

TOWN OF CLIFTON PARK TOWN BOARD

March 4, 2024

The meeting of the Town Board of the Town of Clifton Park was held in the Town Office Building at 7:10 p.m. Supervisor Barrett presiding.

Pledge of Allegiance

Present: Supervisor Barrett
 Councilman Morelli
 Councilwoman Reid
 Councilwoman Walowit
 Councilman Manir
 Town Clerk Brobston

Also Present: Town Attorney Pelagalli
 Mark Heggen, Comptroller
 Daniel Clemens, Director of Parks, Buildings & Recreation
 Norah Hofer, Communications and Technology Coordinator
 Michael O'Brien, Collection System Manager
 Diana Frasier, Assistant Director of Parks & Recreation

ANNOUNCEMENTS & COMMUNICATIONS

Supervisor Barrett reminded residents of the Veterans and Military Banner Program and the Buy-A-Brick Service Walkway Program. Banners will be installed on light poles, starting at the Vischer Ferry Road area, with the Veterans' picture and specified armed forces to honor all Veterans; past, present, and future. Additional information on the programs can be found on the Town website, cliftonpark.org or by calling the Supervisor's Office.

Supervisor Barrett explained at the previous Town Board meeting he asked the Board to consider if the Town will do the curbside bulk waste pick-up in 2024. He stated the bid came in at approximately \$250,000 +. This cost is double from two years ago. Money has been designated in the budget for the service, but certainly not this amount that is proposed. Supervisor stated this service, in previous years, has been met with challenges of time frame the items were to get picked up took longer than expected and issues with "pickers". He explained another option that was presented at the previous meeting may be one which has been done in the past at one location with the Town of Ballston. Supervisor suggested this year having three different locations in Town, with roll-off containers situated for residents to bring their acceptable items to as well as the Transfer Station for free. The Town would provide a few employees and volunteers to help residents with the task of putting the items in the containers. He stated the Transfer Station would also be available on the same days to accept the items for free. This option, which would incur overtime costs for employees, would be a fraction of the overall cost of the service. Supervisor stated, Scott Earle, when he owned Twin Bridges, donated a new roll-off truck to the Town for use in disposing of the roll-offs. So, the Town will have the ability to transport the roll-offs to Casella Waste, which the Town currently has an agreement with for a charge of \$73+change per ton for dumping. He stated this would also be a significant savings. Supervisor explained this option, provided over a few days, would cost approximately \$2,600 per day, for a driver and two employees, as well as volunteers, at each of the locations, plus the cost of the tonnage. Supervisor suggested having the drop-off be two Saturdays. Supervisor listed items that will be acceptable and not accepted at the drop-off sites and the Transfer Station.

Councilwoman Walowit agreed it is appropriate to change the bulk waste curbside pickup to the option of the roll-offs. She suggested getting the news out to the residents as soon as possible so they can start planning for it.

Councilman Morelli stated Clifton Park has been the only community to have curbside pickup in the County for several years. This service is now really cost prohibited. He stated residents did like other residents who would come by and take items that was put out for pickup that can be reused, recycle and repurposed. He stated last year the GREEN Committee sponsored a program called "Giveaway Weekend" where residents can do just that, put out items to the curb on a specific weekend and others can come by to take and recycle for their use, keeping items out of the landfills.

Supervisor Barrett stated he will start preparing for the roll-off option, and a more comprehensive plan to notify all residents of the change in curbside pickup.

Councilwoman Reid stated the roll off option is a reasonable compromise, especially with the other programs that can be expanded upon.

PRESENTATION-OPEN SPACE COMMITTEE-2024 GOALS

David Miller, Open Space Committee Chairman, introduced members of the Committee in attendance. He thanked the entire Town Board, Liaison Councilman Morelli, Open Space Coordinator Jennifer Viggiani and the Buildings & Grounds Department, for all they do for open space in the Town. Mr. Miller reviewed and highlighted programs in each of the following sections: Land Preservation and Open Space Acquisition Project Goals, Farmland Preservation Goals, Stewardship Goals for the Town's Preserves, Goals for the Town Trails' System, Goals for Communications of Events & Activities and the January 2024 Mission Statement for the Trails Subcommittee of the Clifton Park Open Space/Trails/Riverfront Committee.

Clerks Note: See attached.

