

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

**January 7, 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  
Barbara McHugh, Director of Community Development  
Michael Shahan, Town Administrator

MOTION by Councilman Paolucci, seconded by Councilman Roth, to approve the minutes of the December 17, 2001 meeting as presented.

### **ROLL CALL VOTE**

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

Noes: None

Abstain: Councilwoman Walowit

### **MOTION CARRIED**

### **ANNOUNCEMENTS AND COMMUNICATIONS**

Supervisor Barrett reviewed a letter from Community Development Director McHugh regarding town security patrols, recommending adding more hours and looking at giving security officers more powers. He stated he doesn't feel it is necessary to arm security officers as the town has NY State Police and County Sheriff Department patrolling. Ms. McHugh recommended allowing security officers to enforce all town ordinances. Supervisor Barrett said he would distribute Ms. McHugh's letter to Town Board members and the Public Safety Task Force.

Councilman Speckhard reported on his annual meeting with various sports leagues, noting Miss Shen Softball is looking to build a storage building on the Common. He said there have been complaints from residents regarding lights and the sound from the PA system at the baseball fields and the Clifton Park Baseball League has agreed to reduce the sound of the PA system and the time that lights will be on. He said they are willing not to start any innings after 10:30 p.m. With regard to lights for the soccer fields, an environmental assessment statement was done on the field next to Vischer Ferry Road but there were a number of objections to that location. Town engineers are developing a design for lighting for a field near the soccer league clubhouse without any lumination spillover into any of the surrounding area. Councilman Speckhard said the soccer league is also willing to discuss sound and curfew restrictions and number of games and will write the Supervisor in this regard. He noted another environmental assessment would need to be done for a lighting design at a different location.

Supervisor Barrett said residents around the Common have expressed concern regarding extending the day and the spread of lighting. He said if this can be limited there may be support. He noted any lights would be paid for by the baseball and soccer leagues. He said there was a soccer league waiting list of 100 children and doesn't want to have that happen again. The Supervisor said he wants to make sure there are enough time and fields so every child has an opportunity to play.

Councilman Speckhard the town has committed to soccer fields at the Longkill Park site and a sprinkling system has been installed, along with accessible parking area. He noted in the spring Director of Buildings and Grounds Handerhan and a representative of the soccer league will inspect the field as it seems slightly uneven. If the field is put into working condition, Councilman Speckhard doubts there will still be a waiting list for soccer. Supervisor Barrett said this may only be a short-term solution and the lighting issue needs to be addressed in the near future.

Councilwoman Walowit said she wants to clarify that the town is not responsible for the Time Warner Cable rates. She said the agreement should be back to the Town Board within the next few weeks.

## REPORTS

Reports for December from the Highway Department and Transfer Station were filed with the Town Clerk.

## PUBLIC HEARING, 7:10 PM

TO CONSIDER A LOCAL LAW AMENDING LOCAL LAWS NO. 10, THE ZONING CODE, and 11 of 1996 TELECOMMUNICATION TOWERS

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on December 26, 2001.

Supervisor Barrett summarized the proposed local law explaining this would prohibit placing telecommunication equipment on an existing structure that would be less than 500 feet from a residence and includes the requirement of a \$2500 retainer fee to cover review expense. He stated more protection is needed for the residents.

The public hearing was opened for comments from the audience at 7:30 p.m.

Wayne Burdge, Castle Pines, expressed appreciation to the Board for requiring a distance of 500 feet. He said these structures are commercial in nature and detract from the residential neighborhood. He reported an equipment structure was constructed in the area that doesn't meet the minimum requirements of a tool shed. Mr. Burdge asked the Board to make the distance 1000 feet but said he is happy with 500.

Supervisor Barrett said there is precedence with the 500 feet. He noted the 500 feet is from any ancillary materials such as fences or guy wire anchors to a single-family and two-family dwelling as measured from the nearest point to nearest point.

