

October 9, 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 – left the meeting at 8:07 p.m.
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Also Present: Town Attorney McCarthy
Mark Heggen, Comptroller
Myla Kramer, Director of Parks, Recreation and Community Affairs
Barbara McHugh, Director of Community Development
Steven Myers, Director of Building and Development
Michael O'Brien, Environmental Specialist

MOTION BY Councilman Roth, seconded by Councilwoman Walowit, to approve the minutes of the September 17, 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

Councilman Roth, reporting on the successful Hazardous Waste Day, said over 1200 people attended. He said consideration is being given to expanding the event to a few hours on the Friday prior. Recognition of volunteers and vendors will be held in November.

Councilman Roth said he needs to leave the meeting after the resolutions are considered

Supervisor Barrett thanked Steve Myers, Director, and the staff of the Building Department, as well as members of the Highway Department, for the outstanding work done on the Fire Prevention Bus. He also thanked sponsors of the bus for their support in helping to make it a reality.

Paul Lent, Director of Emergency Services of Saratoga County, reported on the County Reverse 911 System. He explained this can be directed to a neighborhood, street or county-wide. He said in a recent water emergency, 7000 calls were made in nine minutes. He stated the system is only as good as data base. The county has the ability to update the data base quarterly. Mr. Lent said the system is tied to land lines; however, the registration of cell phones is being explored. Towns will be given their own access codes.

Supervisor Barrett said it is important that Rules and Regulations for usage be set.

Councilman Hughes asked if there is a way for residents to ensure correct address and phone numbers are in the data base. Mr. Lent responded the 911 data base is used and residents can call his office to check their address by phone number.

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Supervisor Barrett asked Director of Community Development McHugh to put the information on the website.

PUBLIC HEARING, 7:10 PM
TO CONSIDER A LOCAL LAW ESTABLISHING A COMMUNITY ARTS AND CULTURE
COMMISSION AND ADDING CHAPTER 35 TO THE TOWN CODE

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on October 1, 2007.

Deputy Supervisor Speckhard summarized the proposed local law explaining this is a continuation of arts and culture within the Town of Clifton Park. He stated arts and culture have been a major part of the town both publicly and privately and the town is now at the point for a public organization and formal commitment to moving this along. He reported there has been an Arts and Culture Committee for many years in town which is a basic internal governmental affair, however, a Commission will bring it to the public. He reviewed the current proposal which emerges primarily in Section IX – 7 Arts and Culture of the Comprehensive Plan and is a statement of what the town intends and is committed to do. Deputy Supervisor Speckhard stated arts and culture is as much a part of the past of this community as it is of the present and will be of the future. He explained Approximately 2 years ago two aspects of the Comprehensive Plan were placed into separate sections in the town budget. - Community History and Arts and Culture. He said the only financial impact from the Commission would be approximately \$420 for a recording secretary. Deputy Supervisor Speckhard said the Mohawk Valley Grange Hall has been thought of as possibly the place in town that will meld together history, arts and culture. It is within this framework that the Arts and Culture Commission is being asked to develop. He reviewed the proposed legislation.

The public hearing was opened for comments from the audience at 7:20 p.m.

Norman Goldman, London Square Drive, asked what will happen with the Commission that couldn't happen with the present structure.

Deputy Supervisor Speckhard responded the Commission will not become a department within the town. All of the people on the Commission will be volunteers drawn from the community. The only payment will be for a recording secretary. He explained the former Art and Culture Committee was a town government committee but this will be a town community Commission. This is moving the focus from internal to external which should have a positive impact.

Todd Karner, Spruce Street, hopes the best qualified people will be appointed to the Commission.

Laura Andrusky, Sylvan Lane, spoke in support of legislation and of the importance of the arts in all walks of life. She stated the arts are essential to community progress as they inspire a community to think about whom we are and how we wish to be defined. She said as a foundation for imagination and exploration, the arts are a critical ingredient to progress. She asked the Town Board to adopt the legislation. Ms. Andrusky stated the primary challenge of any art-centered organization is to first ask the community to see the value of the arts beyond aesthetics.

Mr. Goldman said he hopes this will bring more people to volunteer in the community.

Cynthia Nagle, Winkle Way, spoke in support of the legislation. She stated the arts are a vital part of a strong and successful community and a measure of the quality of life of a community. She said establishing a formal structure for arts and culture in this community will complement the other resources Clifton Park has to offer. This symbolizes Clifton Park's commitment to enhancing and expanding the quality of life that is offered. Ms. Nagle said formalizing the structure will ensure that the town offers a complete, vibrant and well balanced experience for residents and will consolidate resources among various arts and cultural organizations that are currently operating independently. Ms. Nagle asked the Town Board to vote favorably for this legislation.

Councilman Hughes commended Deputy Supervisor for bringing this forward, stating given the enhancements to the quality of life this Commission would offer the town, makes it deserving of

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support, particularly since it appears the only expenditure will be approximately \$420. He stated he enthusiastically supports the legislation.

Councilman Speckhard said the Commission will be relatively inexpensive but a cultural center is anticipated.

