

Clifton Park Town Board Meeting Minutes

February 4, 2002

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

PLEDGE OF ALLEGIANCE TO THE FLAG

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

Absent: Supervisor Barrett

Also Present: Town Attorney Trainor
Louis Gerard, Superintendent of Highways
Jason Kemper, Director of Planning
Barbara McHugh, Director of Community Development
Michael Shahan, Town Administrator

MOTION by Councilman Paolucci, seconded by Councilman Roth, to approve the minutes of the January 7 and 14, 2002 meetings as presented.

ROLL CALL VOTE

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

Noes: None

Absent: Supervisor Barrett

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Deputy Supervisor Speckhard referred to a letter to the Supervisor and Town Board from Eric Hamilton, Chairman, Trails Advisory Committee, dated February 1, 2001, asking that the Van Patten Road Trail be considered. Deputy Supervisor Speckhard, noting a survey of residents strongly supported construction of the trail, asked Mr. Shahan to follow up with a fiscal analysis of Mr. Hamilton's proposal.

Councilman Paolucci reported his email address on the cliftonpark.org town web page is in error and he has not been receiving and, therefore, not responding to mail. He said this has been corrected.

Councilwoman Walowit said she submitted the Jonesville Food Pantry name to the Walmart Grants project and has received word that the Food Pantry received a check in the amount of \$1000.

Councilman Roth said bids have come in substantially less than approved for the foundation work, roof and framing for Grooms Tavern and are currently being reviewed. He referred to the project reports adopted by Resolution Nos. 152 and 287 of 2001, stating chairs at the Public Safety Building need to be replaced but the carpeting can be repaired rather than replaced.

REPORTS

Reports for January from Animal Control and Justice Court were filed with the Town Clerk.

PUBLIC FORUM ON PROPOSAL FOR A TOWN NOISE ORDINANCE

Councilman Paolucci gave a presentation, attached, reviewing what other communities have done with regard to noise, landmark cases, possible comprehensive legislation, exceptions, as well as decibel scales. He said the focus for the town should be nighttime hours.

Councilwoman Walowit asked what the financial impact would be regarding cost of the detection devices, how many the would town need and the training involved. Councilman Paolucci said two meters would cost approximately \$3000.

Mr. Shahan reviewed the process for contacting the security patrol. Councilman Paolucci asked if there was a process in place where, if a call is made to 911 regarding a noise disturbance, that town security is notified. Mr. Shahan responded yes, as town security has police radios in their cars.

Dennis Schilling, Gloucester St., expressed concern with noise from Northern Lights and stated he has personally witnessed the decibel level from the field behind the establishment and can validate high decibel readings. He said residents demand their rights to enjoy homes, backyards and the opportunity to sleep at night without having to soundproof windows or put children in day beds in the parents' rooms. He said a noise ordinance is appropriate and overdue.

Steve Bowen, Gloucester St., expressed appreciation to the Town Board for giving attention to a noise ordinance, stating noise can affect peoples' health and well being. He asked the Board to make a noise ordinance a reality and distributed a letter and computer

disc in support of a noise ordinance to the Town Board and Town Attorney.

Norman Goldman, London Square Dr., asked that copies of the presentation be made available in order to follow along. He said he is concerned about the hours and exclusion of municipally sponsored events. He said two sources of noise he has found most intrusive have been amplification equipment at the school and common. Mr. Goldman said there should be more restrictions on the ongoing programs that may possibly have a substantial and excessive level of noise for surrounding neighbors.

Brian Sweet, Gloucester St., said in the past 12 years he has never been awakened by the music but has heard Shenendehowa football games, baseball World Series and train whistles and perhaps people didn't research the surrounding area fully. He doesn't believe there should be a noise ordinance in town unless it is willing to stop the football games, baseball World Series, and trains.

Sara Gunner, Castle Pines, visits Park Lane Estates often, and thinks complaints on noise are exaggerated. She said there is more disturbing noise from football games and concerts on the Common than from Northern Lights.

Councilman Paolucci said he is proposing the Town Board focus on nighttime hours, perhaps 10:00 or 11:00 p.m. to 7:00 a.m.

Mr. Goldman said 11:00 p.m. is too late and legislation should probably take the seasons into consideration. He said the hour should be based on general consideration not just the nightclub.

Katarzyna Petronis, moving to Oakhurst Court, property directly bordering Northern Lights and the proposed restaurant, said she assumed by moving into a residential area she will not be exposed to excessive noise levels. She said businesses should be located in areas where they will not be intrusive or need to limit hours or noise making levels.

Doug Welch, currently of Hollandale Apts., moving to Oakhurst Court, said he was aware of Northern Lights when he purchased his home but supports the proposal to manage noise from an establishment. He said he doesn't challenge their right to be open. He supports the idea of excluding certain community events and hopes the legislation will pass.

