

## **Clifton Park Town Board Meeting Minutes - May 9, 2005**

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 Handerhan, Supervisor of Buildings and Grounds  
Jason Kemper, Director of Planning  
Michael Shahan, Town Administrator  
Louis Renzi, Deputy Town Attorney

### **ANNOUNCEMENTS AND COMMUNICATION**

Speaking with regard to the Community Survey on the aging, Councilman Paolucci reported a graduate student from SUNY Albany will be manipulating data into a program in order to do statistical analysis.

MOTION by Supervisor Barrett, seconded by Councilman Speckhard, to move into Executive Session to discuss a pending legal issue. Motion unanimously carried at 7:10 p.m.

In Attendance: Supervisor Barrett, Councilman Paolucci, Councilman Speckhard, Councilman Roth, Councilwoman Walowit, Town Attorney Trainor, Deputy Town Attorney Renzi, Town Administrator Shahan, Town Clerk O'Donnell, Greg Johnson, Attorney, Girvin & Ferlazzo, representing the town in the Independent Wireless One lawsuit.

Mr. Johnson reviewed the Stipulation of Settlement Agreement after which the Town Board agreed to authorize the Supervisor to sign said Agreement.

MOTION by Councilwoman Walowit, seconded by Councilman Paolucci, to return to the regular meeting. Motion unanimously carried at 7:20 p.m.

**PUBLIC HEARING, 7:10 PM  
TO CONSIDER A LOCAL LAW AMENDING CHAPTER 208, THE ZONING CODE**

OF THE TOWN OF CLIFTON PARK, ARTICLE II SECTION 7, DEFINITIONS,  
ARTICLE IX LIGHT INDUSTRIAL DISTRICTS SECTION 64 PERMITTED AND  
PROHIBITED USES AND SECTION 111 PENALTIES

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on May 5, 2005.

Councilman Paolucci reviewed the current Light Industrial zoning and the decision to change the zoning. He explained it was decided to keep the zoning relatively the same but change some of the uses to reflect the Comprehensive Plan. He noted there is a B-3 zone that extends up Ushers Road on the northern side east of I-87. He explained what is being proposed is to take some of the heavy retail uses currently allowed in the shaded zone on Ushers Road west of I-87 and add uses that more aptly reflect the development that has already occurred in this area, specifically office buildings. Councilman Paolucci said the state forest parcels are not suited to the current zoning of Light Industrial and it is proposed to change the state forest parcels to Public, Institutional and Recreational Zoning. The shaded designations will be replaced by LI-1 and LI-2. There are no changes proposed for the current mobile home park area.

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

Lucy Clark, Cayuga Road, Niskayuna, member of Save the Pine Bush, expressed concern that the area under discussion includes the potential habitat of the Karner Blue Butterfly and an area where Karner Blue Butterflies have been known to exist in the past. She encouraged the Town Board to zone the potential habitats areas in a protective fashion. Ms. Clark stated open space is a finite resource. She asked what the town will gain financially if the proposed zoning is adopted and noted there will be increased infrastructure costs, increased security, water and sewer costs. She said the tax base will be preserved by preserving open space and by encouraging the return of the Karner Blue to the habitat rather than destroying it.

Councilman Paolucci responded the Karner Blue habitats were looked at and the sites shouldn't be impacted. He said the Light Industrial Zone, with the proposed changes, is less intensive but also provides some economic diversity in a different part of town that makes sense due to its location near the Northway.

Susan Burton, Riverview Road, speaking on behalf of the Friends of Open Space, read a letter, attached, asking the town to consider an Open Space Preservation Zoning designation.

Councilman Paolucci responded it might be time to start reviewing to see if an extra level of zoning is needed.

Supervisor Barrett agreed it would be prudent to have a separate level of zoning and a better identity since the town has purchased and has under contract 600 acres of open space that is envisioned never to be developed. He noted this will be discussed with the

Open Space Committee.

James Ruhl, Wood Dale Drive, read a prepared statement supporting the proposed legislation, attached.

