

Clifton Park Town Board Meeting Minutes

August 6, 2001

The regular meeting of the Town Board of the Town of Clifton Park was held in the Town Office Building at 7:00 p.m., Supervisor Barrett presiding.

PLEDGE OF ALLEGIANCE TO THE FLAG

Present: Councilman Paolucci
Councilman Speckhard
Councilman Roth
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Also Present: Town Attorney Trainor
Louis Gerard, Superintendent of Highways
Mark Heggen, Comptroller
Patricia Haffner, Director of Parks, Recreation & Community Affairs
Michael O'Brien, Environmental Specialist
Michael Shahan, Town Administrator
Walter Smead, Assessor

MOTION by Councilman Roth, seconded by Councilman Speckhard, to approve the minutes of the July 16, 2001 meeting.

Councilman Paolucci asked that his comments regarding the Department of State representatives presenting a training class on July 19th at 7:00 p.m. on adult use zoning be included in the minutes of July 16th and that the minutes be amended accordingly.

ROLL CALL VOTE ON APPROVING MINUTES AS AMENDED

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Roth acknowledged a letter from Joanne Coons, Chairperson of the Historic Preservation Commission, dated August 1 2001, asking the Town Board for assistance in continuing the preservation of Grooms Tavern so that it can become a Historical and

Cultural Center for the community and that the resolution allocating \$116,000 to aid in the restoration be passed.

Councilman Roth reported he has asked County Supervisor Daly to check with the County Highway to see if Crescent and Schauber Roads are scheduled for repair as they are in bad shape. He further reported Supervisor Daly would like to come before the Board to discuss the County sales tax issue and asked that she be put on the agenda for August 20 or September 4 meeting.

Councilman Speckhard recognized the outstanding achievement of the Clifton Park Royals Collegiate Baseball Team in winning their league's World Series.

Councilman Speckhard acknowledged letters from residents Jay Russell and Gerd Wolf expressing three concerns with the Mohawk River (Erie Canal) – 1) marina water access, 2) lack of Thruway Authority approved tourist sites and general neglect of the waterway in Clifton Park and 3) potential and continued loss of river-generated commerce. Councilman Speckhard, noting Clifton Park is a “river town”, said he thinks it is time that the town look at the shoreline and examine it in terms of economics and recreational possibilities.

Councilwoman Walowit stated it is her understanding there is money available through grants for Mohawk River/Erie Canal projects and she has requested the grant packets.

Supervisor Barrett reported he toured the shoreline by river and expressed appreciation to those interested parties.

Councilman Speckhard acknowledged a letter from the Stony Creek Park District and a phone call from Kathleen King, representing the Clifton Gardens Park District, regarding subdivision signs for new and small developments being built within larger park districts, stating this is a policy issue that needs to be addressed.

Councilwoman Walowit stressed the importance of proper identification on homes for emergency purposes and said flyers will be distributed in this regard.

Supervisor Barrett presented Resolution No. 105 of 2001 adopted by the Town Board on May 7, 2001 to Edward Lau recognizing his accomplishment in achieving the rank of Eagle Scout. Mr. Lau reviewed his project of refurbishing the Gowana Middle School courtyard.

Supervisor Barrett recognized “Clown Week” by presenting Resolution No. 181 of 2001 adopted by the Town Board on July 16, 2001 to volunteer clowns and explained clowns bring joy to children, as well as the sick and elderly and are a contributing part of a healing team.

REPORTS

Reports for May and June from Parks, Recreation and Community Affairs and for July from the Town Court, Planning and Highway Departments and Animal Control were filed with the Town Clerk.

