

Clifton Park Town Board Meeting Minutes

July 2, 2001

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
Patricia Haffner, Director of Parks, Recreation & Community Affairs
Jason Kemper, Director of Planning
Michael Shahan, Town Administrator

MOTION by Councilman Roth, seconded by Councilman Paolucci, to approve the minutes of the June 11 and 18, 2001 meetings as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Pat Haffner, Director of Parks, Recreation and Community Affairs, reviewed plans for the 4th of July Celebration.

Councilman Roth reported the Special Collection Day has been changed from September 22nd to September 29th from 9:00 a.m. to 4:00 p.m. There is a commitment of 75 cars from Town of Malta, 35 from Town of Halfmoon and expects 30-40 from the agricultural farmers. He asked for volunteers.

Councilman Roth acknowledged a letter from the Shenendehowa Seniors in support of middle income senior housing in town and asking the board to give favorable consideration to such projects when consistent with other factors, e.g. traffic, aesthetics, other infrastructure and environmental issues.

Councilman Roth reported he and Messrs. Scherer, Haffner and Finkbeiner have met to discuss preparing plans for the renovation of Grooms Road Tavern, as well as events once the building is ready for occupancy. It is anticipated this plan will be completed by first meeting in August. Supervisor Barrett said another grant application would be submitted.

Councilman Speckhard said, with regard to Grooms Tavern, it is necessary to move as soon as possible on building plans as this work needs to be done before winter.

Councilman Roth reviewed a procedure that has been established in the Town Clerk's office regarding receipt of certified mail.

Letter from WD Burdge to Deputy Supervisor Speckhard dated June 5, 2001, expressing concern with the proposed cell tower to be located on the water tower in the Knolltop subdivision, stating there was no notification of the proposal. He also discussed health issues and asked the Town Board to oppose this action and to take whatever action necessary to stop the installation of any device that produces electromagnetic radiation or detracts from the neighborhood or Town of Clifton Park.

Councilman Speckhard reported Clough, Harbour and Associates is volunteering to redo the plantings on Clifton Country Road and estimates the cost of the plants to be around \$1200. He noted there is money in the budget.

Councilman Paolucci said the Department of State will be giving a presentation on Adult Use Zoning on July 19th at 7:00 p.m. in the Wood Room.

REPORTS

Reports for June from the Justice Court, Planning Department and Animal Control were filed with the Town Clerk.

PUBLIC HEARING, 7:10 PM TO CONSIDER A LOCAL LAW AMENDING THE COMPREHENSIVE PLAN OF THE TOWN OF CLIFTON PARK

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on June 22, 2001.

Supervisor Barrett said the proposed Comprehensive Plan shows commitment to the trails network, historic preservation, as well as preservation of open space.

Councilman Speckhard reviewed the process of amending the Plan and the agencies involved. He said comments and recommendations were received from Michael Valentine of Saratoga County Planning Board and Robert Marino, Chairman of the Environmental Conservation Commission, attached.

Director of Planning Kemper listed those involved in the Comprehensive Plan update and reviewed the proposed amendments. He noted the Plan was on the web and two comments were received.

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

Youssef Ballout, Torrero Drive, expressed appreciation to all those associated with updating of the Comprehensive Plan. He said he believes the extension of water and sewer lines to the Corporate Commerce zone is in conflict with the Comprehensive Plan and the preservation of open space. He said the Plan should emphasize the importance of community and recommended establishing a community center in the area by the Library, YMCA and Arongen trails. Mr. Ballout said once guidelines are in place they should be adhered to and feels this is missing in the GEIS for the Exit 9 area.

Supervisor Barrett responded due to the GEIS study for the Exit 9 area and the Planning Board's scrutiny, greenspace planned at 35% was increased to 43%.

Councilwoman Walowit emphasized the water line is to Rexford and not the Corporate Commerce zone.

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 7:40 p.m.

**PUBLIC HEARING, 7:20 PM
TO CONSIDER A LOCAL LAW AMENDING
THE NORTHCREST PUD (EXECUTIVE WOODS)**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on June 22, 2001.