Glenn Valle, Hillside Drive, representing the Country Knolls Civic Association, said the Exxon Mobil application on Ushers Road was a blessing in disguise as it gave the Town Board and residents the opportunity to take a good look at zoning in the area. He said this is a major step forward and supports the proposed legislation without reservation, particularly that special uses have been eliminated in the LI -1 zone. He said two great additions are the “all projects proposed for the LI-1 area shall comply with the results of one or more tree surveys conducted in accordance with town specifications” but feels town guidelines are needed as to what standards are set and “all projects proposed for the LI-1 area shall incorporate architectural standards” and recommended adding architectural and aesthetics standards which reflect the existing natural aesthetics of the LI-1 area. However, Mr. Valle doesn’t believe this should be limited to the LI-1 area but to the surrounding area as well. Regarding warehousing, he asked why private was removed and public left in and suggested it be limited to interior warehousing.

Frank Berlin, Main Street, Jonesville, reported many tractor trailers are going through Jonesville on Main Street and asked that this be prohibited.

Pam Marshall, Fairlawn Court, read a prepared statement, attached, and stated the character of Ushers Road needs to be defined.

Councilman Paolucci responded the language regarding architectural design gives the Planning Board more power in their review of site plan design.

Lynn Jackson, Save the Pine Bush, said all Karner Blue habitats are zoned Light Industrial and the town needs to identify where habitats are and changing the zoning to protect them. She recommended the town consult a leprodopturist before adopting the legislation. She asked that no development be allowed until the Karner Blue is protected.

Norman Goldman, London Square Drive, expressed concern with the dirt roads off of Wood Road and hopes this is being watched.

Joseph Ballout, Torrero Drive, said residents in the Ushers Road area insisted on action being taken. He recommended adding language that PUDs are not desirable, as well as require mandating SEQRA. He agreed with previous speakers that the Karner Blue deserves protection. Mr. Ballout said a second look should be taken regarding architectural standards by taking in open space issues.

Dean Taylor, local realtor, former member of ECC, noted any projects over the last 15 years have gone through painstaking review. He said a PUD needs to have a public benefit and town should have the option to allow it.

Ann Sombler, Cayuga Road, Niskayuna, asked that a zoning designation be made for Karner Blue habitats.

William Engleman, Partridge Plateau, asked if Clough, Harbour & Associates reviewed the project and, if so, have they submitted comments and if there has been a short or long environmental assessment form filled out for this zoning change. He further asked if landowners and residents of the subject area were notified of the hearing. He said it is an improvement to have the forest land removed from the Light Industrial zone but is dismayed that has been put into another zone that allows the development of structures, as well as being included in the mobile home park overlay. Mr. Engleman said if there was inclusionary zoning in town, a mobile home park overlay wouldn't be necessary. He continued it is unfortunate that the tree survey would apply to only one side of Northway. He recommended that architectural standards be specified and subject to public comment before adoption. Removing the service stations as a special use from the Wood Road corridor area and then making it a permitted use throughout the LI-2 zone does not reflect the environmental sensitivity of the area and reduces the level of protection residents may desire. Mr. Engleman said numerous people have called for increasing green space and buffers and recommended an increase of 10 percent. He reviewed unwanted types of emissions that could be created from nano tech industry, stating these are significant omissions that need to be rectified. He said Land Conservation zoning should be shown on the map.

Bill Koebbeman, Riverview Road, said he is pleased with the changes in zoning of the state forest land. He recommended the Board take comments regarding research labs into consideration, as well as having experts review endangered species. Regarding PUDs, he has seen abuses of "public benefit".

Donald McElroy, Route 146A, reviewed businesses south of Ushers Road that have come into the Light Industrial zone over the last ten years, noting they are fine corporate neighbors. He said the history of the Light Industrial zone has been a positive one for the town and has given the town the opportunity to broaden the economic base between retail, office, light manufacturing, distribution and assembly jobs. Mr. McElroy said there are some uses in the LI-1 zone that should also apply to LI-2, e.g. offices, professional offices, research labs but will submit comments to that effect in writing to the town.

Councilman Paolucci reviewed the comparison between LI-1 and LI-2 regarding manufacturing and distribution.

William Engleman said in the existing code there is a statement regarding no facility being allowed where heat or glare extends beyond the property line but glare does exist from several businesses in the Exit 10 area when there is snowfall, haze or fog. He said by adding gas stations as an allowed use new sources of glare may be produced.

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 8:50 p.m.