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 7:50 p.m.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 284 of 2007, a resolution authorizing John Scherer, Town Historian, to attend the Association of Public Historians of NYS 2007 Fall Conference.

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

WHEREAS, the Director of Parks, Recreation and Community Affairs has recommended that John Scherer, Town Historian, be authorized to attend the Association of Public Historians Conference in Hunter, New York, October 22 - 24, 2007, at a cost not to exceed \$316, and

WHEREAS, John Scherer's attendance at the Association of Public Historians Conference would confer a benefit to the Town; now, therefore, be it

RESOLVED, that authorization is hereby given to John Scherer to attend the Association of Public Historians Conference, at the Kaatskill Mountain Club, Hunter, New York, October 22 - 24, 2007, at a cost not to exceed \$316, to be paid from budget line item A-7510-001 (Town Historian-Travel & Conferences).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 285 of 2007, a resolution proclaiming October 7-13, 2007 Fire Prevention Week.

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

WHEREAS, the Town of Clifton Park recognizes the importance of Fire Prevention Education for all residents of the Town, and

WHEREAS, in conjunction with the National Observation of Fire Prevention Week, which is recognized during the week, and this year marks the 135th Anniversary of the "Great Chicago Fire of 1871", the disaster that killed 250 people and destroyed 17,430 buildings, the Town of Clifton Park will be unveiling the Town's Fire Prevention Bus, and

WHEREAS, the Town of Clifton Park along with many donors, together with the skills and donated time from many Town Employees, developed the Town of Clifton Park Fire Prevention Bus for the purpose of educating the residents of the Town, as well as its neighboring communities, and

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WHEREAS, the Town of Clifton Park strives to be in the forefront of educating all residents of the Town, particularly its children, in the hazards of fire, and

WHEREAS, in order to maximize the educational opportunity that the bus represents, during Fire Prevention Week the bus will be visiting Grade Schools, and in the future as calendar permits the bus will be made available for various organizations and Fire and Ambulance Departments, non-profits and Educational Groups to use and display at public events; now, therefore, be it

RESOLVED, that the Town of Clifton Park recognizes the importance of Fire Prevention Week and hereby proclaims October 7 - 13, 2007 as Fire Prevention Week; and be it further

RESOLVED, that the Town Board encourages its residents to visit the bus to see the newest tool in the Town's inventory of Public Safety Outreach Services, made possible through the generosity of local businesses and the hard work of Town Staff.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 286 of 2007, a resolution authorizing the Director of Building and Development Steven M. Myers to enter into an agreement for the use of the Town of Clifton Park Mobile Fire Safety Bus.

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

WHEREAS, the Town of Clifton Park owns a Fire Prevention Bus which is mobile and equipped to educate the public, particularly the children, about various aspects of fire safety, and

WHEREAS, in order to maximize the educational opportunity that the bus represents, the Town of Clifton Park wishes to share resources by making the Fire Prevention Bus available to other municipalities, educational groups, not for profit groups and Fire Prevention Groups; now, therefore, be it

RESOLVED, that the Director of Building and Development Steven Myers is hereby authorized to enter into the attached agreement with groups interested in the furtherance of public safety and public safety education through the use of the Town of Clifton Park Mobile Fire Safety Bus, from time to time subject to supervision by the Town Board.

Councilman Roth commended Mr. Myers, Chief of the Bureau of Fire Prevention Sheryl Reed and members of the Building Department for taking the initiative and their work and dedication in bringing the Fire Prevention Bus to fruition.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

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Resolution No. 287 of 2007, a resolution accepting a conveyance from Jill M. Custer and Clyde M. Custer of a 1,411 foot parcel from their lot for the purpose of a utility easement.

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

WHEREAS, as a condition of approval of the Fairway Woods Phase I Subdivision, the Town of Clifton Park Planning Board required that the developer convey to the Town of Clifton Park a portion of Lot 1, Callaway Court for the purpose of a utility easement and correction of a gabion wall encroachment, and

WHEREAS, a Bond has been provided to the Town Planning Department as security for the contractor to complete all remaining punch list items; now, therefore, be it

RESOLVED, that the Town Board accepts the following conveyance briefly described as follows:

<u>Street</u>	<u>Name of Owner</u>
Portion of Lot 1, Callaway Court SBL-258.20-1-4, for the purpose of a utility easement and correction of a gabion wall encroachment	Jill M. Custer & Clyde M. Custer

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, provision of a title report which is acceptable to the Town Attorney, 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.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 288 of 2007, a resolution accepting a conveyance of the following street and easements in the Doty Subdivision.

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

WHEREAS, a condition of approval of the Doty Subdivision, the Town of Clifton Park Planning Board required that the developer convey roads and easements to the Town of Clifton Park, and

WHEREAS, a Bond has been provided to the Town Planning Department as security for the contractor to complete all remaining punch list items; now, therefore, be it

RESOLVED, that the Town Board accepts the conveyance of the following streets and easements briefly described as follows:

<u>Street</u>	<u>Name of Owner</u>
<ul style="list-style-type: none">• Ryan Court• Stormwater Management Area• Drainage Easement through Lots 8 and 10 Ryan Court	Paulson Development Company of Albany, L.L.C.