Donald MacElroy, representing DCG Development, displayed a plan of the property and explained the Tallow Wood Homeowners Association requested additional screening around the office building. The residents recommended fencing be installed and the Homeowners' Association agreed to lifting the food restriction. He displayed plans of the proposed fence location, noting it will be a six-foot tall, chain link with plastic weave to provide visual screening. He said DCG Development would maintain the fence.

The public hearing was opened for comments from the audience at 7:40 p.m.

Joe Novak, Tallow Wood Drive, asked what will happen to the buffer zone of woods when the fence is erected. Mr. Kemper responded the woods is a no cut buffer. Mr. Novak said the headlights from the parking garage shine into the townhouses.

Barbara Gregg, Heartwood Court, said with the "ChildTime" construction, the ground was been raised three to four feet and put her yard in a hole and with this new construction the ground has been raised nine feet. Ms. Gregg said the residents received no notices of changes. Mr. Kemper stated three public notices are sent out during different phases of approval.

Supervisor Barrett said a letter has been received from the Homeowners' Association giving approval the PUD change by allowing a restaurant, attached.

Bill Sarto, Tallow Wood Drive, asked that it be a limited type restaurant that would encompass a deli and take out and not include a full service, industrial exhaust fan situation that would permeate the air. He proposed fencing be put along the present line of clearing so there would be no additional clearing. He agreed with the type of fence proposed. Mr. Sarto complained about the lighting being used at the building site and construction starting at 5:30 a.m.

Mr. Kemper said the hours of construction have been changed.

Mr. MacElroy stated if there is a problem with construction hours he can be called any hour of the night or day.

Laurie Morse, Tallow Wood Drive, President of Tallow Wood Homeowners Association, thanked Mr. MacElroy for the fence and for being supportive. She said it is her understanding the restaurant would be a limited seating establishment, such as a delicatessen and would be advantageous to people working in the area. She asked that the fence be put on the property line. Ms. Morse said there are 202 units in the Tallow Wood Development with approximately 70 to 80 paid members of the Association. Supervisor Barrett asked if the membership is still supportive of the restaurant. Ms. Morse responded some are and some aren't.

Pam Probulis, Tallow Wood Drive, questioned the no cut zone. Mr. Kemper said this is on the approved site plan. She expressed concern about the lights from the site and asked that no more trees be cut down. Ms. Probulis stated if more trees have to be cut down for a fence then she does not want a fence.

Mr. MacElroy said it is DCG Development's intention to set the fence approximately two feet in from the property line which would give them the ability to maintain the fence on both sides. He said the property has been incorporated into the site plan. He said DCG Development was approached by the property owners requesting the fence and the contractor has stated it will go in with a minimal amount of disturbance. Mr. MacElroy

offered to walk the property with Mr. Kemper and a representative of the Homeowners' Association. He noted the restaurant is approximately 800 feet from property line.

Mr. MacElroy said DCG has received many requests for a restaurant in this area and the location is pedestrian friendly. He stated there would be no drive through or fast food and would be sit down service. The building proposed to house the restaurant is approximately 7000 square feet but the entire space may not be used for a restaurant. It was noted the entrance would be from Maxwell Road or Route 146.

Concern from floor regarding headlights from cars leaving garage aimed into townhouses during winter months. Mr. MacElroy said he will make sure there are plantings or fence barrier erected in that area to eliminate that concern.

Concerns about waste haulers in early hours were discussed.

Barbara Gregg, Heartwood Court, expressed concerns about odors from a restaurant.

Mr. MacElroy said he believes any exhaust equipment is now installed with filtering mechanisms. He reiterated he would be happy to work with Mr. Kemper and interested homeowners.

Councilman Paolucci recommended adding trash hauler regulations to the law. Town Attorney Trainor responded that would require another public hearing.

Councilman Speckhard said he would like to get a better feel as to how many homeowners support this restaurant.

Ms. Morse reported flyers are distributed as well as mailed to homeowners. There are approximately 70 to 80 members of Homeowners' Association. She noted there are many rentals in the development. Mr. Kemper reported 165 notices were sent out and two people came into look at plans. Ms. Morse asked that as much greenspace as possible be left.