## PUBLIC PRIVILEGE ON RESOLUTIONS

Speaking with regard to the resolution regarding zoning changes in the western Clifton Park study area, Norman Goldman said the purchase of 600 acres of open space on Route 146 will significantly reduce the value of property by both the conservation zoning and conservation subdivision requirements and asked why the town can't reimburse owners of the extra property that is being taken for open space. Supervisor Barrett said this has been discussed and is a difficult process to put together but, at this time, it is felt the lands will only become more valuable.

Resolution No. 120 of 2005, a resolution adopting Local Law No. 5 of 2005, a local law amending Chapter 86, (Construction and Design Standards) and Chapter 208 (the Zoning Code of the Town of Clifton Park) regarding Design Standards and Zoning changes in the Western Clifton Park GEIS Study Area.

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

WHEREAS, the Town Board is considering amending Chapter 86, Construction and Design Standards and Chapter 208, the Zoning Code of the Town of Clifton Park, and

WHEREAS, on April 18, 2005 at 7:20 p.m. a public hearing was held to solicit the comments of the Town's citizens regarding the proposed changes; now, therefore, be it

RESOLVED, that Local Law No. 5 of 2005, a local law amending Chapter 86, Construction and Design Standards and Chapter 208, the Zoning Code of the Town of Clifton Park is hereby adopted, and be it further

RESOLVED, that the Town Clerk shall file said local law with the New York State Department of State as required by law; and be it further

RESOLVED, that this local law shall take effect immediately upon its adoption.

Supervisor Barrett reviewed the process over the last 18 months in order to bring this legislation forward.

### ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 121 of 2005, a resolution hiring Myla Kramer as Director of Parks, Recreation and Community Affairs.

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

WHEREAS, due to the recent retirement of Patricia Haffner, an opening exists for the position of Director of Parks, Recreation and Community Affairs, and

WHEREAS, after reviewing the qualifications of Myla Kramer, 12 McGregor Court, Clifton Park, New York, the Town Board wishes to hire Myla Kramer to fill the position; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby authorizes the hiring of Myla Kramer, 12 McGregor Court, Clifton Park, New York, as Director of Parks, Recreation and Community Affairs, at Grade 10, Step 3, (\$49,617), effective immediately, to be paid with a transfer from A7021-E40 (Parks & Recreation-Recreation Director).

Supervisor Barrett said there were excellent candidates for this position. He noted Ms. Kramer has an extensive background in public safety.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 122 of 2005, a resolution authorizing the Comptroller to transfer \$5,000 from the Veteran's Park Capital Equipment line to the Veteran's Park maintenance line.

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

WHEREAS, the Buildings and Grounds Supervisor has recommended the transfer of \$5000 from the Veteran's Park Capital Equipment budget line to the Veteran's Park maintenance line to cover the cost of unforeseen, required needs; now, therefore, be it

RESOLVED, that the Comptroller is authorized to transfer \$5000 from A7024-00200(Capital Equipment) to A7024-00024(Veteran's Park maintenance).

Supervisor of Buildings and Grounds Handerhan explained the cost of materials has greatly increased.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 123 of 2005, a resolution awarding a contract for lawn care services for the Stoney Creek II Park District.

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

WHEREAS, quotes were received by the Town Board as Commissioners of the Stoney Creek II Park District for lawn care services, including mowing, trimming, fertilizer and pruning for the Stoney Creek II Park District, and

WHEREAS, the lowest conforming quote for the work to be done was presented by Moonlight Horticultural at a total cost for the season not to exceed \$7,468; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Stoney Creek II Park District, hereby awards the contract to Moonlight Horticultural, Pattersonville, NY, for lawn care services for the Stoney Creek II Park District, at a cost not to exceed \$7,468, for fifteen mowings, fertilizer program, trimming and pruning, to be budgeted from SP0-7120-24 (Stoney Creek II Park District Maintenance).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 124 of 2005, a resolution authorizing the stocking of two hundred Triploid Grass Carp in the Clifton Knolls Pond.

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

WHEREAS, Environmental Specialist Michael O'Brien has requested authorization to

purchase two hundred (200) Triploid Grass Carp for stocking to replenish the fish population in the Clifton Knolls Pond, and

WHEREAS, the fish eat nuisance aquatic vegetation, and

WHEREAS, the Clifton Knolls Park District has voted to support the project; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Clifton Knolls Park District, grants authorization to purchase two hundred (200) Triploid Grass Carp from Fulton County Soil and Water Conservation District for \$15, for each fish, not to exceed \$3,000 total cost, to be paid from SP3-7131-24 (Clifton Knolls Park District-General Maintenance).

