

Clifton Park Town Board Meeting Minutes

October 15, 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
Michael Shahan, Town Administrator

Supervisor Barrett read Resolution No. 259 of 2002, a resolution honoring James Anthony Fitzgerald. Mr. Fitzgerald was also honored by the Saratoga County Board of Supervisors as this month's deceased veteran. The resolution was presented to Mrs. Florence Fitzgerald.

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett expressed appreciation to all involved with the Stampede. He announced the Stampede will be combined with the Katiebug Foundation Run in 2003.

Councilman Paolucci announced the third session in the Family Safety series is scheduled for October 23rd.

REPORTS

Reports for September from the Planning Department and Sheriff's Department were filed with the Town Clerk.-

PUBLIC HEARING, 7:10 PM TO CONSIDER A LOCAL LAW REGULATING NOISE IN THE TOWN OF CLIFTON PARK

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

Councilman Paolucci stated this was last discussed on August 19th and since that time

specific changes have been made to the legislation which have not changed its intent but have clarified it. He said this is a law to regulate unreasonable noise between the hours of 10:00 p.m. and 7:00 a.m. The proposed measurement of a decibel level is 50 dBAs and anything over would be deemed unreasonable. The second measurement is a plainly audible standard.

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

Dennis Kimmey, Gloucester St., urged the Town Board to vote to adopt this legislation.

Jim Larken, Winkle Way, spoke in favor of the current legislation and asked how background noise can be filtered out from the noise source.

Councilman Paolucci said enforcement personnel will be sent to Rutgers University for a training session.

Supervisor Barrett explained first a reading is taken of the ambient noise. To break the law, noise would have to be 50 dBAs above the ambient noise level.

Speaking with regard to Section 6 B, Mr. Larken said he wanted to make sure firearms discharge would be part of Sound Reproduction Devices. Speaking with regard to Section 8 A Motor Vehicles, Mr. Larken asked if this language could supercede NYS Motor Vehicle Law. Town Attorney Trainor responded it is stated there so it is clear that the intent is not to conflict with or supercede the state law.

Steve Bowen, Gloucester St., stated noise can have a significant impact on the quality of life and a noise ordinance is overdue for Clifton Park. He reviewed a study by the EPA. He agreed that limitations chosen in the proposed legislation are appropriate. He asked the Town Board to approve this legislation.

Supervisor Barrett said this legislation will give law enforcement officials an opportunity to have an affect on certain situations.

Councilman Paolucci said the EPA study and many municipalities' noise ordinances have been reviewed in connection with this legislation.

Norman Goldman, London Square Drive, questioned the measurement of decibel levels over the ambient level and from different locations. He said the things that he finds most noisy are the things that are exempted.

Mr. Trainor said devices will net out ambient noise and the noise from the source is measured.

In response to a question from Alissa Ganje, Mallard Drive, Rexford, Councilman Paolucci reviewed the penalties associated with the proposed legislation.

Dennis Schilling, Gloucester St., said had he known the town didn't have a noise ordinance, he would have bought elsewhere. He said the loud and intrusive noise from the nightclub has resulted in unnecessary stress, sleep disturbance and fatigue which have affected his family life and negatively impacted his job performance. Mr. Schilling said the noise legislation will help protect innocent citizens subjected to unnecessary and unreasonably loud and disturbing noise and asked for its adoption.

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 7:45 p.m.

Resolution No. 259 of 2002, a resolution proclaiming that October 15, 2002 be dedicated to the memory of James Anthony Fitzgerald.

Introduced by Supervisor Barrett, who moved its adoption, seconded by the entire Town Board.

WHEREAS, the Town Board of the Town of Clifton Park desires to pause in its deliberations to rightly show its appreciation to those who have given significantly to their country through their generous acts; and

WHEREAS, the freedom, security and prosperity that the American people have enjoyed throughout the history of our nation have been preserved due to the sacrifice of the men and women who have served in our armed forces; and

WHEREAS, the Clifton Park Town Board wishes to honor and memorialize the lives of members of the armed forces who have served in the defense of our nation; and

WHEREAS, James Anthony Fitzgerald served honorably in the United States Navy during the Korean War as a Builder -3 in the Philippines, and

WHEREAS, it is fitting that James Anthony Fitzgerald, a resident of the Town of Clifton Park for 29 years, be recognized and remembered by his nation and community; now, therefore, be it

RESOLVED, that the day of October 15, 2002 is hereby dedicated to the memory of James Anthony Fitzgerald in grateful recognition by the Clifton Park Town Board on behalf of all of the citizens of the Town for his service to his country and community.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 260 of 2002, a resolution reclassifying the position of Fire Code Enforcement Officer to Code Enforcement officer .