Supervisor Barrett thanked all the members of the Committee. He stated the Town has preserved over 2,000 acres since starting the open space process. He stated the new challenge is the competition with solar having so much money going into green energy projects, which is taxpayer money, from NYS and across the country. He explained it is difficult to compete with these projects. Supervisor stated, as Chairman of the County Board of Supervisors, is putting together, with the County Planning Department, opportunities for training regarding the siting of solar projects for interested residents and Planning & Zoning Boards in the County. More information available in the Supervisors office.

Councilman Morelli thanked everyone on the Committee. He stated the Committee is extremely organized, structured, priorities set and they are working constantly, and bring years of knowledge to the Town Committee. He stated the collaboration with other groups is a key that they recognize.

Presentation closed at 7:49 PM.

RESOLUTIONS

Town Clerk Brobston stated printed copies of the full resolutions for tonight's meeting are available at the sign-in desk and on cliftonpark.org.

Resolution No. 48 of 2024, a resolution adopting a local law adjusting permit fees for the Town Transfer Station.

Introduced by Councilman Morelli, who moved its adoption, seconded by Councilwoman Reid.

WHEREAS, Section 97-3 (A) of the Town Code contains the fee schedule for residents wishing to use the Transfer Station by permit, and

WHEREAS, on February 26, 2024, the Town Board held a public hearing on a proposal to adjust the permit fees effective May 1, 2024, and

WHEREAS, the Transfer Station provides efficient and effective service for the drop of household garbage, bulk items, as well as a wide variety of recyclables; now, therefore, be it

RESOLVED, that the Town Board adopts Local Law No. 2 of 2024, attached, adjusting the annual permit fees, as attached.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 49 of 2024, a resolution authorizing the purchase of a tow-behind air compressor for use throughout Town by the Buildings and Grounds Department.

Introduced by Councilwoman Reid, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, Daniel Clemens, Director of Buildings, Parks & Recreation, has requested authorization for the purchase of a tow-behind air compressor that will be used year-round throughout the Town, and

WHEREAS, Walter S. Pratt & Sons, Rensselaer, NY, has the air compressor equipment for purchase under Sourcewell Contract #020923-CEC, at a cost not to exceed \$23,806, and

WHEREAS, Mr. Clemens has recommended the air compressor be purchased from Walter S. Pratt & Sons; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Director of Buildings, Parks & Recreation to purchase the tow-behind air compressor equipment from Walter S. Pratt & Sons, total amount not to exceed \$23,806, to be budgeted as detailed, in the attached Schedule A.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Supervisor Barrett suggested considering leasing the equipment.

Resolution No. 50 of 2024, a resolution authorizing the hiring of 2024 seasonal help for the Buildings and Grounds Department.

Introduced by Councilwoman Reid, who moved its adoption, seconded by Councilman Morelli.

WHEREAS, openings exist for seasonal help in the Buildings and Grounds Department, and

WHEREAS, Daniel Clemens, Director of Buildings, Parks and Recreation, has recommended that the individuals listed on the attached Schedule A, be hired to fill the positions at pay rates as indicated on the Schedule; now, therefore, be it

RESOLVED, that the individuals listed on the attached Schedule A, be employed as seasonal workers for the Buildings and Grounds Department for the summer of 2024, at the rates of pay shown and budgeted from the accounts indicated, effective immediately.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 51 of 2024, a resolution authorizing the promotion of Michael Barber from the position of Motor Equipment Operator (MEO) Light to Barney Road Golf Course Superintendent in the Buildings and Grounds Department.

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

WHEREAS, Daniel Clemens, Director of Buildings, Parks and Recreation, recommends that Michael Barber be promoted from MEO Light to Barney Road Golf Course Superintendent; now, therefore, be it

RESOLVED, that Michael Barber is hereby upgraded to Golf Course Superintendent, Grade 6, Step 1 (\$57,409, \$27.39/hr.), effective April 1, 2024; and be it further

RESOLVED, that the Town Board authorizes a transfer from Contingency in the amount of \$15,510; and be it further

RESOLVED, that the allocation of transfers be made in accordance with the attached Schedule A.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Supervisor Barrett thanked Fred Porter, long-time Barney Road Golf Course Superintendent, who was Superintendent prior to the Town purchasing the Course, for his continued dedication to the course over the years and congratulated him on his retirement.