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 125 of 2005, a resolution determining that the acquisition, construction and installation of water system improvements in Rexford Water District No. 2 will not have a significant effect on the environment.

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

WHEREAS, the Town Board of the Town of Clifton Park, Saratoga County, New York (the "Town") is considering undertaking for the acquisition, construction and installation of improvements to the Rexford Water District No. 2 water system, including the acquisition of land or rights in land and equipment, machinery or apparatus required in connection therewith (the "Project"), and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-b of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (the "DEC"), being 6 NYCRR Part 617, as amended (the "Regulations"), the Town desires to determine whether approving the acquisition, construction and funding of the Project may have a significant effect on the environment and therefore require the preparation of an environmental impact statement, and

WHEREAS, the Town Environmental Specialist has prepared a short environmental assessment form for the Project (the "EAF"), a copy of which was presented to and



reviewed by the Town at this meeting and a copy of which is on file in the office of the Town Clerk, and

WHEREAS, pursuant to the Regulations, the Town has examined the EAF in order to make a determination as to the potential environmental significance of the Project, and

WHEREAS, the Project does not appear to constitute a "Type I Action" (as defined by the Regulations);

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN BOARD OF THE TOWN OF CLIFTON PARK, NEW YORK AS FOLLOWS:

1. Based on an examination of the EAF and based further upon the Town Board's knowledge of the area surrounding the Project and such further investigation of the Project and its environmental effects as the Town Board has deemed appropriate, the Town Board makes the following findings with respect to the Project:

(a) The Project is described in the EAF;

(b) The Project constitutes an "unlisted action" (as defined in the Regulations);

(c) No potentially significant effect on the environment is noted in the EAF for the Project, and none are known to the Town Board; and

(d) The Project will not have a significant effect on the environment; and the Town Board will not require the preparation of an environmental impact statement with respect to the Project.

2. This resolution shall take effect immediately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 126 of 2005, a bond resolution dated May 9, 2005 of the Town of Clifton Park, New York, authorizing the acquisition, construction and installation of improvements to the Rexford Water District No. 2 water system and related equipment, machinery and apparatus at a maximum estimated cost of \$700,000 and authorizing the issuance of \$700,000 serial bonds to pay the cost thereof.

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

Roth.

Section 1. The Town of Clifton Park, New York (the "Town") is hereby authorized to acquire, construct and install improvements to the Rexford Water District No. 2 water system, including land or rights in land, and equipment, machinery and apparatus required in connection therewith, at an estimated maximum cost of \$700,000 and to issue an aggregate \$700,000 in serial bonds pursuant to the provisions of the Local Finance Law to finance the costs of the aforesaid object or purpose.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$700,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$700,000 in serial bonds (the "Bonds") of the Town authorized to be issued pursuant to this resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty (40) years pursuant to paragraph 1 of Section 11.00(a) of the Local Finance Law. The proposed maturity of the obligations authorized by this resolution will be in excess of five (5) years.

Section 4. Pursuant to Section 107.00(d)(9) of the Local Finance Law, no down payment is required prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any Bond Anticipation Notes issued in an anticipation of the Bonds shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any Bond Anticipation Notes issued in anticipation of the Bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds and any Bond Anticipation Notes issued in anticipation of the Bonds. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be apportioned and assessed upon the several lots and parcels of land within Rexford Water District No. 2, an amount sufficient to pay the principal of and interest on such obligations as the same become due and payable, but if not paid from such source, all the taxable real property in the Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal and interest on such obligations when due.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and

pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00, inclusive, of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to issue bonds providing for level or substantially level or declining annual debt service, is hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 8. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Town's General Fund. It is intended that the Town shall then reimburse such expenditures with the proceeds of the Bonds and bond anticipation notes authorized by this resolution and that the interest payable on the Bonds and any bond anticipation notes issued in anticipation of the Bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by this resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Regulation Section 1.150-2.

