

TOWN OF CLIFTON PARK TOWN BOARD

September 11, 2023

The 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.

Present: Supervisor Barrett  
Councilman Morelli  
Councilwoman Walowit  
Councilman O'Hara  
Councilwoman Reid  
Town Clerk Brobston

Also Present: Town Attorney McCarthy  
Mark Heggen, Comptroller  
Susan Leonard, Director of Senior Community Center  
Michael Woerner, Director of Parks & Recreation  
Norah Hoefler, Communications and Technology Coordinator

MINUTES

MOTION by Councilwoman Walowit, seconded by Councilman Morelli, to approve the Town Board minutes of August 21, 2023, as presented.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman O'Hara,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

MOTION CARRIED

ANNOUNCEMENTS & COMMUNICATIONS

Supervisor Barrett reminded residents of the various experiences of those involved and our Country during this solemn day remembering 9/11/01, a day never to be forgotten. A successful golf tournament fundraiser was held this morning at the VanPatten Golf Course for area veterans in honor of 9/11. Supervisor thanked Councilman O'Hara, Malta Veteran's and Clifton Park VFW for their efforts and support.

PRESENTATIONS

Eagle Scout Wyatt Rueda, Boy Scout Troop No. 4045, presented his Eagle Scout project for the construction of an indoor bocci ball court at the Clifton Park Senior Center. He explained the court will be a 40x10 foot court with padding and carpet in the middle that will collapse against the wall for storage, wooden scoreboard mounted on the wall and cabinet built to hold the bocci balls when not in play. The project will be built from scratch. Anticipated completion of the project mid-November 2023.

Supervisor Barrett complimented Wyatt and noted his age of 14 years old, on the younger side of working toward an Eagle Scout Award.

Director of Clifton Park Senior Community Center Susan Leonard thanked Wyatt for his enthusiasm and his questioning of the seniors about bocci ball court needs. She stated the seniors are very excited about the project.

Wyatt stated the cabinet will be engraved with his name, Boy Scout Logo, names of donors for the project and on the scoreboard "The Clifton Park Seniors".

Supervisor Barrett suggested he apply for Community Action Funds.

Wyatt announced an All You Can Eat Pancake Breakfast fundraiser to support the project, on September 24, 9 AM-Noon at the Senior Community Center.

## PRESENTATION

### “Finding Big Foot” Prize Winners

Supervisor Barrett explained the Town’s new program “Finding Big Foot”. Throughout the summer, a cut-out of Big Foot was hidden in various parks for Town residents to find and take a selfie with and send to the Parks & Recreation Department to receive a free ice cream donated by Stewart’s Shops and Hayner’s Ice Cream.

Parks & Recreation Director Michael Woerner stated the program had a minimum of 1,000 residents participate for 10 weeks with 10 people each week finding Big Foot. Evan Bonanni and his mother Anne Parks, who found Big Foot 8 times, were presented top winning prizes.

Director Woerner announced, continuing the program starting in December, a cut out of a Yeti will be hidden in the parks for residents to find.

## RESOLUTIONS

Resolution No. 209 of 2023, a resolution adopting a local law, amending Chapter 152 of the Town Code to prohibit the possession, or carrying of firearms, shotguns and bows within the Vischer Ferry Nature & Historic Preserve (VFNHP), except for persons licensed to carry concealed weapons pursuant to State or Federal statute.

Introduced by Councilman O’Hara, who moved its adoption and seconded by Councilman Morelli.

WHEREAS, the Vischer Ferry Nature & Historic Preserve was established in 1977, after the Town petitioned for, and received, permit for the use and occupancy of New York State Canal Corporation lands for nature preserve purposes, and

WHEREAS, by Resolution No. 280 of 2021, the Town accepted the updated Use and Occupancy Permit #C-OC-202100217 from the NYS Canals Corporation, and

WHEREAS, Town Code has prohibited the use or discharge of firearms within the Preserve since the issuance of the first such permit in 1977, and

WHEREAS, the Town has since completed numerous projects to improve pedestrian and bicycle access to the Preserve, to Clute’s Dry Dock and a new Whipple Bridge, extensive trail systems, as well as picnic areas along the Mohawk River, and the Preserve has experienced an increase in use and enjoyment by hikers, joggers, walkers, and related forms of passive and active recreation, and

WHEREAS, these improvements result in usage of the permitted premises within the Preserve by the public for park and recreation purposes, and

WHEREAS, the Town Board finds and determines that the carrying of rifles, shotguns, bows and related firearms within the Preserve, except during days designated by the State of New York each year as the first seven days of duck hunting season, to hunt or otherwise use and discharge such weapons on lands or waterways adjacent to and within the Preserve are inconsistent with the use of the Preserve by the general public for park and preserve purposes, and

WHEREAS, the legislation contains exceptions to the prohibitions against the possession of firearms in the Preserve for persons who are licensed to carry concealed weapons, pursuant to NYS Penal Law 440.2, and analogous Federal Statutes, as well as for law enforcement, retired law enforcement, and peace officers licensed to carry handguns, and

WHEREAS, Municipal Home Rule Law §10 provides authority to Towns to enact local laws to protect the physical environment, as well as the health, safety and well-being of persons within the Town; now, therefore, be it

RESOLVED, that pursuant to Municipal Home Rule Law § 10, the Town Board hereby adopts Local Law No. 6 of 2023, a local law amending Chapter 152 of the Town Code, attached, and be it further

