

September 10, 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: Town Attorney McCarthy

Mark Heggen, Comptroller
Barbara McHugh, Director of Community Development
Michael Shahan, Town Administrator
Walter Smead, Assessor
Elaine Sausville, Deputy Highway Superintendent

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Roth announced over 400 applications have been received for Hazardous Waste Day. The deadline is September 15th. He urged residents to submit the registration forms as soon as possible.

Councilman Paolucci announced the Amity Reformed Church in Vischer Ferry is having a Time For Remembrance on September 11th from 4:00 to 7:00 p.m. with a Memorial Service at 7:00 p.m.

Councilman Paolucci said he will have to leave the meeting at 8:15 p.m.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 259 of 2007, a resolution adopting Local Law No. 10 of 2007, a local law implementing a Taxpayer Rebate 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 \$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, on September 4, 2007 at 7:10 P.M., a public hearing was held to solicit the comments of the Town's citizens regarding the proposed local law implementing the Taxpayer Assistance Program (Rebate); now, therefore, be it

RESOLVED, that Local Law No. 10 of 2007, a local law implementing a Tax Rebate Program on behalf of the residents of the Town of Clifton Park 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 noted the town is debt free and the Highway tax has been reduced by 70 percent. He reiterated this surplus reduction will not affect any town services or future initiatives.

Councilman Hughes stated this is an historic moment and the first time in New York State history. He said homeowners should receive checks by the end of September. The application will be on line for renters.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 260 of 2007, a resolution authorizing the Town Supervisor to sign an application with Saratoga County for the use of Reverse 9-1-1.

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

WHEREAS, the primary purpose of the reverse 9-1-1 system is to provide a fast and comprehensive method of notifying residents of the Town of Clifton Park to an emergency situation or for the dissemination of public information to residents relating to their safety, and

WHEREAS, the system utilizes current information technology to enable local Governments to alert residents to an emergency situation and provide instructions or vital information, examples of emergency situations are, but not limited to, the following:

- Flooding,
- Hazardous Materials Incidents,
- Drinking Water Emergencies,
- Large Scale Power Outages,
- Serious Weather Conditions,
- Evacuation Information,
- Other Public Health Emergencies

and

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WHEREAS, participation in the system in conformance with Saratoga County policies and procedures is at no cost to the residents of the Town of Clifton Park, and

WHEREAS, the Town acknowledges that use of the system for other than appropriate emergency notification may result in the Town being charged for any actual expenditures resulting from such non-emergency use; now, therefore, be it

RESOLVED, that authorization is hereby granted to the Town Supervisor to sign the Saratoga County Application for the purpose of Reverse 9-1-1.

Supervisor Barrett explained this will allow certain sections of town to be pinpointed or used town wide. He asked Mr. Shahan to ask Paul Lent, County Public Safety Coordinator to come to a Town Board meeting to speak about Reverse 9-1-1.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 261 of 2007, a resolution authorizing four members of the Zoning Board of Appeals to attend the New York Planning Federation Conference.

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

WHEREAS, Michael Dudick, Chairman of the Zoning Board of Appeals, has requested authorization for four members of the Zoning Board of Appeals to attend the New York Planning Federation Conference in Saratoga Springs from October 8-9, 2007 at a cost not to exceed \$500, and

WHEREAS, attendance at the Seminar would fulfill the annual educational requirements and confer a benefit upon the Town residents and to the Zoning Board of Appeals; now, therefore, be it

WHEREAS, \$500 will be transferred from A-8010-25 (Zoning-Other Legal) and \$100 will be transferred from A-8010-7 (Zoning-Dues/Subs) to A-8010-1 (Zoning- Travel and Conferences); now, therefore, be it

RESOLVED, that authorization is hereby given for four Zoning Board of Appeals members to attend the New York Planning Federation Conference to be held in Saratoga Springs from October 8-9, 2007, at a cost not to exceed \$500 for all four attendees, to be paid with a transfer of \$500 from A-8010-25 (Zoning-Other Legal) and \$100 from A-8010-7 (Zoning-Dues/Subs) to A-8010-1 (Zoning-Travel and Conferences).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

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Resolution No. 262 of 2007, a resolution authorizing the Town, through the Citizen Corps Grant, to sponsor a Community Emergency Response Training (CERT).

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

WHEREAS, Citizen Corps provides training to help prepare residents for emergencies and disasters of all kinds, and

WHEREAS, the Town wishes to sponsor a CERT Training for six weeks on Thursday evenings, October 11th through November 18th, for residents of the Town at no charge, and

WHEREAS, the program will train residents to be added to the Group of CERT Trained Volunteers available to assist the Town during disasters, emergencies and major incidents; now, therefore, be it

RESOLVED, that the Town Board authorizes CERT Training for residents of the Town of Clifton Park, to be paid from A-8762-015-200 (Citizen Corps Grant Expense) for instruction, supplies, equipment and shirts.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 263 of 2007, a resolution authorizing the Town of Clifton Park to sponsor a Basic First Aid /CPR class as part of the Citizen Corps Grant Program.

