

Clifton Park Town Board Meeting Minutes

August 19, 2002

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 Speckhard
Councilman Roth
Councilwoman Walowit
Supervisor Barrett
Deputy Town Clerk Brobston

Also Present: Asst. Town Attorney Peller
Louis Gerard, Superintendent of Highways
Mark Heggen, Comptroller
Barbara McHugh, Director of Community Development
Michael Shahan, Town Administrator

MOTION by Councilman Roth, seconded by Councilman Paolucci, to approve the minutes of the August 5, 2002 meeting as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

REPORTS

Reports for July from the Transfer Station, Justice Court and Highway were filed with the Deputy Town Clerk.

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett reminded the public that the Babe Ruth Series is going on at the Common throughout this week.

Councilman Roth updated the Board on the amount of registrants for the Special

Collection Day, September 28, 2002. He advised residents to get registration forms in soon.

Councilman Roth announced that he had received three calls concerned with a Clifton Park Center Mall sign at the corner of McDonough Way and the road that goes around the mall, having some problems with sight distance. The Mall moved the sign to provide adequate line of sight viewing. He wanted to thank Clifton Park Center and Fred Miller for the efforts of correcting this problem.

RECOGNITION

Councilman Roth presented Mr. & Mrs. William Pomeroy a certification congratulating them on their 50th Wedding Anniversary and recognizing and thanking them for their involvement in the community.

GROOMS TAVERN PRESENTATION BY JOANNE COONS

Joanne Coons, Chair for Grooms Tavern Preservation Committee, thanked the Town Board, Barbara McHugh, Judy Bayer, Buildings & Grounds, Michael O'Brien and the Vischer Ferry Fire Dept. for their help with the Grooms Tavern. At "Tuesdays At The Tavern" they have been hauling wood away, cleaning sidewalks, raking and other misc. jobs. Pot Luck dinners have been very interesting. There have been a lot of fond memories shared. Each week different people from different backgrounds and experiences came to help. A report on "Historic Grooms Tavern" written in May by 4th Grade Shenendehowa student, Laura Valada was distributed to the Town Board. The "Tuesdays At The Tavern" will continue up to September. She felt that various committees can work together to restore the Tavern and get the work done. They would provide a checks and balance for each other.

PUBLIC HEARING, 7:10 PM

TO CONSIDER A LOCAL LAW REGARDING REGULATING NOISE IN THE TOWN OF CLIFTON PARK

The Deputy Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on July 26, 2002.

The public hearing was opened for comments from the audience at 7:25 p.m.

Councilman Paolucci explained since being elected as Councilman several residents have complained about noise issues such as barking dogs at unreasonable hours, construction at unreasonable hours, garbage pickup, music from passing cars, air-conditioning units, late night parties and idling locomotives, etc. They all had in common the fact that they were all considered unreasonable noise. At times certain noise levels infringe upon our quality of life. He looked at other municipality legislation that has been upheld in higher courts. That legislation regulates the noise amounts and the times of noise. The original proposed legislation was for 45 decibels as a standard for measuring noise levels.

Considering comments from previous Town Board hearing suggested 45 decibels may not be appropriate level of noise for certain hours at night. Additional research was viewed. Came up with if we consider 50 decibels at the property line then inside the house the level would be an acceptable 35 decibel level. That is why a number of municipalities choose 50 as their nighttime decibel level. Other changes to the legislation are minor. They pertain to making the laws work together. Nighttime hours will be considered as 10 p.m. to 7 a.m.. The legislation does take into account emergency vehicles sounds and other out of the ordinary circumstances.

Mark Doane, Bear Brook Ct., explained that a resident, located behind their property saws lumber as his livelihood and is within the law to do this. The issue is that during the day they listen to a chain saw and trucks delivering/backing up noise 360 days a year. To avoid the heat he works early in the morning and late at night. If noise abatement is used by this resident it would make a big difference. The chain saw is the biggest noise source. Would like him to consider different hours of operation and noise abatement.