Concern from the floor regarding the placement of the fence. Supervisor Barrett said this will be looked at.

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 8:35 p.m.

**PUBLIC HEARING, 7:30 PM
TO CONSIDER REMOVING THE WYNCREST AND ENDERS SUBDIVISIONS
FROM THE CLIFTON KNOLLS PARK DISTRICT**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on June 22, 2001.

Councilman Paolucci explained residents of the Wyncrest and Enders subdivisions had requested mowing but no mechanics existed for payment so the subdivisions were placed in the Clifton Knolls Park District. He noted there is no access to Clifton Knolls and the parks from these subdivisions. Some residents feel they could do better if they were on their own and this public hearing is to consider their removal and eventual creation of a new park district. He referred to a letter from the Clifton Knolls Park District supporting this request. Councilman Paolucci said the subdivisions could be removed effective December 31, 2001 and new park district created effective January 1, 2002.

The public hearing was opened for comments from the audience at 8:35 p.m.

Letter from Judy Hughes, Chairman of the Clifton Knolls Park District, was noted supporting the Wyncrest request.

Jeanne Cornell, Redfield Park, Wyncrest, spoke in favor of Wyncrest having its own park district.

Marlis McGinnis, Broadleaf Drive, board member of Clifton Knolls Park District, supports the removal and creation of a new park district. She reported the Clifton Knolls Park District mowed Wyncrest subdivision at no charge to them from September to the first of the year. Councilman Paolucci expressed appreciation to the Clifton Knolls Park District for providing a mechanism for Wyncrest and Enders residents to have some services, noting the Clifton Knolls Park District is a model for other areas.

Joel Peller, Clare Court, Enders subdivision, spoke in support of a new park district.

Bob Allison, Redfield Court, spoke in favor of a separate park district.

Everyone was given an opportunity to speak in favor of or against the proposal and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 8:45 p.m.

MOTION by Supervisor Barrett, seconded by Councilwoman Walowit, to recess for five minutes. Motion unanimously carried at 9:00 p.m. Meeting convened at 9:08 p.m.

PUBLIC PRIVILEGE ON RESOLUTIONS

Concern from the floor regarding the land on MacElroy Road and asking if a public hearing will be held. Supervisor Barrett said there would be opportunity for public input. He said it is necessary to look at the land to see if a purchase would be feasible.

Question from floor asking if the current cell tower application would be affected by the proposed moratorium. Supervisor Barrett and Town Attorney Trainor responded no.

Resolution No. 167 of 2001, a resolution amending Resolution No. 120 of 2001

authorizing the Supervisor to enter into an agreement with Clough, Harbour, & Associates to prepare a survey and bid specifications for improvements to the Longkill I Park District.

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

WHEREAS, Clough, Harbour & Associates has identified certain deficiencies and corrective work required following an inspection of the Longkill I Park District which are listed in Schedule A, and

WHEREAS, the Town Board acts as Commissioners of the Longkill I Park District; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized by the Town Board acting as Commissioners of the Longkill I Park District to enter into an agreement with Clough, Harbour & Associates to prepare a survey and bid specifications for improvements to the Longkill I Park District at a cost not to exceed \$6700, and be it further

RESOLVED, that Resolution No. 120 of 2001 is hereby amended accordingly.

Councilman Paolucci explained a comprehensive plan for the park district has been put together and work will be done in phases.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 168 of 2001, a resolution authorizing Water Safety Instructor pay for certified lifeguards.

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

WHEREAS, the Director of Parks, Recreation and Community Affairs has recommended that the individuals listed in Schedule A receive Water Safety Instructor pay rates as certified Water Safety Instructors; now, therefore, be it

RESOLVED, that Rachel Esterly, Michael Purcell and Scott Seligman receive Water Safety Instructor pay rates of \$8.00/hr. per Schedule A.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 169 of 2001, a resolution appointing Ernest Martin to the position of part-time Senior Van Driver.