RESOLVED, that the Town Board designates the Vischer Ferry Nature & Historic Preserve, as defined by Chapter 152 of the Town Code and as used and occupied consistent with Canals Corporation Permit #C-OC-202100217, as a sensitive area pursuant to Penal Law 265-01 (e) 2 (d), subject to the exception contained in Chapter 152-2 D for permitted waterfowl hunting during seven calendar days for duck hunting season as established by the State of New York, 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 Morelli, Councilwoman Reid, Councilman O’Hara,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Councilman Morelli stated the reason for this local law is because of an enforcement problem at the Preserve and believes it is incumbent for this Board to enforce the laws in the Code the Town has in place. Key for this Resolution, as discussed at the Public Hearing last week, doesn’t expand hunting or limit what is already permissible by law, the intent is to enforce what is already there. The proposed law does not conflict with any State or Federal law. He stated no one wished to be heard. He stated there are good arguments on both sides of this equation, the right to hunt a certain parcel of land, second amendment protections have merit. On the other side there is an overwhelming representation of wanting the current law to be enforced. The Town Board represents the residents of Clifton Park, and he has heard from several residents as to why this law should be passed. He heard from four residents who are against the law, but none of those residents were from the Town of Clifton Park.

Supervisor Barrett stated in 1977 the Town became involved with two weeks of hunting in the Preserve, which was changed in the 1990’s to one week of hunting and is the current law and will remain.

Councilwoman Reid stated, as a supporter of the Second Amendment, she wouldn’t want to vote for anything that is a violation The Bill of Rights. However, from researching this proposal, it looks like the Town will be updating its Code to be consistent to current existing laws, NYS Canal Corporation Law No. 150.6, Prohibited Activities Carrying Firearms, which is already against the law for the Canal Corporation.

Resolution No. 210 of 2023, a resolution adopting a local law establishing Chapter 129 of the Town Code relative to the regulation of daily and weekly hotel stays consistent with site plan approvals.

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

WHEREAS, the Town’s location in southern Saratoga County has enabled the hospitality industry to grow and expand the number of hotel facilities and hotel rooms within the Town, and

WHEREAS, site plan approval for each of the existing hotels and motels within the Town, as well as their zoning approvals and interpretations are based on the definitions of hotels as guest units rented to the general public on a daily or weekly basis distinguished from boardinghouses or dwelling units, and

WHEREAS, on September 5, 2023, the Town Board held a public hearing on a proposal to enact a chapter of the Town Code to provide regulations to quantify the maximum extent of such daily or weekly stays at 28 days, and to provide for the enforcement of that standard consistent with the existing site plan and zoning approvals, and

WHEREAS, the legislation contains exceptions for extended stay hotel operations approved for kitchenette equipment, and

WHEREAS, Municipal Home Rule Law, §10 provides authority to Towns to enact local laws to protect the physical environment, as well as the health, safety, and well-being of persons within the Town; now, therefore, be it

RESOLVED, that the Town Board finds and determines that the enforcement of existing concepts of hotels and motels within the Town is consistent with the protection, order, conduct, safety, health and well-being of persons or property within motel and hotel facilities within the Town; and be it further

RESOLVED, that pursuant to Municipal Home Rule Law §10, the Town Board hereby adopts Local Law No. 7 of 2023, a local law establishing Chapter 129 of the Town Code for the regulation of hotel and motel facilities approved within the Town; 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 Morelli, Councilwoman Reid, Councilman O’Hara,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 211 of 2023, a resolution authorizing alcoholic beverages to be served at a gathering to be held at the Clifton Park Senior Community Center on October 21, 2023.

Introduced by Councilwoman Reid, who moved its adoption, seconded by Councilman O’Hara.

WHEREAS, the Pokingbrook Dance Team is hosting a banquet event on Saturday, October 21, 2023, and

WHEREAS, a request has been received from Larry Syzdek, a representative for the Pokingbrook Dance Team, for permission to serve alcohol in the form of beer and/or wine at the event; now, therefore, be it

RESOLVED, that Larry Syzdek and the Pokingbrook Dance Team are hereby authorized to serve beer and/or wine at a gathering at the Clifton Park Senior Community Center on October 21, 2023, from 5:00 - 9:00 P.M. consistent with the terms of the permit application received in the office of the Clifton Park Senior Community Center.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman O’Hara,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 212 of 2023, a resolution accepting a proposal for the rental of three tents to be used on Household Hazardous Waste Day.

Introduced by Councilwoman Reid, who moved its adoption, seconded by Councilman Morelli.

WHEREAS, proposals have been received for the rental of tents to be used on Household Hazardous Waste Day, September 23, 2023, and

WHEREAS, after reviewing the proposals received, Stormwater Management Officer, Scott Reese, has recommended that the low proposal of Whalen Tents, Inc. for an amount of \$2,569 for the rental of three tents be accepted; now, therefore, be it

RESOLVED, that the proposal of Whalen Tents, Inc., 5 North Street, Troy, NY, is hereby accepted for an amount not to exceed \$2,569 for the rental of three tents to be used on Household Hazardous Waste Day, to be paid from A-8989-150 (General Fund-Special Collections Day).

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman O’Hara,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

No one wished to be heard.

MOTION BY Councilwoman Walowit, seconded by Councilman Morelli to adjourn the meeting to the next regular meeting or any other meeting necessary for the conduct of town business.

Motion carried at 7:37 PM

Teresa Brobston  
Town Clerk