Kip Finck, Southhollow Dr., owner of Northern Lights Night Club, does not feel the proposed decibel levels have been given proper consideration. He questioned where Councilman Paolucci got his decibel figures.

Councilman Paolucci stated he could give Mr. Finck the government report he has with all the information on it. He explained the distance of which the sound has to travel and the amplification effects decibel levels. It's not a linear relationship when decibels increase.

Mr. Finck stated that Schenectady, Malta, Niskayuna are using 70-80 decibels levels.

Norman Goldman, London Square Dr., would like the legislation to be fair and realistic. He questioned if there would be some way to simulate 50 decibel level coming from a sound in the Town Hall building.

Holly & Tyler Kimmey, Gloucester Street, urged the Town Board to pass the current proposed legislation. She first started complaining about noise from Northern Lights Night Club in 1996. She is continuing the need to call the Club and or security officers about noise.

Supervisor Barrett suggested to the owner of the Club to keep the back door of the facility closed.

Kathryn Petronis, Oakhurst Ct., stated she has been awakened by patrons of the Club in the back of the establishment talking/yelling loudly. For her the worst experience is the low level noise. She asked the Board not to overlook that level of noise. She is concerned that variances will be a way to get around the legislation. She asked to not to allow establishments to be grandfathered from this law.

Councilman Paolucci stated that the Planning Board is recognizing and including in the

stipulations the proposed noise decibel legislation. He said there are certain noises that will not register on the A scale, some of those noises are the base music. The proposed legislation was not put together to combat noises just from the nightclub. He feels the proposed measured approach to the noise regulation will take into consideration most of the noise concerns.

George Reynolds, Rte. 146A, questioned if winter storm snow removal at night would be an exception to the law.

Councilman Paolucci stated snow blowers/snow removal equipment are exempt.

Steve Bowen, Gloucester St., stated he is concerned with the A verses B scale. Different sound frequencies are going to be different per person. He encouraged the Town Board to pass the proposed legislation as is.

Margaret Catalier, Royal Oak Dr., questioned if there is a law in place to protect the residents on Bear Brook from the noise from the saw mill.

Supervisor Barrett said not at this time there is no law in place.

Valerie Doane, Bear Brook Ct., questioned why daytime noise legislation is not being proposed at this time.

Councilman Paolucci stated if substantial changes are made to the proposed legislation then new legal requirements need to be met.

Attorney Peller explained in order to amend the proposed legislation another public hearing would need to be noticed and the Board would have to consider it then. Even if the Board goes forward with this present proposed legislation at a later date amendments can take place.

Dennis & Jessie Schilling, Gloucester St., encouraged the Town Board to pass the proposed noise ordinance.

Ken Finck, suggested purchasing the sound equipment early and create a simulation for your own study. He just wants the decibel level to be reasonable. He feels the proposed figures are wrong.

Councilman Paolucci stated he believes Mr. Fincks concerns will be taken into account. A number of investigations have been done by sound experts that the Board is using as advisers.

Superintendent Gerard questioned how the legislation would address tractor-trailer delivery trucks idling near residential areas. In the current proposed legislation it is prohibited.

Councilman Paolucci said he has never gotten complaints on delivery trucks at Price Chopper or anywhere else in Town.

Attorney Peller stated the process will allow the Town Board to address issues, case by case, to revise the law.

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 8:15 p.m..

PUBLIC HEARING 7:20 PM RETIREMENT INCENTIVE PROGRAM

The Deputy Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on August 9, 2002.

The public hearing was opened for comments from the audience at 8:15 p.m.

Supervisor Barrett received a letter from Highway Superintendent Gerard in support of this program.

Comptroller Heggen gave an overview of the program. The eligible employees will have the option to retire between October 3 – December 31 , 2002. The Town has approximately 25 employees who will be eligible under this program. Over the previous years where other retirement incentives were given, the Town saved \$27,000 in 1998 and over \$50,000 in 2000 over a five year period. The incentive will add a couple hundred dollars to the retirement monthly benefit for the individuals who decide to retire.