Resolution No. 52 of 2024, a resolution awarding the contract to supply dumpsters and provide dumpster service at thirteen (13) Town locations to Casella Waste Systems and allocate funds from Contingency.

Introduced by Councilwoman Reid, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, Daniel Clemens, Director of Buildings, Parks and Recreation, issued a Request for Proposal (RFP) on January 24, 2024, for dumpster supply and dumping services at thirteen (13) locations throughout Town, and

WHEREAS, quotes were opened on February 16, 2024, and

WHEREAS, Casella Waste Systems submitted the lowest responsive quote per unit, and total amount; now, therefore, be it

RESOLVED, that the quote of Casella Waste Systems for dumpster supply and dumpster servicing at thirteen (13) Town locations is accepted, with an estimated cost of \$9,208, to be paid with a transfer from Contingency (A-1990-15), and transferred to allocation in attached Schedule A; and be it further

RESOLVED, that the Supervisor is authorized to sign an agreement with Casella Waste Systems for the Town dumpster service.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Supervisor Barrett thanked Scott Earle who donated this service for free when he owned County Waste and Waste Connections for many years.

Resolution No. 53 of 2024, a resolution authorizing Recreation Leader Megan Babendreier to attend the 2024 National Parks and Recreation Summit, April 29 - May 1, 2024.

Introduced by Councilwoman Walowit, who moved its adoption, seconded by Councilwoman Reid.

WHEREAS, Michael Woerner, Director of Parks and Recreation, has recommended that Recreation Leader Megan Babendreier be authorized to attend the Parks and Recreation Summit in Tucson, AZ, April 29 – May 1, 2024, at no cost to the Town, and

WHEREAS, Megan Babendreier’s attendance at the 2024 National Parks and Recreation Summit would confer a benefit to the Town; now, therefore, be it

RESOLVED, that Megan Babendreier is authorized to attend the 2024 National Parks and Recreation Summit in Tucson, AZ, April 29 – May 1, 2024, at no cost to the Town, beyond her normal pay for the three (3) workdays she is away attending the Summit.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 54 of 2024, a resolution hiring seasonal staff for the 2024 Parks & Recreation Programs.

Introduced by Councilwoman Reid, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, the Town Board wishes to retain new and returning Counselors as staff members for operation of the Town’s Summer Camp Program for 2024, and the Barney Road Golf Course, and

WHEREAS, Michael Woerner, Director of Parks and Recreation, has recommended that the individuals listed in the attached Schedules A, B, C, and D be hired; now, therefore, be it

RESOLVED, that the individuals listed in the attached Schedules A, B, C, and D, be accepted as staff for the Town's 2024 Day Camp Program and the Barney Road Golf Course, to be paid as indicated on the attached schedules through the end of the respective seasons.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 55 of 2024, a resolution appointing Norah Hoefler to permanent status in the position of Communications and Technology Coordinator.

Introduced by Councilman Morelli, who moved its adoption, seconded by Councilwoman Reid.

WHEREAS, Norah Hoefler, Clifton Park, was provisionally appointed by Resolution No. 30 of 2023, as the Communications and Technology Coordinator for the Town, and

WHEREAS, Norah Hoefler, successfully passed the Civil Service Exam for the position of Communications and Technology Coordinator, and was certified as a permanent employee on February 5, 2024; now, therefore, be it

RESOLVED, that Norah Hoefler, Clifton Park, is hereby appointed to permanent status as Communications and Technology Coordinator, per Civil Service Certification, as of February 5, 2024.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 56 of 2024, a resolution authorizing SingleCut Beersmiths Brewery to use Town roadways for their 5k Charity Road Race, on Saturday, May 4, 2024.

Introduced by Councilwoman Walowit, who moved its adoption, seconded by Councilwoman Reid.