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

WHEREAS, the Saratoga County Personnel Office has reclassified the position of Fire Code Enforcement Officer to Code Enforcement Officer and has certified Patrick Jarosz to this position, and

WHEREAS, Patrick Jarosz has served as Fire Code Enforcement Officer and Code Enforcement Officer previously and continuously for sixteen years; now, therefore, be it

RESOLVED, that Patrick Jarosz is hereby reclassified as Code Enforcement Officer in the Department of Building and Zoning at Grade 8, Step 9, \$47,232.00 effective June 1, 2002 with no break in service or status. The additional amount of \$1302.00 shall be transferred from A-3620-E0097 (Building & Zoning/Asst. Building Inspector) to A-3620-E0095 (Building & Zoning/Code Enforcement Officer).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 261 of 2002, a resolution changing the position of Assistant Building Inspector to Code Enforcement Officer.

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

WHEREAS, the Director of Building and Zoning has recommended that the position of Assistant Building Inspector be changed to Code Enforcement Officer to more accurately describe the duties of the position, and

WHEREAS, the Saratoga County Personnel Office has changed the position from Assistant Building Inspector to Code Enforcement Officer, and

WHEREAS, the change requires the abolition of the current position and the creation of the new one; now, therefore, be it

RESOLVED, that the position of Assistant Building Inspector be abolished and the new position of Code Enforcement Officer be created; and be it further

RESOLVED, that Louis Pasquarell Jr. is appointed provisionally to fill the newly created position of Code Enforcement Officer, effective immediately, at Grade 8, Step 2, \$37,313 pending examination with the additional amount of \$8,006 to be transferred from A-3620-E0097 (Building & Zoning/Asst. Building Inspector) to A-3620-E0256 (Building & Zoning/Pasquarell).

Mr. Shahan said the attempt is to make everyone a Code Enforcement Officer so they can go from being a fire inspector to the code enforcement side. This has been sanctioned by the County.

Councilwoman Walowit stated since Mr. Pasquarell is the Chief of the fire company she is associated with, as well as a friend, she will abstain.

ROLL CALL VOTE

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

Noes: None

Abstain: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 262 of 2002, a resolution authorizing the installation of a stop sign at the intersection of Birch Hill Road and Castlegate Road.

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

WHEREAS, the Town Supervisor at the request of nearby property owners has requested that a stop sign be installed at the intersection of Birch Hill Road and Castlegate Road; now, therefore, be it

RESOLVED, that the Highway Superintendent is hereby authorized to install a stop sign at the intersection of Birch Hill Road and Castlegate Road.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 263 of 2002, a resolution adopting Local Law No. 10 of 2002, a local law Regulating Noise in Clifton Park.

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

WHEREAS, public hearings were held on August 19, 2002 and October 15, 2002 regarding adopting a local law Regulating Noise in Clifton Park and the comments of the public have been considered; now, therefore, be it

RESOLVED, that Local Law No. 10 of 2002, a Local Law Regulating Noise in Clifton Park, is hereby adopted and the Town Clerk is directed to file appropriate notice of the same; and be it further

RESOLVED, that the Local Law shall be effective upon its filing at the Department of State and shall become effective as to any individual or entity personally served with a copy of the ordinance prior to its filing at the Department of State.

It was noted there have been two public hearings on this particular legislation and a total of three on the subject. Councilman Paolucci said he doesn't believe there have been any comments negative to a noise ordinance in town.

Councilman Speckhard said he strongly supports the legislation and feels it is definitely needed but has the following concerns: 1) He objects to imprisonment as a penalty. He doesn't believe the current Town Justices would give prison terms but a future Town Justice may. A third violation has a fine of \$3000 which seems to be ample penalty and there are laws for people that refuse to pay their fines that include imprisonment. 2) If there is no pain and suffering associated with the noise, then a violation should not exist. He said he is concerned that down the line law enforcement could ticket people who are not disturbing someone but simply because a certain noise level exists. He would like to have seen something in the legislation that would ensure that in all cases there would be pain and suffering caused by the noise in order to be ticketed. 3) Speaking with regard to reasonable noise, he said he hopes the Justices will keep the idea of reasonable noise in mind as there are so many potential sources of noise that it would be impossible to make a list of them as exceptions or non exceptions.

Councilwoman Walowit stated she is glad there is training involved and hopes discretion will be used. She said consideration needs to be given to shift workers who sleep during the day. She spoke in favor of the proposed legislation.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth,

Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Beverly Czub, Miller Road, asked if the County has been advised of the proposed traffic signal at Longkill and Ushers Roads. Supervisor Barrett said if there is a professional engineering study done that says a light is warranted the County would sign off on it.

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 8:10 p.m.

Patricia O'Donnell
Town Clerk