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

WHEREAS, the Town Administrator has recommended that Ernest Martin, 38 Vischer Ferry Road, Rexford be appointed to the position of substitute Senior Van Driver, and the Town Board concurs with the recommendation; now, therefore, be it

RESOLVED, that Ernest Martin, 38 Vischer Ferry Road, Rexford be appointed to the position of substitute Senior Van Driver at a pay rate of \$9.17 per hour, per matrix at Grade 1, Step 1, effective immediately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 170 of 2001, a resolution authorizing the Supervisor to enter into an agreement relating to the purchase of vacant land approximately 79.20 acres on MacElroy Road, Town of Clifton Park with Kumuda B. Reddy and Swantantra K. Mitta.

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

WHEREAS, the Town Board wishes to enter into an agreement to investigate purchasing additional parkland in the Northern part of Town, and

WHEREAS, entering into this agreement will confer a benefit upon the people of the Town of Clifton Park, and

WHEREAS, the final acceptance of said agreement will be contingent upon the 90 day

review and approval of the intended purpose by the Town's Engineer, Planning Board, Zoning Board, Building Department, the Saratoga County Planning Board, the New York State Department of Environmental Conservation, and the Department of Army Corps of Engineers, New York District; now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to enter into an agreement with Kumuda B. Reddy and Swantantra K. Mitta to investigate for 90 days the purchase of vacant land approximately 79.20 acres on MacElroy Road, Town of Clifton Park for parkland.

Supervisor Barrett said this is the culmination of the Town Board commitment to further parkland. He noted the parcel is next to property the town currently owns and fits into the town's open space plan. The Supervisor said this resolution is needed to tell seller the town is serious.

Councilman Speckhard said it is his understanding that this agreement gives the town the right of first refusal while the town is investigating the property.

Supervisor Barrett stated no money is changing hands.

Councilman Speckhard stated this does not give authority to purchase.

Councilman Paolucci stated the Supervisor must come back to the Board for authorization to purchase.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 171 of 2001, a resolution authorizing the sale of surplus equipment in the Highway Department.

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

WHEREAS, the Highway Superintendent recommends selling the surplus equipment listed in Schedule A to free up storage space at the Highway Department facilities, and

WHEREAS, a municipal auction is to be held at the Washington County Fairgrounds in July to dispose of the equipment; now, therefore, be it

RESOLVED, that the Highway Superintendent be authorized to sell the surplus equipment identified in Schedule A at the Washington County Fairgrounds in July.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 172 of 2001, a resolution amending Resolution No. 153 of 2001 hiring staff for summer recreation programs.

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

WHEREAS, it was necessary that additional staff be hired by the Department of Parks and Recreation to operate the Town of Clifton Park summer recreation programs; now, therefore, be it

RESOLVED, that Resolution No. 153 of 2001 be amended to substitute Jodi Rajchel of 24G Hollandale Apartments, Clifton Park for Virginia Seaman as the Physical Education Specialist for the Jonesville Day Camp effective immediately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 173 of 2001, a resolution authorizing the installation of a no-outlet sign at Dorsman and Jamison Drives.

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

WHEREAS, the Highway Superintendent has recommended that a "no-outlet" sign be installed at the intersection of Dorsman and Jamison Drives in Clifton Park; now,

therefore, be it

RESOLVED, that the Highway Superintendent is authorized to install a "no-outlet" sign a the intersection of Dorsman and Jamison Drives in Clifton Park.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 174 of 2001, a resolution authorizing the Town Supervisor to execute a contract with Sequoia Pacific Voting Equipment, Inc.

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

WHEREAS, the Town Board has previously adopted a policy to replace the Town's voting machines over a period of years by purchasing new electronic machines each year, and

WHEREAS, it continues to be both reasonable and desirable to purchase new machines each year through Sequoia Pacific Voting Equipment, Inc.; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to execute a contract with Sequoia Pacific Voting Equipment, Inc. for the purchase of two electronic voting machines totaling \$12,605 from line item A1450-200 (Election-Equipment) as budgeted.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 175 of 2001, a resolution authorizing budget transfers within the Highway Department.

