

## **Clifton Park Town Board Meeting Minutes**

**September 9, 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  
Town Clerk O'Donnell

Also Present: Town Attorney Trainor  
Louis Gerard, Superintendent of Highways  
Jason Kemper, Director of Planning  
Barbara McHugh, Director of Community Development  
Michael Shahan, Town Administrator

### **ANNOUNCEMENTS AND COMMUNICATIONS**

Supervisor Barrett reported Boy Scout Troop 246, Rabbi Michael Samuel and numerous emergency service volunteers will take part in the 9/11 Candlelight Ceremony scheduled for September 11th at 7:00 p.m. on the Clifton Common.

The Supervisor announced Farm Fest is scheduled for September 14 and 15th.

Supervisor Barrett said Open Space meetings to receive public comment have been scheduled for September 24th at the Jonesville Fire Station No. 1, 25th in the Town Hall, and 26th at the Vischer Ferry Fire Station.

Councilwoman Walowit reported an emergency response drill will be held sometime within the next two months to help fine tune the town's emergency management plan. She said she will request money be budgeted in order to hold a full fledged drill next spring or summer.

### **PRESENTATIONS**

Sybil Telfian, Rivercrest Drive, spoke with regard to the National Organization of Disability. She reviewed the Community Partnership Program and the membership benefits and urged the town to become a member.

Art Hunsinger, Emergency Services Recruitment Task Force, spoke on the importance of volunteers in the fire and emergency services and recruitment program. He said there has been a decrease in volunteerism in emergency services over the last ten years. Mr. Hunsinger stressed the necessity of educating high school students of the importance of volunteerism. As volunteer incentives, he said the state has approved a college tuition assistance program and a 10 percent property tax reduction is ready to be signed into law. Mr. Hunsinger said he will be coming to the town with a budget requesting assistance in the recruitment of volunteers. He presented a video that he produced through a grant that will be used by fire departments statewide in recruitment efforts.

Supervisor Barrett expressed appreciation to all emergency services personnel and said the town will do everything possible to assist in recruitment efforts.

Councilman Roth noted there is a dire need for volunteer ambulance drivers.

#### PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 233 of 2002, a resolution authorizing the Director of Planning to attend the Annual New York State G.I.S. Conference to be held October 10-11, 2002.

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

WHEREAS, Jason Kemper, Director of Planning for the Town of Clifton Park, has requested authorization to attend this training course, and

WHEREAS, Mr. Kemper's attendance at this conference will confer a benefit upon and be in the best interest of the Town of Clifton Park; now, therefore, be it

RESOLVED, that Jason Kemper, Director of Planning for the Town of Clifton Park, is hereby authorized to attend the New York State G.I.S. Conference in Syracuse, New York, at a cost not to exceed \$250 to be budgeted from A-8021-1 (Planning-Training and Conferences).

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 234 of 2002, a resolution authorizing Jason Kemper the Director of

Planning to attend the Northeast Arc Users Group Conference from November 3-6, 2002.

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

WHEREAS, the Northeast Arc Users Group Conference will be held in New Hampshire from November 3-6, 2002, and

WHEREAS, Jason Kemper, Director of Planning for the Town of Clifton Park, has requested authorization to attend this conference, and

WHEREAS, Mr. Kemper's attendance at this conference will confer a benefit upon and be in the best interest of the Town of Clifton Park; now, therefore, be it

RESOLVED, that Jason Kemper, Director of Planning for the Town of Clifton Park, is hereby authorized to attend the Northeast Arc Users Group Conference at a cost not to exceed \$700 as budgeted to be paid from A-8021-1 (Planning-Training and Conference).

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 235 of 2002, a resolution in connection with a block party to be held on Primer Court.

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

WHEREAS, the residents of Primer Court, in Spring Hills Estates, wish to conduct a block party on September 14, 2002 and have requested permission to close Primer Court, now, therefore, be it

RESOLVED, that the Town Highway Superintendent is authorized to close Primer Court from 2:00 p.m. to 9:00 p.m. to facilitate a local social event in Spring Hill Estates, and be it further

RESOLVED, that the residents, with the approval and advice of the Highway Superintendent, shall block the roadway off but shall open it immediately in case of emergency service needs such as fire, police or ambulance protection, and be it further

RESOLVED, that the residents shall be responsible for all clean-up activities on Town property or on the street right-of-way resulting from the social activity; and be it further

RESOLVED, that copy of this resolution be sent to the applicable fire department, the Clifton Park/Halfmoon Ambulance Corps., the Sheriff's Department and the State Police.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 236 of 2002, a resolution appointing Helmut Gerstenberger to the Clifton Park Water Authority Board.