Chris Schmitt, Castle Pines, stated he agreed with Mr. Burdge and the concept of the 500 foot buffer zone. He said he worries about the character of the neighborhood and 500 feet would help to preserve the residential neighborhood. He reported the installation does not look like the installation shown in the Nextel architectural drawing. Mr. Schmitt said equipment has been left lying around and a generator had been left running unattended all night and this is not appropriate for a residential area. It was noted the generator is no longer running.

Supervisor Barrett said this proposed legislation would have no bearing on the Nextel application.

Richard Kukuk, Chairman of the Clifton Park Water Authority, explained Nextel had put a mobile trailer generator running on site to test equipment and has been assured by Nextel that it won't happen again. He attempted to have Water Authority personnel turn the generator off and there was nothing they could do. Mr. Kukuk said though the original trend for wireless communication was for vehicles, wireless companies are now providing personal communication to residential homes. With regard to distance regulations he is more familiar with the distance being the height of the tower. He asked where the 500-foot distance came from and if there is an engineering justification. He expressed concern that the 500-foot distance might be liable for challenge. Mr. Kukuk said as communication facilities grow, as a citizen, he doesn't want to see additional stand alone communication towers built and thinks existing structures are a much better alternative than building new towers. He said the Nextel site is still under construction and the Planning Board's site approval contains conditions, including landscaping. He stated before Nextel leaves the site, these obligations will be met and the Water Authority and Building Department will make sure everything is complied with.

Supervisor Barrett said he realizes there will be more applications for towers and demand for wireless communications will grow, however, he is concerned with the effect on

neighborhoods.

Jeff Mason, Castle Pines, thanked the Town Board for continuing to look at the issue. He said on the face of it, co-location on existing structures is a good basic place to start. He spoke in support of the 500-foot buffer. Mr. Mason suggested using the 500-foot buffer as a starting point for more thoroughly re-examining the existing town law with respect to co-location. He said from time to time there will be circumstances where telecommunication facilities have to be located in very close proximity to residential areas. However, since the town law and Telecommunications Acts was written it is his understanding that there have been a number of Appellate Court decisions that have helped to interpret the intent of the Telecommunications Act, such as the element of a “significant” gap. He recommended various steps to take and suggested a committee of Knolltop residents to help with legislation.

Supervisor Barrett stated nothing would be changed regarding co-location.

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 7:50 p.m.

#### PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 4 of 2002, a resolution compensating employees in the Assessor’s Office for overtime from NYS aid for the STAR Program.

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

WHEREAS, NYS has allocated money in aid to the Assessor’s Office for the Year 2002 to help offset the costs incurred from administering the STAR program, and

WHEREAS, the Assessor recommends that the funds be allocated for employee overtime and for his additional time and responsibilities in accordance with the approved budget; now, therefore, be it

RESOLVED, that the following employees of the Assessor’s Office be paid the following amounts for their overtime needed to implement the STAR program from the aid received from NYS to offset STAR related expenses;

Catherine Montalto-100 hours-\$1,700.00  
Ellen Angus-100 hours-\$1,600.00  
Margaret Kasky-100 hours-\$1,500.00

to be paid from Budget Account A-1355-E074 (Assessor-STAR Overtime); and be it

further

RESOLVED, that Walter Smead be paid \$5,000.00 for the year (to be disbursed at \$1250 per quarter) at a salary stipend for his additional time and responsibilities needed for the STAR program, to be paid from the same Budget Account.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 5 of 2002, a resolution awarding the bid for two (2) Large Single-Axle Snowplow Trucks in the Highway Department.

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

WHEREAS, on December 28, 2001 bids were opened for the above referenced bid, and

WHEREAS, the sole bidder for this bid was Tracey Freightliner of Albany, in the amount of \$203,822.00, and

WHEREAS, the Highway Superintendent recommends that the bid of Tracey Freightliner of Albany be accepted; now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced bid to Tracey Freightliner of Albany in the amount of \$203,822.00, \$195,000.00 to be budgeted from DA5130-00220 (Highway Machinery/Equipment/Dump Truck/Lg. 2) and \$8,822.00 to be budgeted from DA-5130-00229 (Highway Machinery/Equipment/Small Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 6 of 2002, a resolution establishing the Town of Clifton Park as lead agency, and issuing a Negative Declaration under the State Environmental Quality

Review Act for the proposed amendments to Section 171-6 of the Zoning Law of the Town of Clifton Park.