PRESENTATION TO THE BOARD

Eric Hamilton and John Scherer gave a presentation on the Scenic Byway explaining it is a road corridor of regional outstanding scenic, natural, architectural, recreational, cultural or historic significance offering alternative travel routes while telling a story about New York State's heritage, beauty or recreational activities. It also encourages economic development through tourism and recreation. He noted there are eight municipalities working together to try to get a corridor along the Mohawk River designated as a State Scenic Byway. This Byway would travel from Waterford and end in the Stockade area of Schenectady. Mr. Scherer said Clifton Park has a lot of potential and a lot to offer such as the Preserve, remains of the original Erie Canal, hiking along the towpath, canoe launch, scenic views, Vischer Ferry Historic District and Historic Grooms Tavern. Mr. Hamilton noted the Byway could go as far as Route 146 thereby including hotel accommodations. He said the Scenic Byway is not a mandate but a community grass roots plan. He asked anyone interested in participating in the project to call the Parks and Recreation Department. Mr. Hamilton asked the Town Board for a resolution in support of the application to the New York State Scenic Byway Council in order to move toward legislative action to recognize Clifton Park as a Scenic Byway.

Councilman Speckhard asked that a resolution of support be added to tonight's agenda.

PUBLIC PRIVILEGE

Supervisor Barrett said he has been approached by residents to speak who wish to speak at an earlier time.

Frank Demetrowitz, Coventry Ridge, presented a petition consisting of 14 names, requesting a subdivision sign at Primer Court denoting "Coventry Ridge". He noted the subdivision is four to five years old and residents have paid into the park district and will continue to do so.

Don Abrams, Clifton Park, said the Mohawk River is deteriorating in terms of becoming impassable by boats. He reported many local communities have received federal and state funds in terms of beautification and economic development and noted some property values along the river have escalated tremendously. Mr. Abrams said he is specifically speaking of the area between Locks 6 and 7 where there are short-term problems that must be addressed immediately such as the immediate temporary dredging to access marinas, restaurants, etc. He said thousands of tons of sediment have been put on the towpath by the state from dredging that is taking place between Locks 5 and 6 that have nothing to do with accessibility for the local areas. It is his understanding there is federal and state grant money available for the economic development and improvement of the river. Mr. Abrams asked the Town Board to examine the situation and try to do some

temporary fixing by contacting the State.

Eric Hamilton reported the Vischer Ferry Fire Company has the responsibility for water rescue along the river and has difficulty getting access due to the water chestnut problem.

Supervisor Barrett said research would be done on the issue.

Concern from the floor that all people wishing to speak at early public privilege should be heard. Councilman Roth stated his concept of early public privilege is that it is for people who cannot stay for the entire meeting.

PUBLIC PRIVILEGE ON RESOLUTIONS

With regard to the resolution on the MacElroy Road property, Supervisor Barrett explained this basically consists of wetland delineation in a Phase I environmental study and the property has not been purchased. Question from the floor asking if EDP will look for water on the property. Supervisor Barrett responded McDonald Engineering has been contacted as they did work on the previous parcel.

Resolution No. 194 of 2001, a resolution honoring Benjamin S. Vipler for attaining the rank of Eagle Scout.

Introduced by Supervisor Barrett, who moved its adoption, seconded by the entire Town Board.

WHEREAS, Benjamin S. Vipler, 5 Friar Tuck Court, Clifton Park, of Boy Scout Troop 246, has attained the rank of Eagle Scout, and

WHEREAS, the Town of Clifton Park Town Board wishes to acknowledge and honor Benjamin S. Vipler achievements, particularly his project entailing leading a group of scouts and adults in collecting and sorting used clothing and distributing the clothing to underprivileged families; now, therefore, be it

RESOLVED, that Benjamin S. Vipler, 5 Friar Tuck Court, Clifton Park, of Boy Scout Troop 246, is hereby recognized and honored for having attained the rank of Eagle Scout.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

MOTION by Supervisor Barrett, seconded by Councilman Roth to remove Resolution No. 192 of 2001 from the table.

ROLL CALL VOTE

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

Noes: Noes

MOTION CARRIED

Resolution No. 192 of 2001, a resolution with regard to the Saratoga County revenue sharing plan for the Town of Clifton Park

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

WHEREAS, Saratoga County finds it necessary to return to local government funds held in reserve at levels beyond County need, with the Town of Clifton Park anticipated to receive \$634,433, and

WHEREAS, the Town of Clifton Park has already approved a resolution to expend \$361,000 on various projects of benefits to town residents leaving a balance of unallocated funds in the amount of \$273,433, deposited into the general fund.