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 8:24 PM.

REPORTS TO THE BOARD

Town Administrator Shahan stated he has never had a noise complaint about idling delivery trucks. The Security staff has completed a 3 hour course given by Barbara McHugh and Anthony Karam. McHugh and Karam are both qualified in NYS to perform that training. Follow up training will continue.

Comptroller Heggen stated the money from the ground lease was received. That money has been put into a Trustco Account dedicated for the debt service. The year 2015 would be the last year without penalty. In the meantime, it is earning interest. A water reserve fund has been established with Central National Bank. August sales tax money has been received. The Town received 11% of the distribution this year . Last year Clifton Park received 9% of the distribution. The reason is because Saratoga Springs did not share in the allocation. The Budget is on track for September/October deadlines.

Supervisor Barrett stated it is important to support our stores in Town.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 215 of 2002, a resolution authorizing Municipal Cooperation-Household Hazardous Waste Collection Day.

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

WHEREAS, the Town of Clifton Park has established a successful household hazardous waste collection program, and

WHEREAS, the Town of Malta and the Town of Halfmoon has contacted the Town of Clifton Park regarding possible inter-municipal cooperation for collection and disposal of household hazardous waste of the Towns, and

WHEREAS, the Town of Clifton Park has agreed to allow Town of Malta and Town of Halfmoon residents to participate in the Town of Clifton Park household hazardous waste collection program with the Town of Malta and the Town of Halfmoon being responsible for their fair share of the program's net cost; now, therefore, be it

RESOLVED, the Town Board of the Town of Clifton Park does hereby authorize the Town of Malta and the Town of Halfmoon to enter into a municipal cooperation agreement with the Town of Clifton Park relating to the collection and disposal of household hazardous waste based upon the following understanding:

- Town of Clifton Park will be responsible for the proper administration of the program and will be responsible for the registration process.
- Town of Malta and the Town of Halfmoon will reimburse the Town of Clifton Park its fair share of the net cost based upon the number of Malta and Halfmoon residents participating to the total participants.
- In addition to the hazardous waste disposal costs, the Town of Malta and the Town of Halfmoon agrees to pay a \$13 administration fee per registered participants to be paid to the Town of Clifton Park.
- Town of Malta agrees to provide approximately 10 volunteers the day of the program.
- Town of Clifton Park will set aside approximately seventy-five "slots" for Town of Malta residents

· Town of Clifton Park will set aside approximately seventy-five “slots” for Town of Halfmoon residents

· Estimated total net cost of the program to the Town of Malta will be approximately \$3,500.

· Estimated total net cost of the program to the Town of Halfmoon will be approximately \$1,700.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 216 of 2002, a resolution accepting the Environmental Assessment for the 2002 Special Collection Day for household hazardous waste.

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

WHEREAS, the Town's Environmental Specialist has completed a short Environmental Assessment Form regarding the 2002 Special Collection Day for household hazardous waste, and

WHEREAS, the Town of Clifton Park is the lead agency for SEQRA purposes; now, therefore, be it

RESOLVED, that the Town Board as lead agency hereby accepts the Environmental Assessment completed by the Town's Environmental Specialist, finds the proposed action to be unlisted pursuant to SEQRA, and hereby issues a negative declaration regarding the same.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 217 of 2002, a resolution authorizing five Building Department Inspectors to attend a training seminar.

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

WHEREAS, the Director of Building & Zoning has recommended that five of his building inspectors attend a one day Energy Code Seminar in Albany at a cost of \$25.00 each; now, therefore, be it

RESOLVED, that the Director of Building & Zoning is authorized to send five building inspectors to the NYS Building Officials Conference on August 21, 2002, at a cost of \$25.00 each, to be paid from budget line A-3620-001 (Building Dept.-Travel & Conference).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 218 of 2002, a resolution supporting the “Sounds of the Season” at Shoppers World on December 3, 2002.