WHEREAS, SingleCut Beersmiths Brewery has requested the use of the Town of Clifton Park roadways, as specified in the attachment hereto, for the purpose of holding a 5k charity road race on Saturday, May 4, 2024, from 10:00 AM until the last participant completes the course, and

WHEREAS, the event sponsors have coordinated with the Town's Highway Superintendent for the safe use of Town roads; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes SingleCut Beersmiths Brewery to use Town roadways, as specified in the attachment hereto, May 4, 2024, at 10:00 AM, for the purpose of holding a 5k charity road race to benefit Helping Hands School, and be it further

RESOLVED, that this approval is expressly conditioned upon receipt prior to April 15, 2024, in the Office of the Highway Superintendent, of an insurance certificate in the amount of \$4,000,000 naming the Town of Clifton Park as an additional insured; and be it further

RESOLVED, that this approval is expressly conditioned upon the roads not being closed, but employees of SingleCut Beersmiths Brewery are permitted to temporarily stop traffic at each end of the course in the event both a vehicle and race participant arrive at the same time.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 57 of 2024, a resolution authorizing the purchase of a 2024 Chevrolet Silverado 5500 HD crane service truck from G & H Auto Group, Inc. d/b/a Mohawk Chevrolet Ballston Spa, New York, for use by the Sewer Department.

Introduced by Councilwoman Reid, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, Michael O'Brien, Collection System Manager, has identified a need for a new vehicle for use by the Sewer Department, and

WHEREAS, the new vehicle will replace a 2008 crane service truck that is failing, and

WHEREAS, Mr. O'Brien has recommended that a 2024 Chevrolet Silverado 5500 HD truck, available from Mohawk Chevrolet, Ballston Spa, New York, be purchased under NYS Mini bid #2012024 OGS Solicitation 23166, at a cost of \$174,764; now, therefore, be it

RESOLVED, that the Clifton Park Town Board hereby authorizes the purchase of a 2024 Chevrolet Silverado 5500 HD crane service truck from G & H Auto Group, Inc d/b/a Mohawk Chevrolet, Ballston Spa, New York, as described in the attached documents, at a cost not to exceed \$174,764, under NYS Mini bid #2012024, to be paid for by a municipal lease from G7-8111-148 (CP Sewer #1- Sewer Contractual – Lease Payment); and be it further

RESOLVED, that the Comptroller is authorized to obtain quotes for a municipal lease purchase to include purchases for 2024.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Michael O'Brien, Collection System Manager, commented that this proposed truck was \$600 higher than the lowest proposal, but this truck is on the lot and ready for pickup. The truck to be replaced is 18 years old and can no longer purchase spare parts.

Resolution No. 58 of 2024, a resolution to amend the Highway Safety Committee membership attendance requirements, expand the Committee membership, and appoint David Woodin as a new member of the Committee.

Introduced by Councilman Morelli, who moved its adoption, seconded by Councilman Manir.

WHEREAS, John Scavo, Director of Planning and Zoning, wishes to add the following Highway Safety Committee member attendance requirements and penalties for noncompliance:

1. Any member of the Highway Safety Committee absent from three consecutive meetings or six meetings in a calendar year, regardless of sequence, may be removed by the Town Board.
2. The Chairman of the Highway Safety Committee shall immediately notify the Town Supervisor if any member of the Committee misses three consecutive meetings or six meetings in any calendar year. The Town Board, after reviewing the information submitted by the Chairman of the Highway Safety Committee, may, by resolution, remove that member from the Highway Safety Committee.

, and

WHEREAS, Mr. Scavo, also wishes to expand the Committee membership from ten (10) to eleven (11) members through December 31, 2024, and

WHEREAS, to fill this additional Committee member position, Mr. Scavo recommends appointing David Woodin, Clifton Park, NY, to the position, and

WHEREAS, Mr. Woodin has the background, education, training and experience necessary to be an effective member of the Highway Safety Committee; now, therefore, be it

RESOLVED, the proposed Highway Safety Committee membership attendance requirements and the proposed Committee membership expansion, from ten (10) to eleven (11) members are hereby adopted, effective immediately; and be it further

RESOLVED, that David Woodin is hereby appointed a member of the Highway Safety Committee, effective immediately, term to expire December 31, 2024.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 59 of 2024, a resolution authorizing Change Order #2 for a bid awarded for a water quality improvement project in the Clifton Park Center Road area.

Introduced by Councilman Morelli who moved its adoption, seconded by Councilman Manir.