WHEREAS, the need exists to move forward with the restoration of the Historic Grooms Tavern. As per the “ Statement of Probable Costs”(Exhibit A-Attached) as prepared by John G Waite Associates, dated May 17, 2001 that provide a priority list of the work that needs to be done on the Tavern to prevent further degradation and to have the foundation and exterior of the building in a safe and presentable condition, and

WHEREAS, the Grooms Tavern Advisory Committee has presented a plan for restoration and a plan for operating the Tavern subsequent to restoration (Exhibit B-Attached) and

WHEREAS, the grant applications prepared in 2000 will be updated and submitted to indicate the plan of restoration and usage; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby adopts a revenue sharing plan for the Historical Grooms Tavern in the amount of \$116,000, to be allocated from funds remaining from those received from Saratoga county and placed in the town’s general fund.

Councilman Paolucci, noting the town has made a commitment towards historic

preservation, spoke in favor of the resolution stating he has toured the building and it is a fantastic facility with a lot of potential. He said it is necessary, however, to take into account what the building is going to be used for. He said with this \$116,000, the initial investment, as well as in-kind funds, the cost is close to \$400,000 and \$116,000 is not going to finish the project and hopes the grant money comes through.

Councilman Speckhard said this issue is about two years old and has slowly come to a consensus not only on the Town Board but in the community as a whole and this will now serve as a foundation for fundraising and eventual use of the building as a major cultural source in the town. Councilman Speckhard said people will look back at the restoration of the Grooms Tavern and see it as one of the major achievements of town government during this time period and he wholeheartedly supports the resolution.

Supervisor Barrett said the town has a substantial investment in the property. He expressed appreciation to the volunteers and the Buildings and Grounds staff for their work at the Grooms Tavern. He said a grant application is being submitted to New York State.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 195 of 2001, a resolution reappointing Walter D. Smead as Sole Assessor, Town of Clifton Park.

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

WHEREAS, the Town Administrator has recommended that Walter Smead be reappointed as Sole Assessor, the Town Board has considered his credentials and experience and concurs in the recommendation; now, therefore, be it

RESOLVED, that Walter D. Smead be reappointed as Sole Assessor, Town of Clifton Park, for a term of six years effective October 1, 2001 to September 30, 2007.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 196 of 2001, a resolution authorizing the Supervisor to enter into an agreement with the Environmental Design Partnership to perform a site evaluation and wetland delineation on the land adjacent to Veterans Park.

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

WHEREAS, the Supervisor has been directed to enter into an agreement for the purchase of lands immediately south and adjacent to Veterans Memorial Park, with a parcel I.D. No. of 258.-2-46.1, and

WHEREAS, New York State Department of Environmental Conservation Wetland Number R-21, a New York State Department of Environmental Conservation Classified Stream, and federal wetlands are known to be present on the site, and

WHEREAS, the Town Board has committed to studying the viability of parkland uses for the parcel prior to buying the property, and

WHEREAS, these environmental features will have to be delineated and documented prior to any site disturbance activities on the parcel, and

WHEREAS, Environmental Design Partnership, has submitted a proposal for the above mentioned services; now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to enter into an agreement with Environmental Design Partnership to evaluate the environmental features and resources of the land South of Veterans Memorial Park parcel I.D. No. of 258.-2-46.1, and be it further

RESOLVED, that the cost of such services shall not exceed \$5,800, to be budgeted from 1440-135 (Engineering-Engineering Services).

Supervisor Barrett stated an extensive study of the property would be done before a decision to purchase is made.