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

WHEREAS, the Highway Superintendent has requested to utilize budgeted, undesignated funds for additional blacktop and paving projects around Town, and

WHEREAS, a budget transfer within Highway Department accounts is necessary to satisfy the request; now, therefore, be it

RESOLVED, that the Highway Superintendent and Comptroller are authorized to transfer \$300,000 from the Highway undesignated fund balance account DA 00909 to the Paving/Blacktop account DA 05110-00030.

Highway Superintendent Gerard noted this was money scheduled to have been spent last year.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 176 of 2001, a resolution establishing Corporate Commerce Zone Water District and authorizing the acquisition and construction of improvements to the water system.

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

WHEREAS, the Town Board of the Town of Clifton Park proposes to establish the Corporate Commerce Zone Water District (the "District") in the Town of Clifton Park, New York (the "Town"), pursuant to Article 12-A of the Town Law; and

WHEREAS, a map, plan and report relating the establishment of the proposed District, prepared by John M. McDonald Engineering, P.C., a competent engineer licensed by the State of New York, in the manner and detail required by the Town Board, has been filed with the Town Clerk in accordance with the requirements of Article 12-A of the Town Law; and

WHEREAS on June 4, 2001, a resolution was adopted by the Town Board reciting the filing of the map, plan and report, the boundaries of the proposed District, the improvements proposed, the estimated expense of these improvements, the proposed method of financing, the cost of the District to the properties in the District, the fact that the map, plan and report are on file in the Town Clerk's office for public inspection, and all other matters required by law to be stated; and

WHEREAS the resolution called a public hearing to be held on June 18, 2001 at 7:10 p.m. to hear all persons interested in this matter and to take action as required by law; and

WHEREAS the resolution was published and posted as required by law; and

WHEREAS a public hearing on the matter was held by the Town Board on June 18, 2001, beginning at 7:10 p.m. and the matter was fully discussed and all interested persons were heard;

NOW, THEREFORE, the Town Board of the Town of Clifton Park hereby determines that:

1. The notice of hearing was published and posted as required by law, and is otherwise sufficient.
2. All the property and property owners within the proposed District are benefited thereby.
3. All the property and property owners benefited are included within the limits of the proposed District.
4. The establishment of this District is in the public interest.

IT IS FURTHER DETERMINED AND RESOLVED that the District, as set forth in the map, plan and report be approved, that the requested improvement be constructed, and that the necessary easements and lands be acquired, upon the required funds being made available and provided for, and

IT IS FURTHER RESOLVED that this District shall be known as the Corporate Commerce Zone Water District in the Town of Clifton Park and shall be bounded and described as set for on Exhibit A attached hereto, and

IT IS FURTHER RESOLVED that the proposed improvements, including construction costs, cost of acquisition of lands and easements, legal and engineering fees, and all other expenses, be financed by the issuance of serial bonds and bond anticipation notes of the Town containing such terms as may be determined by the Town Board, the cost of such improvements to be assessed by the Town Board in as close a proportion to the benefit to which each lot or parcel will derive from the improvement as is possible, and

IT IS FURTHER RESOLVED that this resolution is subject to permissive referendum as provided in Town Law Section 209-e, in the manner provided in Article 7 of the Town Law, and is subject to the approval of the State Department of Audit and Control in accordance with Town Law Section 209-f.

Councilman Speckhard stated this resolution may have to be reexamined with respect to

discussions on going with the proposed sewer district.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 177 of 2001, a resolution authorizing the expenditure to prepare a traffic study to recommend possible improvements for the Old Route 146/Clifton Country Road Extension intersection for an amount not to exceed \$1200.00.

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

WHEREAS, some residents have expressed concern with the flow of traffic thru this intersection and traffic entering the intersection, both east and west from Old Route 146, and

WHEREAS, several minor accidents have occurred at this intersection thereby warranting a study to be done during peak periods to observe existing traffic conflicts; now, therefore, be it

RESOLVED, that the Town Board authorizes the expenditure of up to \$1200.00 to John M. McDonald Engineering, P.C. to be completed within two weeks of the passing of this resolution with funds from Engineering Line.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 178 of 2001, a resolution authorizing the installation of a no-outlet sign in the Knolltop subdivision at Castle Pines.