WHEREAS, by Resolution No. 185 of 2022, the Town Board awarded a bid to Gallo Construction Corp. of Watervliet, NY, to construct a stormwater improvement project on Clifton Park Center Road, and

WHEREAS, Scott Reese, Stormwater Management Officer, has submitted a request for additional funding, due to the need to replace 72.5 feet of rusted storm pipe from the hydrodynamic structure on Clifton Country Road that was not noted in the original plans, and

WHEREAS, Mr. Reese recommends accepting Change Order #2, to cover the additional costs involved; now, therefore, be it

RESOLVED, that the Comptroller is authorized to charge \$5,119 from H64-8540-200 (Capital Projects CP Center Road Drainage – Drainage Repairs – Equipment); and be it further

RESOLVED, that the Town Supervisor is authorized to sign Change Order #2 from Gallo Construction, in an amount not to exceed \$5,119, for the additional work.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Supervisor Barrett explained this is work done in and around the pond area near the YMCA to improve and increase water quality.

Resolution No. 60 of 2024, a resolution authorizing the Receiver of Taxes and Assessments to attend the New York State Association of Tax Receivers and Collectors Seminar.

Introduced by Councilwoman Reid, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, Rose Savallo, Receiver of Taxes & Assessments, has requested permission to attend the New York State Association of Town’s Tax Collector’s Seminar to be held at the Fort William Henry Hotel, Lake George, New York, June 9-12, 2024, at a cost not to exceed \$850, and

WHEREAS, the amount has been budgeted for 2024 in budget line-item A-1330-1 (Tax Collector Travel & Conferences), and

WHEREAS, attendance at the Seminar would confer a benefit to the Town’s citizens; now, therefore, be it

RESOLVED, that Rose Savallo is hereby authorized to attend the Tax Collector’s Seminar in Lake George, New York, from June 9-12, 2024, at a cost not to exceed \$850, which includes registration fee, lodging and meals, to be vouchered appropriately, and to be paid from budget line item A-1330-1 (General Fund- Tax Collector Travel & Conferences).

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

No one wished to be heard.

OTHER BUSINESS

Councilwoman Reid updated the Board and residents on the new Adventure Challenge Course at Collins Park. She stated the poles have been ordered, construction is to begin in a couple weeks, all going well, and should be completed and open for use this summer.

Councilwoman Reid announced the Town has received word from the Arbor Day Foundation that based on the 2023 efforts of the Town, the Town of Clifton Park has, for the third year in a row, received the designation of Tree City USA. Councilwoman Reid thanked the Buildings & Grounds Department and the Tree Committee for their work on this project.

PUBLIC PRIVILEGE 8:18 PM

Barbara Floeser, 13 Cypress Pointe, voiced concerns with the development of the VanPatten Road area, specifically safety. She mentioned that traffic is always going fast in that area. Ms. Floeser commented that the VanPatten Memorial Multi-Purpose Trail is not a sidewalk, it is meant to be a recreational trail and has concerns with protected area to walk. She stated concerns

with the developer wanting ten different cuts, no shoulders on the road, driveways becoming hazardous for those on the trail. She questioned the number of deliveries being more than residential and no business parking. She is not sure that was given consideration by the Planning Board.

Supervisor Barrett will be sure tonight's comments will get to the Planning Director.

Rosine Leloir, 10A Greensboro Blvd., read a prepared statement concerning the VanPatten Subdivision project property zone. Ms. Leloir holds each Board member accountable to represent the residents of Clifton Park to ensure their safety. Voiced concerns with safety and requests a traffic study be conducted. She commented that ten curb cuts are not safe. She stated she would like to have Town Codes enforced. Voiced concern with the Planning Board not addressing a number of concerns that have repeatedly been presented in writing.

Tiffany Waligora, 7 Bayhill Ct., read a prepared statement. Ms. Waligora has concerns for safe recreational use of the multi-use trail along the VanPatten Dr. proposed project. She requested safety, ethics and accountability of the highest standards from the Town. She stated the Planning Board chair suggested the residents bring their concerns to the Town Board. She anticipated that it was inappropriate for the Town Board to get involved with the Planning Board item. She read the Town Code where the Planning Board may consult with the Town Board, ZBA & other officials about a proposed project. She felt the Planning Board has failed to seek professional opinions from other qualified staff. She stated a major breach of ethics has occurred with the Planning Board and the Director of Planning. Ms. Waligora urged the Town Board to require the Planning Board to schedule another public hearing on the proposed VanPatten project now that the County Court decision has remanded the preliminary proposal to the Planning Board as a preliminary site plan. She requested Attorney Pelagalli reconsider the choice to not appeal this matter to the Appellate Court of NY. Requested the Town Board to review the project documents and get involved in the Planning Board decisions.

