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April 21, 2008

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 Hughes
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Absent: Councilman Roth

Also Present: Town Attorney McCarthy
Mark Heggen, Comptroller
Myla Kramer, Director of Parks, Recreation and Community Affairs
Richard Kukuk, Superintendent of Highways
Barbara McHugh, Director of Community Development
Michael Shahen, Town Administrator
Walter Smead, Assessor

MOTION BY Councilman Paolucci, seconded by Councilman Hughes, to approve the minutes of the April 7, 2008 meeting as presented.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Roth

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett announced Parent Handbooks for the Summer Recreation Full and Half Days Program are available in the Parks & Recreation Office.

Supervisor Barrett announced the Not So Common Players production of "They're Playing Our Song" is scheduled for the last weekend in April and the first in May.

Supervisor Barrett reported Councilman Roth is absent due to health reasons.

Councilman Roth, in his absence, has asked Steve Bulger to read a letter, attached, regarding the proposed appointment to the Clifton Park Water Authority.

Councilman Hughes announced a new Recycling Program Kick-Off to be held on the Clifton Common Saturday, April 26, 2008.

MOTION BY Councilman Hughes, seconded by Councilwoman Walowit, to go into Executive Session to discuss a personnel issue.

Motion unanimously carried at 7:26 p.m.

In Attendance: Supervisor Barrett, Councilman Paolucci, Councilman Hughes, Councilwoman Walowit, Town Attorney McCarthy, Town Administrator Shahen, Town Clerk O'Donnell

The Town Board determined a letter should be written to the individual.

Motion by Councilwoman Walowit, seconded by Councilman Paolucci, to return to the regular meeting.

Motion unanimously carried at 7:40 p.m.

Ed Hughes, Beechwood Drive, Jonesville Cemetery Association, reiterated the Jonesville Cemetery Association's interest in having the Meneely Bell placed in the Cemetery and distributed the attached information.

PUBLIC PRIVILEGE ON RESOLUTIONS

Question from the floor asking why, after hearing Councilman Roth's concerns, the appointment to the Water Authority resolution wasn't pulled.

Question from the floor asking the reason for the Bohl settlement.

Question from the floor asked if the report from the engineering firm on the Dwaaskill Park will be available to the public. Supervisor Barrett responded yes.

Question from the floor asking if public comment will be allowed before the appointment to the Water Authority resolution. Supervisor Barrett responded no, there will be an opportunity to speak at Public Privilege.

Resolution No 126 of 2008, a resolution authorizing the settlement of litigation against the Town of Clifton Park brought by August Bohl Contracting Company.

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

WHEREAS, on or about May 7, 2004, litigation was instituted in Saratoga County Supreme Court against the Town of Clifton Park by August Bohl Contracting Company, Inc., arising out of contractual disputes surrounding the Moe Road expansion project designed and constructed in 2000-2002, and

WHEREAS, the Town has completed the discovery phase of the litigation and has otherwise been engaged in defense of the litigation, and

WHEREAS, the Town and August Bohl Contracting Company, Inc. have initiated a settlement of the claims asserted under the relevant contracts, contingent upon Town Board approval, and

WHEREAS, the settlement has been recommended by outside counsel, McNamee, Lochner, Titus and Williams, as well as Clifton Park Town Attorney Thomas R. McCarthy, and constitutes a compromise of the claims made by August Bohl Contracting Company; now, therefore, be it

RESOLVED, that the Town Board ratifies the compromise and settlement in the amount of \$375,000, inclusive of all interest and court costs of the contract claims made by August Bohl Contracting Company, Inc., and that the lawsuit bearing Index No. 20041278, in Saratoga County Supreme Court, be settled in that amount, to be paid from 2007 unreserved fund balance and included in the 2007 financial report.