Councilman Paolucci said this is a prudent step and asked if all the steps contained in the Phase I Environmental Liability Assessment are required. Environmental Specialist O'Brien it is necessary to review past uses. Supervisor Barrett said it is also necessary in case any materials had been dumped in the area. Councilman Paolucci asked how Environmental Design Partnership, LLP lines up with the town's other engineering firms with respect to costs. Supervisor Barrett said they are in line if not lower.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 197 of 2001, a resolution calling for a public hearing to consider establishing the Wyncrest Park District No. 1 effective January 1, 2002.

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

WHEREAS, a map, plan and report relating to the proposed creation of the Wyncrest Park District No. 1 has been prepared by the Planning Department, in such manner and in such detail as has been determined by the Town Board, has been filed with the Town Clerk of the Town of Clifton Park in accordance with Article 12-A of the Town Law, and

WHEREAS, a description of the boundaries of the proposed district set forth in Exhibit "A" hereof, and

WHEREAS, the Wyncrest and Enders subdivisions are currently part of the Clifton Knolls Park District but will be excluded there from effective January 1, 2002 by the Town Board resolution dated July 16, 2001, and

WHEREAS, the services proposed is rendering park district service, and

WHEREAS, the proposed method of financing the cost of said service is by taxes levied against the real property located within the district after January 1, 2002; now, therefore, be it

RESOLVED, that a public hearing be held by the Town Board of the Town of Clifton Park on August 20, 2001 at 7:10 p.m. in the Wood Memorial Room, 1 Town Hall Plaza, Clifton Park, to consider said map, plan and report and to hear all persons interested therein and to take such action thereon as required.

Councilman Paolucci reported Wyncrest and Enders subdivisions were part of the Clifton Knolls Park District but because of their small size, location and proximity to the parks in Clifton Knolls had some different issues. Residents have requested to be removed from that park district and form their own district. He submitted letters from the following residents of the Wyncrest and Enders subdivisions in support of the formation of the Wyncrest Park District: Mark and Julie DeBortoli, Jeanne and Dan Cornell, Robert and Sandra Schmidt, Mary and Vincent Bucca all of Redfield Park and Laura A. Coll of Clare Court.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 198 of 2001, a resolution to reduce the speed on Tanner Road from 40 to 35 miles per hour.

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

WHEREAS, the Highway Superintendent has recommended the speed limit on Tanner Road be reduced from 40 to 35 miles per hour, and

WHEREAS, the Highway Superintendent believes it be in the best interest of the traveling public to reduce the speed limit; now, therefore, be it

RESOLVED, that the speed limit on Tanner Road be reduced from 40 to 35 miles per hour, and the Highway Superintendent is authorized to post signs accordingly.

Highway Superintendent Gerard stated as a suburban town, speed limits can be set by resolution. However, he noted the State of New York can also set speed limits as was done on Woodin Road.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 199 of 2001, a resolution authorizing the Highway Superintendent to attend the NYS Association of Town Superintendents of Highways Conference from September 25-29, 2001.

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

WHEREAS, the conference of NYS Association of Town Superintendents of Highways will be held in Calicoon, N.Y. from September 25–29, 2001, and

WHEREAS, Louis W. Gerard, Highway Superintendent for the Town of Clifton Park, has requested authorization to attend this conference, and

WHEREAS, Mr. Gerard's attendance at this conference will confer a benefit upon and be in the best interest of the Town of Clifton Park; now, therefore, be it

RESOLVED, that Louis W. Gerard, Highway Superintendent of the Town of Clifton Park, is hereby authorized to attend the NYS Association of Town Superintendents of Highways Conference in Calicoon, N.Y. from September 25-29, 2001 at a cost as budgeted to be paid from A-5010-00001 (Highway-Travel and Conferences).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 200 of 2001, a resolution accepting the Environmental Assessment for BTI application to selected surface waters in the Town of Clifton Park.