John Floeser, 13 Cypress Pointe, stated it was mentioned at a Planning Board meeting having a third party management company, in case someone violates the deed covenant, in making sure customers do not come to their place of business, being its an in-home business with the only mechanism being if a third party turned them in. He expressed the need for something else be included to address the concerns of the community, should there be a lot of cars parked throughout the day. Mr. Floeser commented that an access road is a better option for the project. He voiced concern with enough pull-off space, the possibility of parking on the trail and VanPatten Drive. He questioned who will enforce and issue tickets. He suggested "No Parking" signs along the trail and roadway.

Supervisor Barrett stated the Town Security Officers, Sheriff's Department and State Police issue parking tickets.

Eve Bucwinski, 1067 Ballston Lake Road, stated her family frequents the Dwaaskill, the Town parks and nature trails. She requested another opportunity for residents to voice their concerns about the project. The Planning Board agreed with the concerns but lost in Court to the Developer. She voiced concerns about the Developer's work. She is not in favor of the development and suggested the Town buy the property. She would like to see a full environmental impact study performed.

Bonnie Kowalski, 8 Wall St., as a user of the multi-use path, stated she did look over the Judge's decision and it was supposed to go back to the Planning Board for unresolved issues to be resolved, the unresolved issue being the parallel road.

Councilman Morelli thanked the residents for their comments. He explained he is aware of the project and the decision from Judge Walsh. He stated he agrees with most of the residents' concerns and comments. He read from Judge Walsh's decision stating "it is clear that the curb design proposed by the petitioner complies with the existing law." He explained, that means that the curb cuts as proposed by Concord Development comply with exiting law. He stated so for that reason, he would opine that the Planning Board is no longer looking at the service road because it is very clear in the Judges decision, that the petitioner is complying with the law with the curb cuts. He stated one thing from the comments that he does not agree with is any ethical violations by the Planning Director, Staff or the Planning Board. He stated they are very

thorough in what they do and ethical in all that they do. He stated the Town Board, Attorneys, and staff did review the potential for the appeal and concluded that there is simply not an issue to appeal. He stated that is not to say the Town favors the development or that we don't favor the development. He stated safety is paramount to the Town in everything they do, but there simply was not an issue that the Town could make a justifiable appeal with regard to the Judges decision. He explained ten curb cuts are now proposed, the Zoning Code would allow for nineteen. Councilman Morelli stated, by the efforts of the Planning Board, Director and residents' comments and working with the developer, curb cuts are now down to ten. He stated that if you look at the B1-B2 Zoning, the definition of "office" is not there and if you look at what is allowed in those Zones, it could be anything from medical offices to veterinarian offices, funeral homes, real estate offices etc., all kinds of businesses that would bring in customers and traffic. He explained the current proposed home businesses will have no customers coming to those places of business. He agrees the third-party management agreement still needs worked on and the Planning Board and Town Attorneys are still reviewing it to see how to enforce the agreement. He stated Judge Walsh sent the site plan decision back with preliminary approval. He explained the Planning Board is at the approval stage now, which is a matter of law. He stated safety is a combined interest for everyone.

Town Attorney Pelagalli stated he agrees with the comments made by Councilman Morelli. He explained it is inappropriate for a Town Board to instruct another Board, such as the Planning Board, as to how they should handle a matter, per Appellate Case Law. He stated as Town Planning Board Attorney for twenty years, he was surprised the Planning Board would tell residents to go to the Town Board with their concerns. He explained an Article 78 requires a Court to look at the record, that access road was never formally presented to the Planning Board. They acted on ten curb cuts which meet the Town Code. He stated he is confident by his review of Judge Walsh's decision, and previous Town Attorney McCarthy, felt that there was nothing in the record that supported denying preliminary approval of the subdivision. Attorney Pelagalli stated that is the way Judge Walsh had to look at it and did look at it.

No one else wished to be heard.

MOTION BY Councilwoman Walowit, seconded by Councilman Morelli, to adjourn the meeting to the next regular meeting or any other meeting necessary for the conduct of town business.

Motion carried at 8:58 PM

Teresa Brobston
Town Clerk