Town Attorney McCarthy explained this litigation concerns the Moe Road Trail and reconstruction and a contract dispute brought by the contractor against the town having to do with the project delay due to the movement of utility poles. The contractors, town and consultant worked through the delays as best they could. The case was brought pursuant to DOT procedures and the contract documents at issue. The job itself took two construction seasons instead of the planned one season. The Town hired McNamee Lochner, by reputation one of the top

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construction litigation firms in this region. Third party actions were brought against the utility companies. He noted this settlement is a substantial compromise. Mr. McCarthy stated the town will be looking at several other options to recoup all or most of the funds either from DOT or from others.

Councilman Paolucci said the contractor stated that through no fault of his own he had to mobilize equipment and a work force which cost him hundreds of thousands of dollars over an extended period of time that he had not plan on, therefore, the remuneration he received would not be appropriate for the extended time.

Supervisor Barrett reported the town received approximately \$3 million in federal and state dollars for this project to offset the cost. He said the delay was due to no fault of the town.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 127 of 2008, a resolution authorizing the hiring of additional lifeguards for the three Town-owned pools.

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

WHEREAS, a need exists for additional lifeguards to staff the three Town-owned pools, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that the individuals listed in Schedule "A" be hired to fill the positions; now, therefore, be it

RESOLVED, that the individuals listed in Schedule "A", attached hereto, be hired for the Country Knolls, Barney Road and Locust Lane Pools, effective immediately through September 30, 2008.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 128 of 2008, a resolution authorizing the Thirteenth Annual Special Collection Day on September 20, 2008.

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

WHEREAS, the Clifton Park Town Board wishes to conduct the Thirteenth Annual Special Collection Day for household hazardous waste to be held on September 20, 2008, from 8:00am to 4:00 pm at the Ray Road site, and

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WHEREAS, an application has been submitted to the New York State Department of Environmental Conservation for reimbursement of up to 50% of eligible costs as part of a three year program, and

WHEREAS, the citizens of Clifton Park have supported such programs in the past, now, therefore, be it

RESOLVED, that authorization is hereby granted to allocate up to \$55,000 from A-8989-150 (Special Collections) to conduct the Special Collection Day.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 129 of 2008, a resolution appointing John Ryan to the Clifton Park Water Authority.

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

WHEREAS, due to the resignation of Jon Sullivan, effective April 4, 2008, an opening exists on the Clifton Park Water Authority, and

WHEREAS, John Ryan, 1 Eagle Trace, Ballston Lake, has been recommended to fill the vacancy; now, therefore, be it

RESOLVED, that John Ryan is hereby appointed to the Clifton Park Water Authority to fill the unexpired term of Jon Sullivan, term to expire December 31, 2008.

Councilman Paolucci said he hasn't heard the word "qualification" in Councilman Roth's comments and wants to set up a meeting with him as he didn't have the opportunity to do so before Councilman Roth's illness. He said as Board members it is their role to find qualified individuals irrespective of party politics to fill positions. He reviewed Mr. Ryan's qualifications. He is putting his name forward because of his business acumen, noting he is in charge of customer service at his job. He stated there are important decisions to be made in the future. He believes Mr. Ryan was not treated well years ago by the Water Authority and as a Board member he will not allow that to happen to ratepayers in the future. Councilman Paolucci does not feel this is a fast appointment.

Councilman Hughes commended Water Authority Chair Helmut Gerstenberger for heading up the Board, noting having Mr. Ryan on the Board will be a tremendous asset.

Councilwoman Walowit said she was a former member of the Water Authority, as well as liaison to the Board. She noted Mr. Ryan's concern at that time was the billing rate structure for water users. She spoke in support of Mr. Ryan's appointment.

Supervisor Barrett stated the comments made 11 years ago were not shared by him and he has never known the Water Authority to act in the manner described in the press accounts either then or now. He recommended that Mr. Ryan contact Councilman Roth to receive some input from him, as liaison to the Water Authority, regarding issues before the Authority.