Section 9. The Serial Bonds and Bond Anticipation Notes authorized to be issued by this Resolution are hereby authorized to be consolidated, at the option of the Town Supervisor, the chief fiscal officer of the Town, with the serial bonds and bond anticipation notes authorized by other bond resolutions adopted by the Town Board for purposes of sale in one or more bond or note issues aggregating an amount not to exceed the amount authorized in such resolution. All matters relating to the sale of the Bonds, including the date of the Bonds, the consolidation of the Bonds and Bond Anticipation Notes with other issues of the Town, and the serial maturity of the Bonds, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 10. The validity of the Bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of this resolution or a summary hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 11. The Town Supervisor, as chief fiscal officer of the Town, is hereby authorized to enter into an undertaking for the benefit of holders of the Bonds from time to time, and any bond anticipation notes issues in anticipation of the sale of the Bonds,

requiring the Town to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15(c)2-12.

Section 12. This resolution, or a summary of this resolution, shall be published in the official newspapers of the Town for such purpose, together with a notice of the Clerk of the Town in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 13. The Town Board hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 14. This resolution shall take effect immediately upon its adoption.

Supervisor Barrett said it is appropriate that the town take action and start planning now to try to alleviate some of the pressures that will be on the district and in turn help everyone in the future.

Mr. Trainor explained this resolution authorizes the town to use general fund money that will be reimbursed through bond proceeds which ultimately will be reimbursed by district users.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 127 of 2005, a resolution adopting a Computer Use Policy for the Town of Clifton Park.

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

WHEREAS, the Town of Clifton Park's E-Government Committee has drafted and approved a policy for the acceptable use of computer equipment at the Town, and

WHEREAS, this policy applies to employees, contractors, consultants, temporaries and other workers at the Town of Clifton Park, including all personnel affiliated with third parties, and also applies to all equipment that is owned or leased by the Town of Clifton Park; now, therefore, be it

RESOLVED, that the Clifton Park Town Board hereby adopts a Computer Use Policy per Exhibit "A", for the Town of Clifton Park; and be it further

RESOLVED, that all authorized computer users be issued a copy of said policy.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 128 of 2005, a resolution authorizing the hiring of summer workers for the Buildings and Grounds Department as per Schedule A.

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

WHEREAS, a need exists for summer workers in the Buildings and Grounds Department, and

WHEREAS, Michael Handerhan, Buildings and Grounds Supervisor, has recommended that the individuals listed in Schedule A be hired to fill these positions, and

WHEREAS, the wages to be paid to the hired individuals is listed in Schedule A as budgeted; now, therefore, be it

RESOLVED, that the individuals listed in Schedule A attached hereto be hired as part of the summer Buildings and Grounds staff for the Town of Clifton Park for the summer of 2005, effective immediately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 129 of 2005, a resolution authorizing the Supervisor to sign a settlement stipulation with Independent Wireless One Corporation.

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

WHEREAS, Independent Wireless One Corporation ( "IWO" ) filed a lawsuit against

various officials and agencies of the Town regarding the denial of its application to locate telecommunications equipment on the Knolltop Water Tower, and

WHEREAS, the Town Board feels it is in the best interests of the Town's residents to settle the lawsuit; now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to settle the IWO litigation by signing and filing a stipulation on behalf of the Town as well as any other documents which may need to be signed to effectuate the settlement on the proposed or similar terms.

Greg Johnson, Girvin & Ferlazzo, representing the Town of Clifton Park in the Independent Wireless One Corporation litigation, reviewed the history of the litigation and the Stipulation of Settlement. Councilman Paolucci stated he will abstain from voting on this resolution as he is employed by Verizon Corporation and, even though there is not direct conflict, he wants to avoid any possible appearance of a conflict that may exist with one of the competitors of his employer. Supervisor Barrett said this resolution is being brought forward with some reluctance.

#### ROLL CALL VOTE

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

Noes: None

Abstain: Councilman Paolucci  
DECLARED ADOPTED

#### PUBLIC PRIVILEGE

Norman Goldman, London Square Drive, said he feels there will be a negative financial impact for landowners in western Clifton Park. Speaking with regard to the recent Survey on the Aging that was mailed to residences, Mr. Goldman expressed concern that apartment dwellers did not receive the survey.

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 9:57 p.m.

Patricia O'Donnell  
Town Clerk