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

WHEREAS, the Citizen Corps grant funding provides emergency training to residents as provided by the Clifton Park-Halfmoon-Ambulance Corps and provides participants with an American Heart Association Certificate, and

WHEREAS, the Basic First Aid/CPR class is scheduled to be conducted on Saturday, October 13, 2007 by the Clifton Park-Halfmoon Ambulance Corps, at a total cost not to exceed \$725, and

WHEREAS, this class is mandatory for CERT volunteers and is also open to the residents of the Town; now, therefore, be it

RESOLVED, that authorization is hereby given to the Town of Clifton Park to sponsor a Basic First Aid/CPR class provided by the Clifton Park-Halfmoon Ambulance Corps at a cost not to exceed \$725, to be paid from A-8762-015 (Citizen Corps-Other Contractual).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 264 of 2007, a resolution authorizing the hiring of a part-time seasonal clerk to assist the Environmental Specialist with tasks related to Special Collection Day for Household Hazardous Waste.

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

WHEREAS, the Thirteenth Annual Special Collection Day for Household Hazardous Waste will be conducted on September 29, 2007, and

WHEREAS, as in the past, a large response is anticipated for this program requiring additional administrative duties to ensure accurate registration, and

WHEREAS, Environmental Specialist Michael O'Brien has recommended that Jaimie Hanley, 67 Rolling Brook Drive, Clifton Park, be hired to assist with the preparations for the Special Collection Day; now, therefore, be it

RESOLVED, that authorization is hereby given to hire Jaimie Hanley, 67 Rolling Brook Drive, Clifton Park, to assist with the administrative duties, relevant to ensuring accurate registration, for Special Collection Day, to be paid an amount not to exceed \$700 from A-8989-150 (Special Collection Day).

Councilman Roth explained this is for clerical work needed to be done for three weeks.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 265 of 2007, a resolution awarding the bid for a One-Ton Crew Cab Truck with Dump Body, to Capitaland Motors, Watervliet, NY, in the amount of \$31,370.28.

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

WHEREAS, on September 4, 2007, bids were received for a One-Ton Crew Cab Truck with Dump Body for use by the Highway Department; and

WHEREAS, per Highway Superintendent Richard Kukuk, while the apparent lowest bidder was West Herr Ford, Hamburg, N.Y. in the amount of \$28,408, they were not in compliance with the bid specifications requiring operation of parts service be located within a twenty-five mile radius of the Town of Clifton Park, and

WHEREAS, the Highway Superintendent has recommended that the lowest conforming bid of Capitaland Motors in the amount of \$31,370.28 be accepted for a One-Ton Crew Cab Truck with Dump Body; now, therefore, be it

RESOLVED, that the lowest conforming bid of Capitaland Motors, Watervliet, NY, is hereby accepted in the amount of \$31,370.28 for a One-Ton Crew Cab Truck with Dump Body as described in Schedule A, to be paid through financing from Municipal Lease Services, as authorized in Resolution No. 176 of 2007.

Deputy Highway Superintendent Sausville explained this truck will replace a 1993 vehicle.

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ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 266 of 2007, a resolution awarding the bid for Uniform Rentals and Service for all Town Employees and Mats for multiple locations in the Town of Clifton Park to sole bidder Unifirst Corporation.

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

WHEREAS, on September 4, 2007, bids were opened for Uniform Rentals and Service for all Town Employees and Mats for multiple locations in the Town of Clifton Park, and

WHEREAS, Unifirst Corporation, Watervliet, NY, was the sole bidder in an amount of \$5.50 per employee, for Uniform Rentals and Service and Mats in the following amounts:

3 x 5 Scraper	\$1.61 each
3 x 5 Mats	\$1.90 each
3 x 10 Mats	\$3.25 each
4 x 6 Mats	\$2.85 each
4 x 8 Mats	\$3.25 each

; now, therefore, be it

RESOLVED, that the bid for Uniform Rentals and Services is hereby awarded to Unifirst Corporation, 157 Troy-Schenectady Rd., Watervliet, NY, at a cost of \$5.50 per employee, and Mats as per the above amounts, cost of Uniforms and Mats to come from various departmental budgets.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Frank Berlin, Main St. Jonesville, gave a definition of “canned hunt” and stated duck hunting in the Preserve is not a “canned hunt”. He feels misstatements have been made at previous meetings about duck hunting. Mr. Berlin said state regulations say ducks should not be fed. He shared information from the NYSDEC Hunting Syllabus regarding bird flu. He spoke in favor of duck hunting for one week in the Preserve.