Councilman Paolucci stated Mr. Ryan wants to meet with Councilman Roth.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 130 of 2008, a resolution scheduling a public hearing regarding the establishment of the Clifton Country Road Sewer District.

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

WHEREAS, during a recent change in ownership of the Clifton Park Center Mall, (aka Clifton Country Mall) it was determined that the sanitary sewer system, originally installed as a private line to serve the mall parcel, actually serves many other properties along the west side of Clifton Country Road, and

WHEREAS, the new owner of the Clifton Park Center Mall (aka Clifton Country Mall) has requested that the Town take over the ownership and maintenance responsibility of the sewer system that currently serves the mall parcel and the other parcels, and

WHEREAS, a map, plan and report (the "Maps and Plans") have been prepared in a manner and detail as determined by the Town Board regarding the establishment of a proposed Sewer district comprising the property to be served by the proposed Clifton Country Road Sewer District, and

WHEREAS, DCG Development Corporation has the authority to abandon the sewer system to the Town of Clifton Park under the Transportation Corporation Law, and the Town is bound to accept the system pursuant to said statutory scheme, and

WHEREAS, the Maps and Plans have been filed in the Town Clerk's office and are available for public inspection during regular business hours, and

WHEREAS, the boundaries of the proposed district are set forth on Exhibit A, attached hereto, and

WHEREAS, the estimated maximum amount proposed to be expended for the improvements is \$550,000, in addition Engineering and sewer charges incurred by the Town to date, to be borne by property owners within the new District, and

WHEREAS, the cost of the proposed district to the typical property in the district is estimated to be approximately \$296 per year, with no additional hook-up fees anticipated and detailed explanation of how the estimated cost of the district to the typical property was computed is on file with the Town Clerk for public inspection during regular business hours; now, therefore, be it

RESOLVED, that the Town Board will hold a public hearing to hear all persons interested in the establishment of the Clifton Country Road Sewer District and the proposed sewer system improvements, such public hearing shall be held in Wood Memorial Room, 1 Town Hall Plaza, in the Town of Clifton Park on May 5, 2008 at 7:10 PM; and be it further

RESOLVED, and ordered that the Town Clerk give notice of such hearing by publishing in the official Town newspaper a certified copy of this resolution and by posting a certified copy of this resolution on the Town's official sign-board not less than ten days nor more than twenty days before such hearing.

Supervisor Barrett reported all the customers currently hooked into the system are on board to move forward with this district and they will be picking up the cost on a joint basis to pay for the private system.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 131 of 2008, a resolution authorizing the Supervisor to sign a Memorandum of Agreement with Town Health Officer Dr. Gayle Buckley, to supervise the Epinephrine Auto-Injector Administration Plan, for the Summer Day Camps.

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

WHEREAS, the Town operates summer camps for youths between the ages of five and thirteen during the months of June, July and August each year, and

WHEREAS, the Town wishes to enable trained camp employees to respond to emergencies arising from allergic reactions occurring among campers at day camps, and is authorized to train employees in the administration of epinephrine through auto-injector devices known as Epi Pens in compliance with certain NYS Department of Health (DOH) rules and protocols, and

WHEREAS, DOH protocols require that a licensed physician oversee the Town's plan and program for the administration of epinephrine in emergencies involving potential allergies at day camps, and

WHEREAS, Dr. Buckley is a physician and pediatrician licensed in the State of New York, and as Health Officer for the Town, has agreed to oversee and supervise the Town's Epi Pen program; now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to sign a Memorandum of Agreement with Town Health Officer Dr. Gayle Buckley, for Dr. Buckley to supervise the Epinephrine Auto-Injector Administration Plan for the Summer Day Camps.

Councilman Hughes said this program will allow children who otherwise may not be able to attend the camps to do so. He has worked with Ms. Kramer and has met with Dr. Buckley. He stated the protocol is in accordance with Department of Health guidelines at the state level.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

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Resolution No. 132 of 2008, a resolution scheduling a public hearing to consider adoption of Local Law No. _____ of 2008, a local law directing an interim application process for Telecommunication equipment and amending Local Law Nos. 11 Of 1996 and 2 of 1998.

