens the law.

Mr. Sheldon asked how many complaints the town has received regarding residential areas.

Supervisor Barrett responded there have been a few over the years but by the time the issue reaches the town the situation is pretty bad.

Mr. Sheldon said he doesn't think the few complaints received warrant changing the law. He said if an individual goes to the trouble of insuring and licensing the car, though it may not be inspected, clearly there is an indication that the car is of value.

Supervisor Barrett said this is a quality of life issue and it is important to take action.

Mr. Kunker reported, though he only brought this issue to the Town Board in June of this year, he has been living with this issue for over ten years. He brought the situation to the Building Department but their hands were tied as to what could and could not accomplish. He continued, while complaints may not be formally registered, there are a lot of people affected by other peoples' actions in the community.

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 7:56 p.m.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

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Resolution No. 230 of 2007, a resolution adopting Local Law No. 8 of 2007, a local law amending Chapter 208-95, B-2 (e), Telecommunication Towers, Permit Regulations, of the Town Code, as amended.

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

WHEREAS, Town Attorney McCarthy has recommended that Chapter 208-95, B,2-(e) Telecommunication Towers, Permit Regulations, of the Town Code be amended, per the attached, and

WHEREAS, on July 16, 2007, at 7:40 P.M. a public hearing was conducted to obtain comment from the public regarding the proposed changes; now, therefore, be it

RESOLVED, by the Town Board of the Town of Clifton Park that the Town Code is hereby amended by Local Law No. 8 of 2007, a local law amending Chapter 208-95, B-2 (e), Telecommunication Towers, Permit Regulations, of the Town Code as amended, per the attached, 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 explained this makes the current \$2500 fee non-refundable and adds \$7500 to be kept in an escrow account to cover review fees. He said he plans on bringing forward a resolution on August 20<sup>th</sup> setting a public hearing regarding the telecommunication application in Jonesville.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 231 of 2007 a resolution authorizing Change Order No. 1 for Highway Garage Storage Building Electrical Improvements.

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

WHEREAS, a contract for Electrical Improvements at the Highway Department Storage Building was authorized in an amount of \$14,900, and

WHEREAS, a Change Order was prepared by McDonald Engineering which provides the breakdown of individual item costs, and

WHEREAS, the Change Order results in an increase of \$350 for Electrical Improvements at the Highway Garage Storage Building from the current amount of \$14,900 to arrive at a new contract amount of \$15,250; now, therefore, be it

RESOLVED, that Supervisor Barrett is hereby authorized to sign Change Order No. 1 dated June 26, 2007, to Dunham Electric, Inc. for Contract No 1, Electrical Improvements at the Highway Garage Storage Building; and be it further

RESOLVED, that the increase amount of \$350 be paid from A-5010-24 (Highway-Building Maintenance).

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ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 232 of 2007, a resolution appointing Daniel Kittay as a representative from the Clifton Park-Halfmoon Fire District to the Emergency Services Advisory Board.

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

WHEREAS, an opening exists for a representative to the Emergency Services Advisory Board from the Clifton Park-Halfmoon Fire District, and

WHEREAS, the Clifton Park-Halfmoon Fire District has recommended that Daniel Kittay, 11 Wintergreen Court, Clifton Park, be appointed to serve as a representative from the Clifton Park-Halfmoon Fire District; now, therefore, be it

RESOLVED, that Daniel Kittay, 11 Wintergreen Court, Clifton Park, is hereby appointed as a representative from the Clifton Park-Halfmoon Fire District, to the Emergency Services Advisory Board, to fill the unexpired term of Gerald D'Amelia, term to expire December 31, 2008.

Supervisor Barrett thanked Mr. D'Amelia for his volunteer efforts on behalf of the fire district and town.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 233 of 2007, a resolution authorizing the promotion of Lauren Anderson to Head Lifeguard at the Barney Road Pool.

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

WHEREAS, the Director of Parks, Recreation and Community Affairs has identified a need for a Head Lifeguard at the Barney Road Pool to fill the vacancy of the Head Lifeguard leaving for college, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that current lifeguard Lauren Anderson be promoted to fill the position; now, therefore, be it

RESOLVED, that the Director of Parks, Recreation and Community Affairs is authorized to promote Lauren Anderson, Secada Drive, Clifton Park, to Head Lifeguard, effective immediately through September 30, 2007, at a rate of \$8.30 per hour, to be paid from A-7150-4690 (Barney Road Pool).

Ms. Kramer reported this is Lauren's 3<sup>rd</sup> year and she is also a Water Safety Instructor.