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

WHEREAS, the Town of Clifton Park is the lead agency regarding BTI mosquito dunk applications to selected surface waters in the Town of Clifton Park, and

WHEREAS, the Town's Environmental Specialist has completed a short Environmental Assessment Form regarding the proposed application of BTI mosquito dunks to selected surface waters within the Town of Clifton Park, has determined that pursuant to SEQRA, the action is unlisted, and that a negative declaration should be issued; now, therefore, be it

RESOLVED, that the Town Board as lead agency hereby accepts the Environmental Assessment completed by the Town's Environmental Specialist for the application of BTI mosquito dunks to selected surface waters in Clifton Park, determine pursuant to SEQRA the action is properly classified as unlisted, and hereby issues in negative declaration regarding the same.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 201 of 2001, a resolution accepting the Environmental Assessment for proposed lighting of the Clifton Common.

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

WHEREAS, the Town's Environmental Specialist has completed a short Environmental Assessment Form regarding proposed lighting on the Clifton Common, and

WHEREAS, the Town of Clifton Park is the lead agency for SEQRA purposes; now, therefore, be it

RESOLVED, that the Town Board as lead agency hereby accepts the Environmental Assessment completed by the Town's Environmental Specialist, finds the proposed action to be unlisted pursuant to SEQRA, and hereby issues a negative declaration regarding the same.

Councilman Speckhard said he hopes the Town Board can make a decision in a reasonable period of time.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 202 of 2001, a resolution authorizing the transfer of \$3,000 from Contingency Fund to General Fund designated for the "Welcome to Clifton Park" sign.

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

WHEREAS, the Town of Clifton Park is going to erect a "Welcome to Clifton Park" sign at the Exit 8 area similar to the sign presently standing at the Exit 9 area, and

WHEREAS, a number of polling places in the Town have graciously forfeited their

payment from the Town over the past two years, where funds have been set aside as designated above in the amount of \$3,850, and

WHEREAS, the Town has received state authorization to erect a sign at the Exit 8 area during the 2001 calendar year, and

WHEREAS, additional funds are needed for the sign estimated to cost \$6,000 and an additional amount of \$850 is estimated to be needed for a 12"x18" plaque to be placed on a stone at the site of the Exit 8 sign, and

WHEREAS, this plaque will acknowledge those polling places that have contributed their funds for the construction and placement of this sign; now, therefore, be it

RESOLVED, that the amount of \$3,000 be approved from the Contingency Fund of which \$2,000 will be repaid to this fund subsequent to the general election on November 6, 2001.

Councilman Roth said the Sportsman's Club of Clifton Park will not accept money for being a polling place, and he contacted other polling places to see if they would be willing to donate their payment for three years and have those monies used towards a "Welcome to Clifton Park" sign. The plaque will acknowledge those polling places that have donated towards the sign. He noted the sign would be lit.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 203 of 2001, a resolution appointing Barbara McHugh to the position of Community Development Director.

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

WHEREAS, the retirement of John Hahn has resulted in a vacancy for the position of Community Development Director, and

WHEREAS, Barbara McHugh, 2 Birch Hill Court, Ballston Lake, has been recommended to the Town Board to fill the vacancy, the Town Board has reviewed her credentials and finds her to be well qualified for the position; now, therefore, be it

RESOLVED, that Barbara McHugh, 2 Birch Hill Court, Ballston Lake, is hereby

appointed to the position of Community Development Director at a Salary of Grade 12, Step 1, effective October 1, 2001.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 204 of 2001, a Bond resolution authorizing the acquisition, construction and installation of a water supply and distribution system and related equipment, machinery and apparatus in Route 9 – Fire Road Water District No. 1, at a maximum estimated cost of \$385,000 and authorizing the issuance of \$385,000 serial bonds to pay the cost thereof.

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

Section 1. The Town of Clifton Park, New York (the “Town”) is hereby authorized to acquire, construct and install a water supply and distribution system in Route 9 – Fire Road Water District No. 1, including buildings, land or rights in land, and equipment, machinery and apparatus required in connection therewith, at an estimated maximum cost of \$385,000 and to issue an aggregate \$385,000 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 \$385,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$385,000 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 Route 9 – Fire Road Water District No. 1, which the Town Board shall determine to be especially benefited by the improvements, 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 any 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

(b) 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 newspaper 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.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Councilman Speckhard said the Zoning Board of Appeals is waiting for a response from the Town Board to their memo requesting a rezoning of an area of Route 9.