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

WHEREAS, since the enactment of the Telecommunications Act of 1996, there has been an evolving body of case law, both State and Federal interpretations of the Act, and it's relationship to Local Law Land Use planning decisions, and

WHEREAS, the technology, usage, and variety of devices utilizing wireless signals both for voice and data transmission continue to evolve, and

WHEREAS, changes have been recommended to the Town's current ordinance, and

WHEREAS, the Town wishes to update, revise or replace it's Telecommunications Law to more effectively protect the character of the community, it's aesthetic environment, historic and scenic resources, and to provide effective Wireless Communications coverage for it's residents and businesses under current and evolving technological standards, to remove or change certain sections of the Local Law, pursuant to recent case law to assure the orderly development of wireless technology in the community, including but not limited to the development of procedures governing the filing of an application, and for reviewing and analyzing an application, and for granting a permit to construct and use wireless telecommunications facilities or other tall structures for the purpose of providing wireless communications services, and

WHEREAS, the Town Board determines that sixty (60) days is a reasonable time for the Town to complete its aforementioned review, and for the Town to enact any required legislation resulting there from the date such local law enacting said interim application process is filed with the office of the Secretary of State, and

WHEREAS, pending applications for wireless telecommunications facilities shall continue to be reviewed under existing legislation and nothing in this resolution or contemplated local law is intended to impact the review procedures already under way but any new applications shall be evaluated under the Town's revised law regarding telecommunication towers and facilities; now, therefore, be it

RESOLVED, that while this interim application process is not intended to be prohibitive or exclusionary in nature, during the interim application process, applications for a building permit, special user permit or site plan approval, or use variance or other necessary Town approval for monopole, lattice tower or together telecommunications antennae installations, including, but not limited to cellular antennae installations, shall be accepted and processed by the Town, and be it further

RESOLVED, that a public hearing be scheduled for April 28, 2008 at 7:10 pm in the Wood Memorial Room, One Town Hall Plaza, Clifton Park. to consider adoption of Local Law No. ___ of 2008, a local law directing an interim application process for Telecommunication equipment and amending Local Laws Nos. 11 of 1996 and 2 of 1998.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Roth

DECLARED ADOPTED

Resolution No. 133 of 2008, a resolution accepting the proposal of The Chazen Companies for professional Site Plan Design, Preparation of a Management Plan and Construction Phase Services for creating public access to the Dwaas Kill Nature Preserve and

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authorizing the Supervisor or his designee to finalize the scope of work to be consistent with Chazen Companies accepted proposal.

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

WHEREAS, in 2006, the Town of Clifton Park acquired approximately 250 acres of a natural area with a diversity of ecological communities and habitat known as the Dwaas Kill Nature Preserve and is now ready to take the next step of creating the appropriate level of public access for this environmentally significant and sensitive area, and

WHEREAS, the site is a relatively undisturbed natural area about a quarter mile west of the Northway (I-87), off of Kinns Road, Pierce Road and Carlton Road, amidst a surrounding area of moderately developed residential and light industrial land uses, and

WHEREAS, the Dwaas Kill Nature Preserve is the core area that is part of the greater 500± acres Dwaas Kill Natural Area, an area designated as a Priority Open Space Area in the New York State Open Space Plan and the area was further identified as important open space to be protected in the 2003 Town of Clifton Park Open Space Plan, and

WHEREAS, most recently, the Dwaas Kill Nature Preserve was identified as a priority, important natural area in the 2006 Saratoga County Green Infrastructure Plan, and

WHEREAS, previously the Town was awarded a \$325,000 Environmental Protection Fund acquisition/development grant primarily for the purchase of this substantial portion of the Dwaas Kill Natural Area through the New York State Office of Parks, Recreation and Historic Preservation, and