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

WHEREAS, the Town wishes to support, and where appropriate participate in general public cultural celebrations and events within the Town, and

WHEREAS, the “Sounds of the Seasons” event is an annual community-wide cultural event held at the Shoppers World Plaza; now, therefore, be it

RESOLVED, that the sum of \$3,000 be allocated from the Town’s Special Event account (A-8560-200), to support and participate as a sponsor in the “Sounds of the Season” celebration to be held at the Shoppers World Plaza on December 3, 2002.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 219 of 2002, a resolution adopting Local Law No. 9 of 2002, a local law regarding the Retirement Incentive Program.

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

WHEREAS, a public hearing was held on August 19, 2002, to consider the adoption of Local Law No. 9 of 2002, Retirement Incentive Program, and the comments of the public have been considered; now, therefore, be it

RESOLVED, that Local Law No. 9 of 2002, a local law regarding the 2002 Retirement Incentive Program, is hereby adopted, and the clerk is directed to file appropriate notice of the same.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 220 of 2002, a resolution appointing George William Reynolds III to the Environmental Conservation Commission.

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

WHEREAS, the Environmental Conservation Commission has recommended that George William Reynolds III, 853 Route 146A, Clifton Park, be appointed to the Commission for a term to expire on December 31, 2003; now, therefore, be it

RESOLVED, that George William Reynolds III, 853 Route 146A, Clifton Park, is hereby appointed to the Environmental Conservation Commission for a term to expire December 31, 2003.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 221 of 2002, a resolution authorizing the promotion of an employee in the Highway Department.

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

WHEREAS, an opening exists for the position of MEO in the Highway Department, and

WHEREAS, the Highway Superintendent recommends that Dean Charbonneau be promoted to fill this position; now, therefore, be it

RESOLVED, that Dean Charbonneau is hereby appointed to the position of MEO, Grade 5, Step 1, effective August 25, 2002 to be budgeted from DA-05510-E1500 (General Repair Highway-MEO) and DA-05142-E1500 (Snow Removal Highway-MEO).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 222 of 2002, a resolution authorizing the Comptroller to transfer \$550,000 from undesignated funds in Highway budget.

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

WHEREAS, the Highway Superintendent has recommended the transfer of undesignated highway funds of \$550,000 into the accounts hereafter listed; now, therefore, be it

RESOLVED, that the Comptroller is authorized to transfer \$550,000 from undesignated highway funds into the accounts listed below:

DA05110-00012 - \$ 15,000 Highway-Fuel
DA05110-00024 - \$ 25,000 Highway-Repairs/Maintenance
DA05110-00030 - \$430,000 Highway-Paving/Blacktop
DA05130-00229 - \$ 25,000 Machinery/Equipment/Small Equipment
DA05130-00231 - \$ 12,000 Machinery/Equipment/parts
DA05142-00136 - \$ 13,000 Snow Removal/Fuel/Diesel
DA05142-00138 - \$ 30,000 Snow Removal/Salt

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 223 of 2002, a resolution authorizing the hiring of additional lifeguards per attached Schedule A for the end of the pool season.

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

WHEREAS, the Director of Parks, Recreation and Community Affairs has recommended that the additional lifeguards listed in Schedule A be hired to fill the vacancies of those leaving for college before September 3, 2002; 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 immediately through September 3, 2002 to fill vacancies left by students leaving for college.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth
Councilman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 224 of 2002, a resolution authorizing the hiring of a Vehicle Maintenance/Recreation Worker.

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

WHEREAS, the Director of Buildings & Grounds has recommended that Joseph Champagne, Vischer Ferry Road, Rexford, be hired as a Vehicle Maintenance/Recreation Worker; now, therefore, be it

RESOLVED, that Joseph Champagne, Vischer Ferry Road, Rexford, be hired for the position of Vehicle Maintenance/Recreation Worker at Grade 7, Step 1 with a salary of \$33,316 effective September 1, 2002. The additional amount of \$3,000 shall be

transferred from A-7110-E0098 (Buildings & Grounds-Vehicle Maintenance) to A-7110-E905 (Buildings & Grounds-Joseph Champagne salary).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth
Councilman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 225 of 2002, a resolution authorizing a Change Order for Trinity Construction.