Resolution No. 205 of 2001, a resolution authorizing Municipal Cooperation-Household Hazardous Waste Collection Day.

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

WHEREAS, the Town of Clifton Park has established a successful household hazardous waste collection program, and

WHEREAS, the Town of Malta and the Town of Halfmoon have contacted the Town of Clifton Park regarding possible inter-municipal cooperation for collection and disposal of household hazardous waste of the Towns, and

WHEREAS, the Town of Clifton Park has agreed to allow Town of Malta and Town of Halfmoon residents to participate in the Town of Clifton Park's household hazardous waste collection program with the Town of Malta and the Town of Halfmoon being responsible for their fair share of the program's net cost; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park does hereby authorize the Town of Malta and the Town of Halfmoon to enter into a municipal cooperation agreement with the Town of Clifton Park relating to the collection and disposal of household hazardous waste based upon the following understanding:

- Town of Clifton Park will be responsible for the proper administration of the program and will be responsible for the registration process.
- Town of Malta and the Town of Halfmoon will reimburse the Town of Clifton Park its fair share of the net cost based upon the number of Malta and Halfmoon residents participating to the total participants.
- In addition to the hazardous waste disposal costs, the Town of Malta and the Town of Halfmoon agree to pay a \$13 administration fee per registered participant to the Town of Clifton Park.
- Town of Clifton Park will set aside approximately seventy-five "slots" for Town of Malta residents
- Town of Clifton Park will set aside approximately thirty-five "slots" for Town of Halfmoon residents
- Estimated total net cost of the program to the Town of Malta will be approximately \$3,500.
- Estimated total net cost of the program to the Town of Halfmoon will be approximately \$1,700.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 206 of 2001, a resolution authorizing the Town's Environmental Specialist to compile a report on the state of the Town's shoreline with the Mohawk River and Erie Canal.

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

WHEREAS, the Town of Clifton Park developed primarily as a result of transportation patterns along the Mohawk River and Erie Canal, and

WHEREAS, it has been expressed that the Town has not given enough attention to the importance of the river and its impact on our lives; now, therefore, be it

RESOLVED, that the Town's Environmental Specialist is directed to conduct a study of the economic, environmental and recreational state of our shoreline along the Mohawk River and Erie Canal and to report back to the Town Board regarding his findings within 120 days.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 207 of 2001, a resolution in connection with a block party to be held on Archer Drive.

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

RESOLVED, that the Town Highway Superintendent is authorized to close a portion of Archer Drive on August 18, 2001 (raindate August 19th) from 2:00 pm-8:00 pm to facilitate a local social event in the Fox Hollow subdivision, and be it further

RESOLVED, that the residents, with the approval and advice of the Highway Superintendent, shall block the roadway off but shall open it immediately in case of emergency service needs such as fire, police or ambulance protection, and be it further

RESOLVED, that the residents shall be responsible for all clean-up activities on Town property or on the street right-of-way resulting from the social activity; and be it further

RESOLVED, that copy of this resolution be sent to the applicable fire department, the Clifton Park/Halfmoon Ambulance Corps., the Sheriff's Department and the State Police.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 208 of 2001, a resolution setting a public hearing to consider a Local Law of 2001 imposing a Sixty-Day Moratorium on Town Sewer District Outside User Hook-ups, and amending Local Law No. 7 of 2001.