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 to make an Order laying out the aforescribed Town Highways, said Town Highways to consist of the lands described in the aforesaid deed(s), and be it further

RESOLVED, that the Superintendent of Highways be and he is hereby authorized to post a thirty (30) miles per hour speed limit for the herein described highway(s), together with all necessary regulatory signs; and be it further

RESOLVED, that the Town Board hereby authorizes the installation of a stop sign on Ryan Court at its westerly intersection of Moe Road, as required by the Planning Board and Town Highway Superintendent for proper traffic control.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 289 of 2007, a resolution donating the cost of one sheet of game ice for a fundraiser to benefit "The Colon Club".

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

WHEREAS, the Arctic Foxes Women's Ice Hockey Team will host its Fifth Annual "Cross-Checking for Colon Cancer" Women's Ice Hockey Tournament, November 2-4, 2007, to help raise awareness about Colon Cancer, and

WHEREAS, the Colon Club is dedicated to raising awareness of colorectal cancer in interesting and "out of the box" methods since it is a disease that many find difficult to talk about, and

WHEREAS, its goals are to educate as many people as possible, as early as possible, about the risk factors and symptoms of colorectal cancer, and to encourage people to get screened when it is appropriate for them, and

WHEREAS, this year sixteen teams will be participating, ten from out of town/out of state, conferring a benefit to local businesses, and

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WHEREAS, the group has requested that the Town of Clifton Park reduce the cost of one sheet of game ice, which is approximately \$275; now, therefore, be it

RESOLVED, that the total ice time usage fee be reduced by \$275 for the Fifth Annual "Cross-Checking for Colon Cancer" Women's Ice Hockey Tournament hosted by the Arctic Foxes Women's Ice Hockey Team, to be held on November 2-4, 2007 at the Clifton Park Ice Arena.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Norman Goldman, London Square Drive, said three of the last four Town Board meetings shown on cable TV have been interrupted or not shown in their entirety.

Nick Elliott, member of Region 5 Fish & Wildlife Board, Vice President of Saratoga County Fish & Game Clubs, representative to NYS Conservation Council and a member of American Wildlife Federation, spoke in support of the duck hunting week. He reported he is a DEC and 4H instructor and has issued many hunting certificates.

Patti Keelan, League of Humane Voters, Waterford, stated there is a 47 percent wounding and crippling rate with waterfowl and it is one of the most egregious forms of hunting. She said the League will continue to fight the duck hunt indefinitely. She asked if the hunters and members of the Sportsmen's Club are more important than everyone else in the voting district. Ms. Keelan asked that the Town Board ban the hunt.

Councilwoman Walowit asked Ms. Keelan what school sent a bus full of children that had to be sent away. Ms. Keelan stated she does not have that information. Councilwoman Walowit said there is no lawsuit regarding pet ducks having been killed by hunters.

Phil Matthews, Cook Court, Waterford, member of Duck Unlimited and the Sportmen's Club of Clifton Park, reviewed statistics, including the duck population increase of 14 percent from 2006 to 2007 to 41 million birds. He said the biggest danger to the Vischer Ferry Preserve is that the land won't be managed appropriately.

Laura Brown, Scotia, read from the Migratory Game Bird Season and Regulations from the DEC website. She urged the Town Board to suspend the hunt.

Dawn Shafer, Grooms Road, Rexford, asked if the League was concerned with the well-being of residents.

Mr. Goldman spoke against duck hunting in the Preserve. He expressed concern with procedures at Town Board meetings stating they are inconsistent. He asked if someone can be hired and paid for a job without the Town Board acting on the appointment and providing the money. Mr. Goldman further asked if the Town Board has considered the Ethics course for employees and elected officials that he recommended at the August 20, 2007 Town Board meeting. He was critical of the senior town houses proposed for the 21st Century Park area. With regard to "greening" town hall, he recommended paying extra money and using wind power.

Todd Kerner, Spruce St., asked if there can be assurance that tapes will be fully aired.

Mr. Matthews stated there are other things that destroy waterfowl population other than hunting explaining a minimum of a million acres of conservative resource program is going to be lost over the next few years. He said if the Sportsmen's Club and the League of Humane Voters got

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together and conserved and used the Preserve in an appropriate manner it would be a win/win situation.

Ms. Shafer questioned claims of dangerous conditions due to duck hunting at the Preserve and if they are substantiated. She asked if the League is concerned with the residents of Clifton Park or is it the physical location of the Vischer Ferry Nature Preserve that draws them to Clifton Park.

Ms. Brown feels the League has been taking abuse for acting as any other Political Action Committee.

Diane Scala, Nutmeg Court, said people's time and energy are being taken up for one week of hunting that could be ceased. She stated she values people's safety and values the issue involved here. She asked if the town really wants the liability and the bad press if something were to happen. Ms. Scala asked the Town Board to stop the hunt.

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 8:10 p.m.

Patricia O'Donnell
Town Clerk