WHEREAS, the Town of Clifton solicited proposals for Professional Landscape Architecture and Engineering Design for this project, and

WHEREAS, The Chazen Companies submitted the most conforming proposal for the scope of work to be performed in an amount not to exceed \$46,000, and

WHEREAS, The Chazen Companies has assisted a variety of New York organizations with the planning acquisition and management of sensitive landscapes and has experience relevant to preparing Public Access Design and Construction and Management for the Dwaas Kill Nature Preserve, now, therefore, be it

RESOLVED, that the proposal of The Chazen Companies in an amount not to exceed \$46,000 be accepted to finalize the scope of work to be consistent with The Chazen Companies proposal, to be paid with a transfer from A-7170-135 (General Fund) to Dwaas Kill Nature Preserve-Engineering; and be it further

RESOLVED, that the Supervisor or his designee is authorized to finalize the scope of work to be consistent with Chazen Companies accepted proposal for professional Site Plan Design, Preparation of a Management Plan and Construction Phase Services for creating public access to the Dwaas Kill Nature Preserve.

Councilman Hughes said he anticipates many vehicles for public input. Councilwoman Walowit said Chazen Company will do a definition of wildlife habitats, protection of wetlands and the placing of trails around wetlands.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes,
Councilwoman Walowit, Supervisor Barrett
Noes: None
Absent: Councilman Roth

DECLARED ADOPTED

PUBLIC PRIVILEGE

Norman Goldman, London Square Drive, read a prepared statement encouraging residents to give comments to the Town Board regarding the Route 146 Park. He suggested the Board hold a Public Forum for residents' input. Regarding the Public Hearing for the Maxwell Road/Plank Road PDD, Mr. Goldman said a substantive change was made by adding "age restricted" and another public hearing should be held.

Anita Daly, Robinwood Drive, County Supervisor, expressed concern that Councilman Roth was not given an opportunity to participate in the process for finding a replacement for the Water Authority Board. She stated she finds it a little disturbing that the Town Board did not work in partnership with the Water Authority. She continued, in her discussion with Mr. Gerstenberger, Clifton Park Water Authority Chairman, she felt there was no urgency in filling the vacancy immediately. She doesn't believe Mr. Gerstenberger was involved in the process of selecting the replacement. Ms. Daly stated in order to have confidence in government the process needs to be open. She stated this resolution should have been tabled. She further stated the decision as to whether or not the Town of Clifton Park becomes part of the Saratoga County Water District lies solely with the Clifton Park Water Authority.

Dr. Katherine Wardle, Nott Road, opposite the Route 146 Park, stated she has grave concerns that the park will be used just for soccer and not for all residents. She doesn't want to see the development of the park for just one dimension. She asked that the town not rush to bring in bulldozers but to take time to include residents who have very strong feelings about the matter and want to avail themselves to the future of this "gorgeous" property.

Hugh Burke, Bradbury St., stated the position on the Water Authority has been opened for two weeks and questioned the rush to fill the position, stating he did not hear Mr. Ryan's qualifications. He stated the action taken is disrespectful of Councilman Roth, is an affront to open government and the Town Board should reconsider the resolution.

Willard Sproat, Rexford, commended the Town Board on the open space plan and open space purchases to prevent the development of such land and to maintain the character of the land by preserving trees, streams, lay of the land and creating a facility for all town residents to enjoy. Mr. Sproat stated the Caldwell piece was landlocked and wouldn't have been developed. He stated he has lived next door to the Qualtere piece for 40 years and noted it has been sold approximately three times but never developed as the percolation in the area is "horrible". He asked if the residents are really better off with the park, stating if the project was developed as residential with approximately 70 houses, there would be 70-140 cars. However, on a soccer weekend there could be 2000-3000 cars. Mr. Sproat expressed concern with the noise from the games in a residential area, lights, possible water pollution to area wells from chemically treated fields, and parking on area roadsides. He said residents had hoped for a family park, not a soccer facility and he has not heard anything affirmative from residents.