Norman Goldman, London Square Drive, spoke against hunting in the Preserve and, noting the number of registrants for duck hunting as opposed to the number of signatures on the petition, called upon the Board to respond to the majority of the people. He expressed concern with the tapes of the meeting when televised noting part of his comments were not televised. To avoid confusion, Mr. Goldman recommended full names be used on political signs. He reiterated his concerns regarding ice arena financials, employee appointment and questions asked at the August 20th Town Board meeting.

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Patti Keelan, League of Humane Voters, Waterford, stated the League of Human Voters is a Political Action Committee that works to protect animals at the political level. She noted the “canned hunt” comment came from a hunter that signed the petition. Ms. Keelan reported comments have been received that the one week hunting in the Preserve is unethical and illogical as animals and ducks are protected 51 weeks of the year. She further stated residents have said pleas to end duck hunting over the years have gone unheeded. She reported windows are being blown out by buckshot and this is a dangerous situation. Ms. Keelan expressed concern with people using the Preserve during the duck hunt week. She said the League of Humane Voters urged the Town Board to call for the immediate suspension of this year’s duck hunt and form a committee to study an in depth review of all pertinent information.

Nancy Bellamy, Eastside Drive, reported various vandalism occurrences throughout the County. She noted CAPTAIN has lost a grant.

Supervisor Barrett said the town will continue support of CAPTAIN, noting the proposed budget is approximately \$185,000 for 2008.

Laura Brown, Scotia, reported birds are fed in the Vischer Ferry Nature Preserve. She said this area is in the Atlantic Fly Zone. She explained the Avian Bird Flu has specific criteria to spread and propagate and these are not being met in the Preserve. Ms. Brown stated the town is under no obligation to honor those who hunt, there are places to hunt other than the Preserve and there is an obligation to play to the majority.

Jim Easton, Vischer Ferry Road, spoke in favor of the Tax Rebate Program. He further stated he has no problem with duck hunting at the Preserve.

Diane Scala, Nutmeg Court, said she is happy people have the opportunity to speak at the meeting. She said the League said the hunt is *like* a “canned hunt” not that it is one. Ms. Scale stated this is very dangerous for people and noted 600 people have signed the petition and only 21 have signed up for hunting in the Preserve. She agreed with the Ms. Keelan that the Town Board suspend hunting in the Preserve and form a committee to take a look at the issue.

Councilman Paolucci said he mentioned forming a committee to review the issue but not the suspension.

Supervisor Barrett stated the suspension is something that will be taken under advisement.

Todd Kerner, Spruce St., noting he is the Town Democratic Chairman, expressed concern over political sign placement.

Councilman Paolucci left the meeting at 8:15 p.m.

Mr. Goldman said he doesn’t think there should be a committee to study the duck issue; that if residents are asked their opinion it would be to end hunting in the Preserve. He read a prepared statement against hunting in the Preserve. Mr. Goldman continued to review questions presented at the August 20th meeting.

George Sheldon, Eastside Drive, reported there has been a lot of development on Ballston Lake and there is no public sewer system. He asked if the Town of Clifton Park could use part of the surplus as seed money, perhaps with the Town of Ballston and Saratoga County, State and Federal monies to put a sewer system around the lake.

Supervisor Barrett responded he would like to meet with Mr. Sheldon on this issue. He reported a study was done on the area regarding public water and sewer and, though there was some support, it is very expensive even with grant monies that might be available.

Mr. Berlin read the mission of Ducks Unlimited. He stated it is illegal to use buck shot and DEC and the police should be called. He displayed BB’s, stating at a distance of 500 feet, a BB cannot break a window. He believes statements have been misleading.

Don Neddo, Halfmoon, reported grants are available for sewer lines.

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Ms. Bellamy agreed that it is important to get a sewer system around Ballston Lake.

Ms. Keelan stated the hunting tradition needs to end at the Preserve. She said tourists are coming to the Preserve and stopped because of the hunt. Individuals can be injured and killed at the Preserve.

Dan Keegan, Stoney Heights Court, expressed appreciation for the tax rebate. He said hunters shoot over the river when hunting waterfowl. Mr. Keegan stated if it is a right and not illegal, it should not be taken away.

Pat Hipenback, Main St. Jonesville, expressed appreciation for the tax rebate. She stated if one is in doubt as to what to do with the tax money, there are many volunteer organizations that could use it.

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 8:35 p.m.

Patricia O'Donnell
Town Clerk