

August 20, 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
 Deputy Town Clerk Brobston

Also Present: Town Attorney McCarthy
 Mark Heggen, Comptroller
 Barbara McHugh, Director of Community Development
 Michael Shahan, Town Administrator
 Walter Smead, Assessor

MOTION BY Councilman Paolucci, seconded by Councilman Roth to approve the minutes of the August 6, 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

Supervisor Barrett stated the applicant for the proposed Jonesville Telecommunication Tower has tabled the proposal as they look for alternative sites. This information was also noticed in the Daily Gazette for concerned residents of that area.

Supervisor Barrett presented a bumper sticker that's being sold for support of the new construction of the Saratoga County Animal Shelter. Volunteer programs are in place for anyone who is interested in helping at the shelter.

Councilman Roth announced the Shenendehowa Senior Center will be offering breakfast again this year during Farm Fest on September 15. Councilman Paolucci will be serving as Master of Ceremony.

Councilman Roth reminded residents of the Hazardous Waste Day scheduled for September 29. Forms are available in the Town Clerks office, the vestibule in Town Hall and the Public Safety Building from the Environmental Specialist.

Councilman Paolucci stated he and Councilman Hughes chaired the first meeting of the presently called "Alternative Energies Committee". Name may change. The committee will be made up of Town staff and concerned resident that have the correct knowledge to make a contribution. They will be identifying what the Town's carbon footprint is and converting that into our greenhouse gas emissions print. One of their goals is to reduce the town's greenhouse gases over the next several years. They will be working with NYSERTA to get audits done at Town Hall and give the town a building by building assessment pertaining to emission bio-fuels. Efforts already in place are recycle bins for plastic containers, donated by County Waste, will be located next to garbage containers on the Clifton Common and plastic bags now being recycled at the Convenience Transfer Station.

Councilman Hughes explained they will be also looking at how the Town can improve the energies efficiently and create cost savings and environmental stewardship beyond what the Town already has in place. Grant programs and other sources will be researched.

Supervisor Barrett thanked the committee on behalf on the Town residents for their commitment to saving the environment and taxpayer money.

Supervisor Barrett thanked the Parks, Recreation and Community Affairs department for a successful year of half-day and full-day summer camps.

RECOGNITION

Danielle Clinton, 82 Blue Jay Way, explained that the crew club is a part of the Shenendehowa High School team that started it's own non-profit organization which meets throughout the year after school every day and compete in the Fall and Spring. The club has been growing over the years. Fundraising is a large part of their organization. The sport helps members with organizational skills, time management, discipline and builds teammates for rowing in colleges. She suggested youth try crewing out through the Towns Parks & Recreation program that they will be offering. She thanked the Town Board for the recognition, parents and Coach. She recognized her crew mates.

Resolution No. 237 of 2007, a resolution honoring the Shenendehowa Crew Club, lightweight four, for winning four Gold Medals and earning the distinction of "National Champions".

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

WHEREAS, the Shenendehowa Crew Club started its Club at the Rivers edge in tents, a not-for-profit club that raises funds through membership dues and fundraising events throughout the year gaining momentum over the last few years, and

WHEREAS, the Shenendehowa Crew Club, lightweight four, earned its first national title after capturing the gold at the Section, State and Prestigious Stotesbury Cup levels, and

WHEREAS, for the first time coxswain Dan Knorr, Abby Knight, Danielle Clinton, Emily Callen and Jackie Postulka, can be called "National Champions" after beating North Catholic, Pennsylvania by four seconds and Egg Harbor, New Jersey by seven seconds; now, therefore, be it

RESOLVED, that the Clifton Park Town Board hereby recognizes and congratulates the Shenendehowa Crew Club, lightweight four, for winning four Gold Medals and earning the distinction of "National Champions"; and be it further

RESOLVED, that the Town Board recognizes and congratulates Coach Yuri Kolomiets, Coach of the Shenendehowa Crew Club, has coached the varsity boys and girls to numerous medals and several State and National Championships.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

REPORTS TO THE BOARD

Town Comptroller Heggen presented the July monthly report. He stated revenues and expenditures are on budget. A draft copy of the audit has been received.

Town Administrator Shahen reported he is working on the 2008 Budget. He congratulated Town Clerk O'Donnell for being the first one to hand in her budget. Mr. Shahen stated he took time last week and worked on the Fire Prevention Bus. They are hoping to have most of it done for viewing during Farm Fest in different locations. He noted that there have been a lot of residents, as well as employees, volunteering their time to work on the bus.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 238 of 2007, a resolution appointing Richard J. Zahnleuter to the Open Space, Trails and Riverfront Committee.