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

WHEREAS, the Town Board of the Town of Clifton Park is considering proposed amendments to Section 171-6 of the Zoning Law of the Town of Clifton Park Town Code, said amendments to address the regulation of off-premises signs/billboards, and

WHEREAS, the said application was duly referred to the Director of Planning for his comments on this application as it relates to the New York State Environmental Quality Review Act, and

WHEREAS, the Director of Planning has prepared a State Environmental Quality Review Act Negative Declaration and Notice of Determination of Non-Significance, and have recommended the adoption thereof by the Town Board of the Town of Clifton Park, and

WHEREAS, the Town Board of the Town of Clifton Park has separately evaluated whether the proposed local law may have a negative environmental impact, taking into consideration the Director of Planning's recommendations; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park does hereby declare itself lead agency concerning the said application; and be it further

RESOLVED, that the Town Board of the Town of Clifton Park does hereby adopt a Negative Declaration and Notice of Determination of Non-Significance for this project, a true copy of which is annexed hereto and made a part hereof.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 7 of 2002, a resolution adopting Local Law No.1 of 2002, a local law amending Local Law No. 12 of 2001, and 27 of 1989 as amended by Local Law No. 8 of 1992 and Local Law No. 10 of 1996 regarding the review, approval and issuance of permits for billboards/off premises signs/advertising signs in the Town of Clifton Park.

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

WHEREAS, the Sign Law for the Town of Clifton Park (Code of the Town of Clifton Park) Section 171-4 and 171-6 currently prohibits the placement of off-premises signs/billboards within the boundaries of the Town of Clifton Park, and

WHEREAS, the Town Board of the Town of Clifton Park has resolved litigation brought by Nichols Media Group, LLC challenging the Town's sign law on the basis that it unconstitutionally prohibits off-premises signs/billboards, and

WHEREAS, the Town Board wishes to adopt certain changes to the Town of Clifton Park Sign Law relative to the regulation of off-premises signs/billboards in accordance with recommendations from the Town Attorneys, and

WHEREAS, the Town Board of the Town of Clifton Park held a public hearing on January 2, 2002 at 7:30 p.m. concerning proposed amendments to Section 171 of the Zoning Law of the Town of Clifton Park, said amendments to address the regulation of off-premises signs/billboards and at which time no one wished to be heard, and

WHEREAS, the Town Board of the Town of Clifton Park has duly complied with the environmental review required by the State Environmental Quality Review Act with the assistance of the Town's Engineers; now, therefore, be it

RESOLVED, that Section 171-4 and 171-6 of the Zoning Law of the Town of Clifton Park is amended in the form annexed hereto; and be it further

RESOLVED, that Local Law No. 1 of 2002, amending Local Law No. 27 of 1989, as amended, Sign Law, and Local Law No. 12 of 2001 and Local Law No. 10 of 1996, the Zoning Code, is hereby adopted..

Supervisor Barrett explained the town will end up with three 2-sided billboards on a specific section of Route 9 and in three years, due to an amortization clause, all of the current billboards in town will be illegal. This will move billboards from a more scenic area to the business area.

Councilman Speckhard said the area around historic Clifton Park Village is under review as a possible historic district.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 8 of 2002, a resolution re-appointing Barbara McHugh to the position of

Community Development Director.

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

WHEREAS, Barbara McHugh of 2 Birch Hill Court, Ballston Lake has been serving as Director of Community Development for the Town of Clifton Park, and

WHEREAS, the Town Board wishes to re-appoint Barbara McHugh as Community Development Director; now, therefore, be it

RESOLVED, that Barbara McHugh, 2 Birch Hill Court, Ballston Lake be re-appointed as Community Development Director effective immediately January 1, 2002.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 9 of 2002, a resolution appointing Patricia O'Donnell as Registrar of Vital Statistics and Records Management Officer.