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ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 234 of 2007, a resolution authorizing the hiring of alternate lifeguards to replace lifeguards returning to college.

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

WHEREAS, the Director of Parks, Recreation and Community Affairs has identified a need to hire additional lifeguards to fill the vacancies of those lifeguards leaving for college, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that the lifeguards listed in Schedule "A", be hired for the three Town-owned pools; now, therefore, be it

RESOLVED, that the Director of Parks, Recreation and Community Affairs is authorized to hire the lifeguards listed in Schedule "A", effective August 7, 2007 through September 30, 2007, at a rate of \$7.40 per hour, to be paid from A-7150-4690 (Barney Road-salary), A-7152-4690 (Locust Lane-salary) and SPS-7151-4690 (Country Knolls-salary).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 235 of 2007, a resolution authorizing extending the employment of the Program Coordinator for the Comic Book Project.

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

WHEREAS, Resolution No. 138 of 2007 authorized the hiring of Shannon Haegle, 20 Esopus Drive, Clifton Park, as the Program Coordinator for the scheduled two week Comic Book Project, and

WHEREAS, the overwhelming response to the Comic Book Project has resulted in extending the program for an additional week, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has requested that Shannon Haegle be extended for an additional week to coordinate the Comic Book Project; now, therefore, be it

RESOLVED, that authorization is hereby given to extend Shannon Haegle's, 20 Esopus Drive, Clifton Park, employment as the Coordinator of the Comic Book Project for a third week, in order to accommodate the additional enrollees in the program, to be paid \$500, from A7310-E4520 (Summer Recreation-Other Program Salary).

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ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 236 of 2007, a resolution authorizing the hiring of Heidi Pomainville as Assistant Comptroller.

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

WHEREAS, an opening exists for an Assistant Comptroller, and

WHEREAS, Michael Shahan, Town Administrator and Mark Heggen, Comptroller, having undertaken an interview process, have recommended to the Town Board that Heidi Pomainville, 13 Teakwood Drive, Clifton Park, be hired as Assistant Comptroller; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the hiring of Heidi Pomainville, 13 Teakwood Drive, Clifton Park, as Assistant Comptroller at Grade 9, Step 3 (\$50,047), effective immediately, salary for the balance of 2007 to be paid with a transfer of \$20,000 from A-1315-E235 (Comptroller's Office) to A-1315-xxx (Staff Salary).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Laura Brown, member of Save the Geese and League of Humane Voters, asked that the duck hunting that takes place in the Vischer Ferry Nature Preserve for one week in October come to an end. She stated Clifton Park has become a boon of residential areas and it is no longer safe to hunt. Ms. Brown stated signs go unnoticed. She reported 400 signatures of Clifton Park residents have been received asking the end to duck hunting. She said gun shots are heard long after hunting hours have ended. Ms. Brown reported residents have told her they are afraid to speak up. She said it is her understanding the Town Board can end the tradition and noted Clifton Park would be better served by an actively marketed wildlife watch center similar to Five Rivers in Delmar.

Patty Keelen, representing the League of Humane Voters, read a prepared statement in opposition to duck hunting in the Preserve. She showed petitions but stated she could not present them to the Town Board as they were privileged information collected by a political action committee.

Diane Scala, member of the League of Humane Voters, said she has been collecting signatures and more than 50 percent of the people do not know about the duck hunt. She claimed it is an accident waiting to happen and asked if the town wants to accept that liability. Ms. Scala said people love to hike and bike in the Preserve, as well as feed the ducks and this is an unfair playing area when the hunters come in.

Supervisor Barrett said the boundaries of the Preserve have not changed.

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Youssef Ballout, Torrero Drive, said in 1999 residents came to a Town Board meeting to report buckshot falling on their houses. He reported residents also came to the Town Board in 2001 and asked that hunting in the Preserve be stopped. He said the town can prohibit hunting in the Preserve.

George Sheldon, Eastside Drive, asked the Board to help save Ballston Lake from septic and road runoff running into the lake. He recommended putting some of the town surplus toward a sewer system, together with the Town of Ballston, around the lake.

Nancy Bellamy, Eastside Drive, spoke in agreement with Mr. Sheldon. She noted vegetation along the Northway near the car dealer is dead and believes it is being sprayed to keep from growing. She asked if the town would set up an account for those who wish to return the \$150 rebate that could then be used for the purchase of open space.

MOTION BY Councilwoman Walowit, 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 8:33 p.m.

Patricia O'Donnell  
Town Clerk