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

WHEREAS, due to the resignation of Beverly Czub, an opening exists on the Open Space, Trails and Riverfront Committee, and

WHEREAS, Richard J. Zahnleuter, 52 Redfield Park, Clifton Park, has been recommended to fill the position; now, therefore, be it

RESOLVED, that Richard J. Zahnleuter, 52 Redfield Park, Clifton Park, is hereby appointed to the Open Space, Trails and Riverfront Committee to fill the unexpired term of Beverly Czub, term to expire December 31, 2007.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 239 of 2007, a resolution appointing Justin Ochrym as a member of the Open Space, Trails and Riverfront Committee.

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

WHEREAS, the Open Space, Trails and Riverfront Committee continues to provide a wide range of advice and initiative to the Town, and will benefit from an expansion of its membership of qualified volunteers, and

WHEREAS, Justin Ochrym, 986 Hatlee Road, Ballston Lake, has expressed an interest in becoming a member of the Committee, and

WHEREAS, on January 23, 2007 Justin received his rank of Eagle Scout and was subsequently recognized by the Board for his initiatives in cleaning and upgrading an existing nature trails in the Town, and

WHEREAS, many of the Town's Parks, Preserves and Open Space areas have benefited from Beautification, Interpretation and Maintenance Projects referred through the Eagle Scout Program, and

WHEREAS, the Open Space Committee is currently in the development and implementation stage with several Open Space Projects, and

WHEREAS, the Committee will benefit from the insight and practical experience that Justin can provide regarding Trail maintenance and development projects, and

WHEREAS, Justin's appointment would confer a benefit to the Open Space, Trails and Riverfront Committee; now, therefore, be it

RESOLVED, that Justin Ochrym, 986 Hatlee Road, Ballston Lake, is hereby appointed to the Open Space, Trails and Riverfront Committee until December 31, 2007.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 240 of 2007, a resolution adopting Local Law No. 9 of 2007, a local law amending Chapters 138-3 and 208-7, Junkyards, of the Town Code.

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

WHEREAS, Steven Myers, Director of Building and Development, has recommended that Chapters 138-3 and 208-7, Junkyards, of the Town Code be amended, and

WHEREAS, on June 18, 2007 at 7:10 P.M. a public hearing was conducted to obtain comments from the Town's residents regarding the proposed changes, and

WHEREAS, on August 6, 2007 at 7:10 P.M. a second public hearing was conducted to obtain comment regarding additional changes to the above referenced chapters; now, therefore, be it

RESOLVED, that Local Law No. 9 of 2007, a local law amending Chapters 138-3 and 208-7, Junkyards, of the Town Code, 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.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 241 of 2007, a resolution reappointing Walter D. Smead as Sole Assessor for the Town of Clifton Park.

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

WHEREAS, the Town Supervisor has recommended that Walter Smead be reappointed as Sole Assessor, and

WHEREAS, the Town Board has considered his credentials and experience and concurs in the recommendation; now, therefore, be it

RESOLVED, that Walter D. Smead is hereby reappointed as Sole Assessor, Town of Clifton Park, for a term of six years effective October 1, 2007 to September 30, 2013.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 242 of 2007, a resolution scheduling a public hearing to consider adoption of Local Law No. ____ of 2007, a local law implementing a Taxpayer Assistance Program on behalf of the residents of the Town of Clifton Park.

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

WHEREAS, the Town of Clifton Park has developed an unreserved general fund surplus in excess of \$10,000,000, and

WHEREAS, the Town Board wishes to reduce its unreserved general fund surplus and to provide meaningful tax relief to its residents, and

WHEREAS, by Resolution No. 157 of 2007, the Town Board allocated \$2,250,000 for a Taxpayer Assistance Program that would provide taxpayer relief payments of up to \$150 for each Household within the Town of Clifton Park for this initiative, and

WHEREAS, by Resolution No. 189 of 2007, the Town Board forwarded a Home Rule Message to the New York State Legislature via Senator Joseph Bruno and Assemblyman Bob Reilly, and

WHEREAS, by Acts on June 20th and June 22nd, respectively, the State Senate and Assembly did pass special legislation authorizing the Town to implement a Taxpayer Assistance Program consistent with the allocations made, and

WHEREAS, on August 1, 2007 Governor Spitzer signed the legislation authorizing the Town to return up to \$150.00 to each Household within the Town, and

WHEREAS, the Town Board wishes to solicit the comments of the Town's citizens regarding the proposed local law implementing its Taxpayer Assistance Program (Rebate); now, therefore, be it

RESOLVED, that a public hearing be scheduled for Tuesday, September 4, 2007 at 7:10 P.M., in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, to consider adoption of Local Law No. ____ of 2007, a local law implementing a Taxpayer Assistance Program on behalf of the residents of the Town of Clifton Park; and be it further

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

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 243 of 2007, a resolution awarding a contract for a full bulk trash pick up for all residents of the Town of Clifton Park.