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

WHEREAS, a Local Law amending and extending Local Law No. 7 of 2001 is being proposed, a copy of which is attached hereto, and to be known as the Local Law Imposing a Sixty-Day Moratorium on Town Sewer District Outside User Hook-ups, and

WHEREAS, a draft sewer use policy has been completed but additional time is needed to thoroughly review the policy, and

WHEREAS, the Town Board desires to hold a public hearing with respect to the extension of the moratorium; now, therefore, be it

RESOLVED, that a public hearing be held by the Town Board of the Town of Clifton Park on August 20, 2001 at 7:30 pm in the Wood Memorial Meeting Room, 1 Town Hall Plaza, Clifton Park, to consider amending Local Law No. 7 of 2001 and extending the Moratorium on Town Sewer District Outside User Hook-ups for another Sixty (60) days; and be it further

RESOLVED, that the Town Clerk publish appropriate notice of same.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 209 of 2001, a resolution authorizing the Supervisor to sign a deed for property in the Summer Hill subdivision.

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

WHEREAS, a parcel of approximately one and one half acres was conveyed to the Town of Clifton Park by the Michael's Group as part of the build out of the Summer Hill subdivision, and

WHEREAS, the Town wishes to convey the parcel to the Clifton Park Water Authority for construction of a water tower; now, therefore, be it

RESOLVED, that the parcel is conveyed on the condition that no telecommunication facilities be located thereon; and be it further

RESOLVED, that the Town Supervisor is hereby authorized to sign a deed conveying the approximately one and one half acres parcel in the Summer Hill subdivision owned by the Town of Clifton Park to the Clifton Park Water Authority for the construction of the water tower, and to sign all other appropriate documents to effectuate the same.

Councilman Paolucci stated it is important to erect a water tower in this part of town, however, he is concerned about cell towers co-locating on this tower and would like to see the deed or rights of the Clifton Park Water Authority have certain restrictions – 1) at a minimum the town should not allow the Water Authority to have the right to go ahead and enter into a contract without first contacting and getting Planning Board approval, 2) since this location is near a subdivision, and the town is talking about having a buffer between any proposed cell towers and residential areas, anything between the Water Authority and this agreement should reflect the study the town is undertaking, and 3) would like to have a stipulation that there be no antennae added to the structure but realizes this is in contrast to the town code. Supervisor Barrett said he believes having the moratorium will cover any rules that the Water Authority will have to follow. Town Attorney Trainor said he is not sure a deed restriction is the appropriate place but perhaps should be included in the legislation itself. Councilman Paolucci said his concern is that we are allowing a water tower to be erected but not a cell tower yet the town code permits co-location. Councilman Speckhard said he doesn't think there is anything that would prevent the town from putting a deed restriction that would restrict the use of the tower to not allow antennae or any thing else on the tower. Mr. Trainor said on one hand the legislation permits and encourages it and on the other the town is restricting it.

Councilman Speckhard said it doesn't mean that every high location in town has to have cell towers. He said he has spoken with the Chairman of the Water Authority who said the Authority would have no problem with a deed restriction. Councilman Speckhard recommended that the Town Board state that the water tower is exclusively for water and shouldn't be used for anything else, but could have a caveat stating unless a Town Board at some future time would agree to relent on the deed restriction and allow it to go up which, in that event, would bring the issue to the Town Board and give it the visibility and discussion needed. Councilman Speckhard asked if by adding "RESOLVED, that the parcel is conveyed on the condition that no telecommunication facilities be located thereon" to the resolution, would it be written into the deed. Mr. Trainor said it would be put in the deed.

MOTION by Councilman Speckhard, seconded by Councilman Paolucci, to amend the resolution by adding "RESOLVED, that the parcel is conveyed on the condition that no telecommunication facilities be located thereon"

ROLL CALL VOTE ON AMENDMENT

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

Noes: None

MOTION CARRIED

ROLL CALL VOTE ON RESOLUTION

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

Noes: None

DECLARED ADOPTED

Resolution No. 210 of 2001, a resolution of support for the Mohawk Towpath Scenic Byway.