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

WHEREAS, the Highway Superintendent has recommended that a "no-outlet" sign be

installed at the entrance of the Knolltop subdivision on Castle Pines in Clifton Park, now, therefore, be it

RESOLVED, that the Highway Superintendent is authorized to install a "no-outlet" sign at the entrance of the Knolltop subdivision on Castle Pines in Clifton Park.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 179 of 2001, a resolution hiring additional staff for the summer recreation programs.

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

WHEREAS, it is necessary that additional staff be hired by the Department of Parks and Recreation to operate the Town of Clifton Park's summer recreation programs; now, therefore, be it

RESOLVED, that Thomas Pentkowski, 78 St. Andrews Drive, Clifton Park and Sean Flynn, 5 Beech Ridge Road, Clifton Park be hired to staff the Town of Clifton Park's summer recreation programs effective immediately to August 10th at a rate of \$6.00 per hour to be budgeted from A7310-E4500 (Staff/Counselors).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 180 of 2001, a resolution setting a public hearing to consider creating a 90 day moratorium on communication towers in Clifton Park and amending Local Law No. 11 of 1996 and Local Law No. 2 of 1998. .

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

WHEREAS, the Town of Clifton Park has received applications for the erection of cellular phone towers and other types of communication towers, and

WHEREAS, the Town of Clifton Park desires to consult experts regarding the erection of the same and desires to have research conducted regarding citizen input and the need for the aforementioned towers; now, therefore, be it

RESOLVED, that a public hearing be set for 7:20 p.m. on July 16, 2001 in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, to consider amending Local Law No. 11 of 1996 and Local Law No. 2 of 1998 and imposing a 90 day moratorium on communication tower applications in Clifton Park.

Supervisor Barrett said concerns have arisen regarding cell towers as a current application before the Planning Board is requesting to co-locate on a water tower in the midst of a residential neighborhood. He stated this moratorium would give time to look at the current legislation and study the issue.

Councilman Speckhard asked that the study focus primarily on the health issue.

Supervisor Barrett said the Planning Board will hire an independent person to look at the current situation with Knolltop to make sure everything provided is adequate and necessary.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 181 of 2001, a resolution authorizing expenditures for plantings along Clifton Country Road.

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

WHEREAS, the Director of Planning has recommended that junipers be replanted in the median of Clifton Country Road, and

WHEREAS, volunteers from Clough, Harbour & Associates will provide the manpower to accomplish the plantings; now, therefore, be it

RESOLVED, that the Director of Planning is authorized to expend up to \$1,500 for

replanting of junipers and other plants along Clifton Country Road as part of the Clifton Park/Halfmoon litter pick-up day scheduled for Saturday, July 14, 2001.

Councilman Speckhard said it is not known why the other plantings did not make it through the winter. He said Clough, Harbour & Associates have looked at the plants and do not think it is due to road salt.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Bob Ritter, Castle Pines, representing residents of Knolltop, said residents wouldn't have known about the cell tower planned for the water tower located in the Knolltop subdivision if the Planning Board hadn't send out notices. He applauded the efforts of the Planning Board. He expressed concern that there has been no notification from the Clifton Park Water Authority and feels money is the issue. Mr. Ritter said it is appalling the town has given so much authority to the Clifton Park Water Authority. Mr. Ritter said there is just as much evidence saying it is harmful as there is saying it is not and it depends on who you want to believe and who is paying for the information. Mr. Ritter said asbestos was fine 25 years ago and PCBs were legally dumped in the Hudson River and this cell tower should not be tolerated. Mr. Ritter expressed concern with the members of the Water Authority Board and asked their removal. He asked that the Town Board look at moratorium and its effects.

Supervisor Barrett said he is planning to meet with the Water Authority and is concerned that the town or neighborhood didn't know about the application until the issue came to the Planning Board.