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

WHEREAS, a proposal was sent to five vendors requesting price quotes to perform a full bulk trash pick up for all Town residents, and

WHEREAS, on August 17, 2007 the Town received a proposal from County Waste, which is in conformance with the request for proposal due August 17, 2007, and

WHEREAS, no other vendors submitted a proposal in response to the request for proposal, and

WHEREAS, the Town Board has allocated \$50,000 for bulk waste pick up in A-8160-50 (General Fund Transfer Station-Bulk pick up); now, therefore, be it

RESOLVED, that the Town Board accepts the proposal from County Waste for bulk pick up for Town residents.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 244 of 2007, a resolution authorizing the Town Supervisor to sign a 2007-2008 Justice Court Assistance Program Grant Request application.

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

WHEREAS, the 2007 Justice Court Assistance Program provides State funds for local courts to purchase necessary equipment, and

WHEREAS, on August 17, 2007 the Town Board received a request from the Justice Court for approval by the Town Board, of a 2007-2008 Grant Application to be submitted to the Justice Court Assistance Program for the purchase of a copier and a safe, and

WHEREAS, the Justice Court has advised the Town Board that a deadline for submission of a Grant Request application under the Justice Court Assistance Program for the current year is August 31, 2007, and

WHEREAS, the purchase of said equipment will enable the Justice Court to better serve the needs of the public; now, therefore, be it

RESOLVED, that authorization is hereby given to the Town Supervisor, to sign a 2007-2008 Justice Court Assistance Program Grant Request application for the purchase of a copier and a safe for use by the Justice Court.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Matthew Gibbs, 46 Westchester Dr., stated he doesn't want the ducks and geese hunted in the Vischer Ferry Nature Preserve.

Anna Pollack, Rensselaer, stated she does not want the ducks and geese hunted in the Preserve.

Katie D'Alessandro, Rensselaer, supports no hunting in the Preserve.

Norman Goldman, London Square Dr., agrees with no hunting in the Preserve. Questions and comments are attached.

Peter Muller, New Paltz,, NYS Chair of the League of Humane Voters, explained what the party stands for. They don't just support Democrats. He explained that they are a Political Action Committee. They have an agenda. They support candidates who are for animal protective measures. He stated he is pleased to hear of the construction of a new animal shelter. He requested the Town Board to consider no hunting in the Vischer Ferry Nature Preserve. He stated the League will file a Notice of Dangerous Condition with the Town Board next week.

Ray Horan, Bonnieview Ct., questioned if Mr. Muller's organization was apposed to all hunting and fishing.

Mr. Muller answered that The League of Humane Voters does not have a decision on that question but he personally is against all hunting and fishing.

Diane Scala, Nutmeg Ct., on behalf of the League of Humane Voters, shared concerns with safety and liability issues at the Preserve during the hunting times.

Margaret Catalier, Royal Oak Drive, expressed concern with safety and liability for hunting in the Vischer Ferry Preserve. She requested the current Town Board to suspend hunting for further Town Code review. She expressed confusion with the wording trails and linear parks.

Attorney McCarthy stated that signs are posted pertaining to the week of hunting in the Preserve. He explained that changing the Town Code wording would not change a liability problem.

Councilman Paolucci recollected several years ago concerns about hunting in the Preserve came up and the Town Board was presented with evidence that when the state purchased the preserves with a grant from the government, Pitnum Robinson Act, that provided the funds for the purchase of the land, those funds are derived from excise tax on firearms, etc. and was told the Town could not reduce the hunting less than a week. The Town reduced the amount of time for hunting to the shortest time frame allowed. An investigation was done to be sure there could not be any stray shots based upon where the hunting was permitted.

Nancy Bellamy, Eastside Drive, is not in support for hunting in the Preserve.

Patty Keelen, Waterford, League of Humane Voters Member, spoke with the Canal Corporation and they said it is at the Town of Clifton Parks discretion under the permit whether the Town wants hunting in the Preserve or not.

Youseff Ballout, Torrero Drive, recalls in 1999 conversations about hunting in the Preserve that the Town has the discretion to have hunting or not. He expressed safety concern for citizens during that week of hunting. He questioned how many hunters come from out of town to hunt during that week.

Amy Solento, Westchester Dr., questioned the posting of signs noticing the hunting week. She stated she is against the hunting in the Preserve. Requested the Town Board to reconsider allowing the week of hunting.

Abraham Blum, Parkland Ct., expressed concern with vandalism in the Grooms Pointe Development. Also concern with book seller scam artist going door to door.

Nancy Bellamy, Eastside Drive, requested money from the Budget be put into the bicycle berms along Hubbs Road. She would also like to see Legal Notices in the newspaper be printed larger. She questioned if there is space in Clifton Park along the Mohawk River to put a dock in. She would like to see an account or area/s where the people who wish can return the \$150 rebate for a project.

Jim Baisley, Barkwood Dr., supports hunting in the Preserve with safety precautions.

Norm Goldman, London Square Dr., continued with his questions and concerns as attached.

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 9:06 p.m.

Teresa J. Brobston
Deputy Town Clerk