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

WHEREAS, it is desirable to reappoint Patricia O'Donnell as Registrar of Vital Statistics and Records Management Officer for a two-year term; now, therefore, be it

RESOLVED, that Patricia O'Donnell be re-appointed as Registrar of Vital Statistics and Records Management Officer with terms 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. 10 of 2002, a resolution pre-approving a list of contractors for work in the Rexford Water District No. 2.



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

WHEREAS, the Water Superintendent frequently gets called at all hours of the day and night when problems develop with the water system, and

WHEREAS, in the judgment of the Superintendent it is in the best interest of the residents of the Rexford Water District No. 2, to immediately contract for services to perform work necessary to correct a disruption of water service; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park, acting as Commissioners of the Rexford Water District No. 2 hereby pre-approve for work in the Rexford Water District No. 2 the contractors listed in the attached, and be it further

RESOLVED, that the Superintendent of the Rexford Water District No. 2, when discharging his duties, shall select a contractor from this attached pre-approved list, and be it further

RESOLVED, that the Superintendent may, in emergencies and after attempting to contact all of the pre-approved contractors, seek services of others when in the judgment of the Superintendent it is in the best interest of the residents of the Rexford Water District No. 2 to do so, and be it further

RESOLVED, that the Town Board is not hereby pre-approving the payment of the selected contractor's fees, but rather approving a list from which the Superintendent may select in emergency situations; and be it further

RESOLVED, that the Clerk forward a copy of this resolution to the Superintendent of the Rexford Water District No. 2.

Councilman Speckhard said this would facilitate the Superintendent's ability to respond quickly without Board approval. Councilman Paolucci asked if these approved contractors have to adhere to certain pricing and quality standards. Councilman Speckhard responded the prices are on record with the Town Administrator's office. He emphasized this is not pre-approving those expenditures which will still need to go through the approval process.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 11 of 2002, a resolution appointing Vance Bryant as an Associate Member of the Environmental Conservation Commission.

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

WHEREAS, the Environmental Conservation Commission currently has vacancies on it's commission for Associate Members, and

WHEREAS, Robert Marino, Chairman of the Environmental Conservation Commission recommends that Vance Bryant, 8 Lincolntown Drive, Clifton Park, be appointed as an Associate Member of the Environmental Conservation Commission; now, therefore, be it

RESOLVED, that Vance Bryant, 8 Lincolntown Drive, Clifton Park, is hereby appointed as an Associate Member of the Environmental Conservation Commission.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 12 of 2002, a resolution appointing a substitute secretary to the Planning Board.

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

WHEREAS, due to the resignation of the Planning Board Secretary, a need exists for a substitute secretary until a permanent secretary is appointed, and

WHEREAS, the Town Board wishes to appoint Janis Dean, 23 Pinewood Drive, Clifton Park, as substitute secretary to the Planning Board; now, therefore, be it

RESOLVED, that Janis Dean, 23 Pinewood Drive, Clifton Park is hereby appointed as substitute secretary to the Planning Board, at a salary of \$285 per meeting to be budgeted from A-8020-E-2200 (Planning Board/Staff Salary).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth

Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Frank Berlin, Main Street, Jonesville, speaking with regard to the land behind Hannaford Supermarket, asked the Town Board to consider designing the area to be “downtown Clifton Park” where there could be shops, offices, senior housing, walkways, underground parking – a plan that would be unique to the area. Councilman Paolucci said he agrees with Mr. Berlin’s idea of planning but feels this is already happening with the zoning classifications in that area and only very specific things could be allowed.

Supervisor Barrett noted that the hotels in the Exit 9 area are very valuable and worth millions to town assessment roles. He said the successes with sales tax revenue and assessable value in the Exit 9 area allows other parts of town to be preserved.

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 8:33 p.m.

Patricia O’Donnell  
Town Clerk