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

WHEREAS, the Town Administrator recommends approval of a Change Order to pay Trinity Construction \$24,040 to repair the storm sewer on Wheeler Drive; now, therefore, be it

RESOLVED, that a Change Order to pay Trinity Construction \$24,040 to repair the storm sewer on Wheeler Drive is hereby approved, to be paid from DA-5110-24 (Highway-Repairs & Maintenance).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth
Councilman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 226 of 2002, a resolution approving Change Order Nos. 1 & 2 for the Woodland Hills/Dutch Meadows Sewer Improvement Contract No. 1.

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

WHEREAS, McDonald Engineering has recommended the approval of Change Order Nos. 1 & 2 to the Woodland Hills/Dutch Meadows Sewer Improvement Contract No. 1; now, therefore, be it

RESOLVED, that Contract No. 1 for sewer improvements to Woodland Hills/Dutch

Meadows be changed to extend the contract time to September 15, 2002 and to increase the Woodland Hills contract price by \$7,677.08 and decrease the Dutch Meadows contract price by \$1,195.00 for a net increase of \$6,482.08 to Contract No. 1 with Trinity Construction.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth
Councilman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 227 of 2002, a resolution authorizing payment for soil investigation work.

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

WHEREAS, SJB Services, Inc. was the low bidder and completed the soil investigation work in the Corporate Commerce Zone at \$4,190 and McDonald Engineering therefore recommends payment of their invoice in that amount; now, therefore, be it

RESOLVED, that the Comptroller is authorized to pay SJB Services Inc. for soil investigation work in the Corporate Commerce Zone in the amount of \$4,190.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth
Councilman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 228 of 2002, a resolution authorizing two voting machine technicians to attend a Sequoia Voting Systems, Inc. training program.

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

WHEREAS, a training program on maintenance of the electronic voting machines is being offered by Sequoia Voting Systems in Saratoga Springs, New York, and

WHEREAS, it is necessary that the Town purchase tool kits for the technicians at a cost of \$140 each; now, therefore, be it

RESOLVED that Robert Lemon and Kevin Bowman are hereby authorized to attend the Sequoia Voting System, Inc, training program at a cost not to exceed \$600 from Account No. 1450-001 (Elections-Training and Conferences); and be it further

RESOLVED, that the purchase of two electronic machine tool kits is authorized at a total cost not to exceed \$280 from Account No. 1450-24 (Voting Machine-Repair and Maintenance).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Beverly Czub, Miller Rd., welcomed George Reynolds to the Environmental Conservation Commission.

George Reynolds, Rte. 146A, thanked the Town Board for the appointment to the ECC. He encouraged the Town Board to consider bringing water down past his house. His 15 ft. well is dry and is nursing a 65 ft. well. He surveyed from Jonesville corner on down MacElroy Rd. and on Rte. 146a near the flower business. The result was they all want to be connected to water.

Margaret Catalier, Royal Oak Dr., thanked Superintendent Gerard for the Highways prompt attention to the problem with a drainage ditch they had recently. She is concerned with the proposed DCG Mixed PUD on Wall St. She gave a brief history of the Exit 9 GIS. Some of the main concerns at that time were 45% greenspace, traffic, water, run-off, environment, school issues, zoning and keeping the density down. She questioned the requirements for the proposed senior housing. Will they use IDA funding?

Councilman Paolucci stated the Planning Board is doing a great job keeping to the requirements.

Leon Teresko, MacElroy Rd., encouraged the Town to extend water to MacElroy Road.

Dennis Schilling, Gloucester St., recommended updating the Town web site.

MOTION by Councilman Paolucci, seconded by Councilman Speckhard, to adjourn the meeting to the next regular meeting or any other meeting necessary for the conduct of Town business.

Motion carried at 9:20 PM.

Teresa J. Brobston
Deputy Town Clerk