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

WHEREAS, a vacancy exists on the Clifton Park Water Authority Board, and

WHEREAS, the Town Supervisor has recommended that Helmut Gerstenberger, 21 Guilder Place, Ballston Lake, be appointed to fill this vacancy; now, therefore, be it

RESOLVED, that Helmut Gerstenberger, 21 Guilder Place, Ballston Lake, is hereby appointed to the Clifton Park Water Authority Board to fill the unexpired term of Lester Stuzin, term to expire December 31, 2004.

The Town Board expressed appreciation to Lester Stuzin for his dedication and expertise given over the years to the Water Authority Board.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 237 of 2002, a resolution appointing Donna Lawton to the Zoning Board of Appeals.

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

Paolucci.

WHEREAS, a vacancy exists on the Town of Clifton Park Zoning Board of Appeals,  
and

WHEREAS, the Town Supervisor has recommended that Donna Lawton, 25 Blue Spruce Lane, Ballston Lake, be appointed to fill this vacancy; now, therefore, be it

RESOLVED, that Donna Lawton, 25 Blue Spruce Lane, Ballston Lake, is hereby appointed to the Town of Clifton Park Zoning Board of Appeals to fill the unexpired term of Susan McGranahan, term to expire December 31, 2002.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 238 of 2002, a resolution authorizing the Supervisor to enter into negotiations and settlement with the New York State Department of Environmental Conservation regarding the Riverview Landing Sewer District No. 1.

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

WHEREAS, the Riverview Landing Sewer District No. 1 (the "District") was created in May 1999 by the Town Board of the Town of Clifton Park, and

WHEREAS, the Town Board of the Town of Clifton Park is hereby acting in its capacity as Commissioners of the District, and

WHEREAS, the New York State Department of Environmental Conservation ("DEC") was notified of a system failure by the Town's agencies and then conducted a review of the circumstances, and

WHEREAS, the New York State Department of Environmental Conservation originally levied a fine of \$10,000 to the Town of Clifton Park for violations due to the systems failure, but has since reduced the figure to \$2,000, and

WHEREAS, the Town and DEC wish to negotiate and settle the matter by entering into an agreement, and

WHEREAS, entering into such agreement will confer a benefit upon the people of the

Town of Clifton Park, more specifically the residents of the District, and

WHEREAS, any funds necessary to comply with the provisions of such settlement shall be authorized by the Town Board for payment; now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to enter into negotiations and a settlement agreement with the New York State Department of Environmental Conservation to resolve outstanding issues regarding the Riverview Landing Sewer District No. 1.

Supervisor Barrett said the town immediately came up with an emergency short term plan and has since developed a long term solution and with new technology the new system is better than the old one. He noted this system was abandoned to the town in 1999.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

#### PUBLIC PRIVILEGE

No one wished to be heard.

Councilman Paolucci spoke with regard to Resolution 230 of 2002, the proposed noise legislation, that was tabled at the September 3rd meeting. He said he will be in contact with Board Members as to their concerns to the proposed legislation and to understand their issues, as well as with Mr. Trainor. He said he believes this is sound legislation and plans on bringing it to the Board on September 16th. He said the issues that have been brought to the Board over the years have all been at night and are addressed by this legislation. Supervisor Barrett asked how the readings will be taken. He said legislation is being considered due to a multitude of things happening at night and though Northern Lights Nightclub has received the most publicity that is not the sole reason for the legislation. Councilman Paolucci reviewed information on sound and decibel levels. He explained 50 decibels is being proposed as DEC has done studies on noise levels and there is hard data that says people will wake up if a noise level starts increasing above 35 decibels. The study continued to say that a house structure is going to mitigate some of the sound by 15 decibels. Councilman Paolucci said enforcement officials will be trained to use sound measuring devices so ambient noise levels will be taken into account and to be able to distinguish noises. He said the Long Beach, New York ordinance and 50 decibel level was chosen as it has been upheld constitutionally. He stated the proposed law only deals with the hours of 10:00 p.m. to 7:00 a.m. Councilman Paolucci feels the proposed legislation will be fair and equitable to both residents and business owners.

Noise from motor vehicles is included in the proposed law. He said all noise complaints have dealt with night hours.

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

Motion carried at 8:20 p.m.

Patricia O'Donnell  
Town Clerk