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Frank Berlin, Main Street, member of Friends of Clifton Park Open Space, as well as Town of Clifton Park Open Space Committee, asked the Town Board to consider a resolution employing J. Behan Associates to do an open space study and fiscal analysis of the town as soon as possible. Mr. Berlin said he is a member of the Jonesville Cemetery Association and expressed concern that a 50 foot no cut zone separating the cemetery and the Windsor Pointe subdivision no longer exists. He said the Association never saw the final plan of Windsor Pointe. Mr. Shahren said the final plans had changed. Mr. Kemper will research the situation. Mr. Berlin said Exit 10 is the only exit on the Northway that still has trees. He expressed concern that Ushers Road rehabilitation is widening the road from 29 feet to 40 feet and said speed will increase. He asked that trees be saved.

Jan Lemon, Esopus Drive, requested the Town Board make changes in membership of the Clifton Park Water Authority, as she doesn't believe it is a bipartisan board. With regard to the property on MacElroy Road, Ms. Lemon asked the cost of the study and if it was put out to bid. Ms. Lemon discussed election district redistricting and asked that a bipartisan committee be formed.

Supervisor Barrett said he doesn't agree with the way the Water Authority handled the cell tower application.

Laura Shackley, Evergreen Avenue, spoke in favor of daily rates for the pools and reviewed neighboring towns' membership rates. She asked what the next step would be for the Board to consider daily rates. Pat Haffner, Director of Parks, Recreation and Community Affairs, reported half price rates go into effect August 1. Ms. Shackley said the towns' rates even at half price are significantly higher than other towns. She recommended certain restrictions that could be put on a daily rate system.

Supervisor Barrett said the Town Board would have to mitigate the concerns of the affected neighborhoods.

Todd Kerner, Spruce Street, expressed concern with the Clifton Park Water Authority and asked the Town Board to investigate their actions and take legal steps. He reported vandalism in Country Knolls West and Heritage Green, stating the town doesn't have enough police protection. Mr. Kerner asked the Town Board to sponsor legislation under home rule to get constables authority needed to stop vandalism and to get adequate police protection.

John McPhee, Elm Place, reviewed the two Hollandale proposals stating the area is better suited for a small housing development. It is his understanding the developer is planning to take down a house next to his home to access approximately eight acres for 13 homes. Mr. McPhee said this would overburden Elm Place. He asked that the property be accessed from Hollandale Lane instead. Mr. McPhee stated there will be increased traffic on Elm Place and people will use it as a shortcut. He asked the Town Board to look at the proposal and questioned if it is legal.

Supervisor Barrett asked that notices be sent out advising residents of the August 14th Planning Board meeting and the continuation of the public hearing.

Mr. McPhee said the entire development will be affected and is concerned that many of those people affected will not be notified. He recommended the town purchase the land.

Councilman Roth said he has told Planning Board Chairman O'Brien that the residents at the information meeting were very concerned about the proposed road and there are other alternatives. Mr. Roth said Hollandale Lane, which is currently a private road, would require some changes to bring it up to standard for a town road but he feels it could be done.

Bill Waldron, Castle Pines, stated he can't believe the Water Authority invited the cell tower in. He said every family in the Knolltop neighborhood has said they don't want the cell tower on the water tower. Mr. Waldron said the residents need the Town Board and Planning Board as well as their respective attorneys to figure out how to say no the Nextel and win in court. He reported people all over the country are winning suits against telecommunication companies. He stated he has read there are statistical links between radiation and some types of cancers. Mr. Waldron said his son died of lymphoma and they lived next to a FCC compliant ham radio station. He asked for the Town Board's help.

Norman Goldman, said the 4th of July signs at the intersection of Route 146 and 146A are too busy. He expressed displeasure with items being added to the agenda at the last minute. With regard to the parkland on MacElroy Road proposal, Mr. Goldman said even if there are wetlands, it is still suitable for open space.

Youssef Ballout, Torrero Drive, said the Hollandale proposal maximizes dollars but effects would be devastating to residents. He asked the Town Board to do everything possible to prevent the road from going through at Elm Place.

Lucinda McPhee, Elm Place, said two weeks after her family moved into their home she found out a road could be going through. She said she is asking for help as this will effect the character of the neighborhood, encourage increased traffic and feels residents of Hollandale will use the new road as a shortcut through Clifton Gardens.

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 11:10p.m.

Patricia O'Donnell, Town Clerk