Tom Sober, Appleton Road, 24 year resident, speaking in opposition to soccer fields at the Route 146 Park, said soccer is great where the people are but there are not many people in the western part of town. He reviewed the Open Space Survey results noting the number one priority was wildlife and nature preserve with 2600 responding, farmland protection - 1300, town paths and trails - 1100, historical sites - 600, and ballparks and field - 500. He asked if the Board was getting input from residents or deciding what the Board wanted. He asked if there was a cost to the survey and if so, why it isn't being used. He expressed concern with potential traffic if there are soccer fields, noting there could be up to 200 - 300 cars for games. He further asked if the GEIS, paid for by taxpayers, was consulted when soccer fields were considered as there is no mention of soccer fields in the GEIS. Mr. Sober referred to, and expressed concern with, a photo in the Community News on August 31, 2007 with town officials, soccer people and Soccer Unlimited and no one from open space. He said it is apparent a large percentage of the Board members' minds are already made up. He feels the people should decide if soccer should be at the Route 146 Park, as it is out of character for that area of town.

Mike Schmulka, Nott Road, speaking with regard to the Route 146 Park, said there is supposedly an artesian well on the property. He asked how much money the town paid for the August Bohl

litigation since its inception. Town Attorney McCarthy said it is a substantial amount and he will provide that information to the Mr. Schmulka. Mr. Schmulka stated he is opposed to soccer on the Route 146 Park. He said a year and half ago he was told there were no plans or decisions made for the park and was shocked when he found out the intended purpose. He asked if a decision has been made by the Town Board that soccer fields will be on the parcel.

Councilman Paolucci said the project is still in the studying phase, looking at what programming is appropriate for the area. He stated the Town Board isn't even close to making a decision and no funds have been appropriated. The town has a contract with an engineering firm who is studying the parcels.

Youseff Ballout, Torrero Drive, said it is disturbing that the Water Authority appointment was passed tonight when there was serious objection from Councilman Roth. He spoke in agreement with the speakers from Rexford regarding the Route 146 Park, but stressed this is not a western part of town issue but a Clifton Park issue. He stated he would like to see soccer fields in the proper place but finds it "bizarre" that the cost of leveling that part of the park is up to \$6 million. He stated it is very unusual to invest so much money when you can take that money and find more appropriate sites for soccer or other sports.

Bill Koebbeman, Riverview Road, said he is very concerned about the Route 146 Park. He asked if the Board has looked into land at Miller Road and Route 146. Supervisor Barrett said he believes it has been looked into. Councilman Paolucci responded Councilman Roth has looked at the parcel and felt there were significant wetlands on the 40 acre site and due to the size and constraints on the site it wouldn't fit the needs. Mr. Koebbeman felt there would still be enough room for soccer fields and asked the Board to look at it. He asked for a report for the public that shows the soccer needs in town; e.g. ages of soccer players, location, organizations.

Councilman Paolucci said the total cost, which is unknown at this time, is for roads, trails, and soccer would only be a piece of the cost and it is not a fair perception to think that the costs that have been mentioned are attributed to just soccer fields. He said he is not sure there is data per se on soccer needs but the Common is not sufficient to handle continued growth and it is necessary to look ahead for future recreational spaces, whether passive or active.

Chris Grossman, Nott Road, commended the town on the purchase of the Dwaas Kill property but expressed concern with the loss of open space at the Route 146 Park, stating the terrain is unsuitable for soccer fields and also poorly located. She noted the Clifton Park Soccer Club, primary user of fields on the Common, offers a scholarship for Shenendehowa soccer players but none for any other school and the people in the Rexford area attend Niskayuna schools. She asked why the Clifton Park Soccer Club from the eastern end of town would want to come to the western part of town, why would visiting soccer teams want to travel out to Rexford when the hotels and restaurants are closer to the Northway. Ms. Grossman stated the location does not make sense, as well as in terms of topography. She emphasized demographic traffic and engineering studies should be done to find the best location for a sports complex and then bonding to finance it. Ms. Grossman asked what rent the Clifton Park Soccer Club pays to use the Clifton Common fields and what would they pay if there was a sport's complex constructed for them. She questioned how the town can support a private organization. She reported in the minutes of the Clifton Park Soccer Club they were notified in April 2006 that the western parklands would be used for soccer and this information wasn't announced publicly until August 2007. Ms. Grossman further asked why the Open Space Committee wasn't consulted.