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

WHEREAS, the proposed Mohawk Towpath Scenic Byway passes through one of the most historic and scenic portions of the Town of Clifton Park, and

WHEREAS, the Director of Parks, Recreation and Community Affairs, the Town Historian and a number of citizens of the Town of Clifton Park have been involved in developing the Mohawk Towpath Scenic Byway Corridor Management Plan, and

WHEREAS, the natural, historic, cultural, scenic and transportation resources of the Town of Clifton Park have been inventoried as a part of the Scenic Byway, and

WHEREAS, one of the objectives of the Corridor Management Plan is to complete a study of bicycle and pedestrian needs between the Towns of Clifton Park and Halfmoon, and

WHEREAS, the designation of the Mohawk Towpath Scenic Byway would open up funding sources and other possibilities for improvements along the Byway; now, therefore, be it

RESOLVED, that the Town of Clifton Park encourages and supports the designation of the Mohawk Towpath Scenic Trail as a New York State Scenic Byway, and be it further

RESOLVED, that the Town continue to be represented in these efforts by the Town Historian and Director of Parks, Recreation and Community Affairs.

Supervisor Barrett expressed appreciation to Eric Hamilton for his service to the town.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE, CON'T.

Tom McCormick, Par Del Rio, expressed concern with actions taken by the Clifton Knolls Park District Advisory Committee in using inmates from Mt. McGregor to clear ponds and spread mulch on paths in Clifton Knolls. He said this is a matter of concern in both the safety of children as well as homes. Mr. McCormick said there was never any notice to residents or input requested regarding the committee's intention to employ the inmates. Mr. McCormick said the men were not closely supervised as they worked in wooded areas around the ponds out of sight of the guard who generally was sitting in the van. He said it is his understanding this is being done strictly for financial reasons and asked the Board to extend their fiscal oversight role to encompass the choice not to expend funds and invite these convicted felons into the neighborhood. He asked that the inmates not be used again.

Mary Blaaboer, Balbina Lane, said she was aghast to read in the Clifton Knolls newsletter that workers from Mt. McGregor were invited to maintain the walking trails around the ponds and shocked at the poor judgement that led to the arrangement. She said

it was noted in the newsletter that the work would be completed August 1-8 and had planned to take caution at that time, however, the inmates were in the area in mid July. Ms. Blaauboer said many things are done to ensure the safety of her neighborhood and then convicted criminals are invited into the development and they do not belong in a quiet residential neighborhood. She asked that this not happen again.

Nancy Keatly, Ballston Lake Road, reported there are 19 dogs living next door to her and there is continual barking. She asked how many dogs are allowed and was told the town has no restriction. Supervisor Barrett said he would speak with the Animal Control Officer.

Eric Hamilton said the Stony Creek Park District has used prisoners in the past and was very fortunate to have had this resource.

Ed Dussault, Grooms Road, expressed appreciation to the Town Board for having the mulching situation on Grooms Road cleared up.

Youssef Ballout, Torrero Drive, asked the Town Board to prevent the use of prisoners in Clifton Knolls. With regard to early public privilege, he said people don't know they can call or write to ask to speak early and recommended having early public privilege for everyone. Mr. Ballout said the Clifton Park Water Authority should have informed the Town liaison to the Water Authority of the Nextel application and that the town code should be changed to include the people of Knolltop.

Norman Goldman, London Square Drive, said early public privilege should be available to everyone not just people who have requested to speak early and asked the Board to review the criteria used to allow people to speak early. Mr. Goldman asked the Board to consider that malls have to pay for infrastructure and traffic lights and that dredging the river in support of businesses could be a parallel situation. With regard to lights on the Common, Mr. Goldman recalled the Common was constructed with the condition that there would never be lights so the neighbors wouldn't be disturbed. He feels the neighbors have been abused by having lights on the ball field and with more lights this will continue. Mr. Goldman recommended uniform speed limits throughout town.

Beverly Czub, Miller Road, asked if the Grooms Tavern is insured and if the insurance will be increased as money goes into the building. Mr. Shahan responded yes. With regard to the earlier complaint regarding dogs, Ms. Czub said there could be a health problem regarding waste disposal. She expressed concern with the cost of the Welcome to Clifton Park sign. Mr. Shahan stated this was the lowest quote.

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 10:10 p.m.

Patricia O'Donnell
Town Clerk