Steve Bulger, Twinbrook Court, Chairman of the Planning Board, but speaking as a private citizen, noted he is a former member of the Clifton Park Republican Committee, served as Campaign Chairman and has worked closely with all of the elected officials. He said the Town Board has done a great job in meeting the needs of town citizens by open and transparent government and by taking it's time to debate, gather opinion to make sure all sides are heard, and then come up with the best decision. He reported there have been times where there has been a vacancy on the Planning Board for months before new Board members are appointed; most of the time because there is a process, different people are interested and the Town Board has to interview candidates and then the best decision is reached. He said tonight is the first time he has seen this Town Board act in a way that is unfair to Councilman Roth, by not giving him the opportunity to interview the candidates as he requested, but also acting against the best interests

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of the citizens of Clifton Park. Mr. Bulger said it is up to the Town Board as to whether Mr. Ryan is the right choice or not, however, this Town Board is also known for not putting people who have specific agendas in positions. The Board has done a good job in making sure the people they put on Boards are reasonable, not bound to one agenda, and basically will listen to all sides before making a decision. Mr. Bulger said Mr. Ryan's qualifications do not have anything in terms of being a water expert or engineering expert but just general business knowledge.

Robert Ritter, Mountain View Terrace, speaking as a private citizen, member of the Zoning Board of Appeals, expressed concern that the Town Board couldn't wait to make the appointment to the Water Authority. He noted there is a vacancy on the ZBA. He said everyone who has been appointed by the Town Board is qualified, to the best of their ability, to serve on the various Boards. Mr. Ritter said this Town Board goes out of its way to find the most qualified people and it concerns him that the request of Councilman Roth, who has served on the Town Board for 14 years, wasn't given the respect he deserves.

George Corrigan, Dubois Lane, 31 year resident, expressed concern that the open space survey wasn't taken into consideration. After walking the property he said he can't imagine bulldozers leveling the land and looking at blacktop, fields, noise, traffic and restrooms. He asked the Town Board to take a step back and review the situation. Mr. Corrigan stated there are people in Rexford who are not aware of what is happening on the property. He further asked that the Town Board let the people of Rexford participate in the process and, perhaps, let the residents of Rexford vote on it as a separate proposition.

Linda McNab, Boyack Road, member of Clifton Park Republican Committee and State Committee Representative for the 109th Assembly District, stated she is embarrassed by what the Board did to Councilman Roth.

Councilman Paolucci said he brought Mr. Ryan's name forward based on his knowledge of what he brings to the table in terms of leadership. He stated this is controversial because Mr. Ryan is not a member of the Republican Committee. Councilman Paolucci stated he is qualified to do the job and knows Mr. Ryan will take community input into account when decisions are to be made.

Councilman Hughes stated open and transparent government was cornerstone of his candidacy and will be so as a public servant in this town for the entire duration of his term, and he will not allow his independence to be questioned.

Christine Brownson, Mayfield Drive, member of the Clifton Park Republican Committee, expressed concern with the Water Authority appointment.

Councilwoman Walowit stated she will support the Water Authority appointment and will not back down.

Bob Gauvreau, Oakwood Blvd, stated appointments have been political.

Jim Baisley, Barkwood Drive, said Councilman Roth was not treated well tonight.

MOTION by Councilman 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 9:35 p.m.

Patricia O'Donnell
Town Clerk