Brian Barton, Gloucester St., customer of Northern Lights, stated he can hear music from outside his house but not from inside. He said he supports a noise ordinance and if Northern Lights could do something to help attenuate the noise levels within that area it would be greatly appreciated.

PUBLIC PRIVILEGE ON RESOLUTIONS

Question from the floor asked if the proposed telecommunication tower legislation would prevent additional carriers from installing antennae on top of the Knolltop water tower.

Councilman Speckhard responded the purpose is not to allow that and the proposed legislation would prohibit that grandfathering. Town Attorney Trainor said towers that would be grandfathered are those that have already been through the approval process. He explained the 500-foot buffering is from any ancillary equipment or the main equipment to a single or two family dwelling which is defined as the building itself.

MOTION BY Councilman Paolucci, seconded by Councilwoman Walowit, to removed Resolution No. 15 from the table.

ROLL CALL VOTE

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

Noes: None

Absent: Supervisor Barrett

MOTION CARRIED

Resolution No. 15 of 2002, a resolution adopting Local Law No. 2 of 2002, a local law amending Local Law No. 11 of 1996, Telecommunication Towers and Section 208-95 and Local Law No. 10 of 1996, Zoning Code.

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

WHEREAS, the Town Board wishes to adopt certain changes to Section 208-95 Telecommunication Towers, and

WHEREAS, the Town Board of the Town of Clifton Park held a public hearing on January 7, 2002 concerning proposed changes to Section 208-95 Telecommunication Towers at which time input was received from the public, and

WHEREAS, the Town Board has considered the comments from the public in this regard; now, therefore, be it

RESOLVED, that the Town Board hereby adopts Local Law No. 2 of 2002 a local law amending Local Law No. 11 of 1996, Telecommunication Towers and Section 208-95- Local Law No. 10 of 1996, Zoning Code per schedule A; and be it further

RESOLVED, that this Local Law shall take effect upon filing with the New York State Department of State but shall take effect upon a person personally served a copy after its adoption.

Local Law No. 2 of 2002

Telecommunication Towers

Section 208-95 Telecommunication towers

B (2) (c) [1] R-1, R-2, R-3. The minimum distance of any telecommunications equipment on or around an existing tall structure, including, but not limited to, ancillary materials such as fences and guy wire anchors, from any single-family or two-family dwelling, as measured from nearest point to nearest point, shall be 500 feet.

B (2) (e) All applications are subject to the review and recommendations of a consultant of the Town's choosing whose fees and expenses shall be paid for by the applicant on a time and material basis. Applicants are required to deposit \$2500.00 with their applications to be applied toward the consultant's fees and expenses.

Effective Date: The Local Law shall take effect immediately upon filing with the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law, but shall also be effective immediately upon a person or organization personally served with a copy of this Local Law.

ROLL CALL VOTE

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

Noes: None

Absent: Supervisor Barrett

DECLARED ADOPTED

Resolution No. 21 of 2002, a resolution authorizing appointments to the Project Adventure Staff as recommended per Schedule A, and authorizing the hiring of a Director for Project Adventure.

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

WHEREAS, it is necessary that the Project Adventure Staff and Director be appointed to conduct the Project Adventure Program within the Department of Parks, Recreation and Community Affairs; now, therefore, be it

RESOLVED, that the individuals on the annexed Schedule A are appointed to said positions at the salary amounts listed, effective March 1, 2002 and that Larry Rorick, 34 Guilder Place, Ballston Lake, be appointed as Director of the Project Adventure Program at a salary of \$1,178.00 all to be budgeted from A7621-Project Adventure.

ROLL CALL VOTE

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

Noes: None

Absent: Supervisor Barrett

DECLARED ADOPTED

Resolution No. 22 of 2002, a resolution setting a public hearing to consider adoption of Local Law No. ____ of 2002, a Local Law establishing the Van Patten Golf Course PDD.

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

WHEREAS, an application for the Van Patten Golf Course PDD has been presented to the Town Board, and

WHEREAS, on September 18, 2001 the Planning Board sent a letter to the Town Board recommending approval of the PDD; now, therefore, be it

RESOLVED, that a public hearing to consider Local Law No. ____ of 2002, a local law establishing the Van Patten Golf Course PDD is hereby scheduled for February 25, 2002 at 7:10 p.m. in the Wood Memorial Meeting Room, One Town Hall Plaza, Clifton Park; and be it further

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

ROLL CALL VOTE

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

Noes: None

Absent: Supervisor Barrett

DECLARED ADOPTED

Resolution No. 23 of 2002, a resolution setting a public hearing to consider a local law amending Local Law No. 1 of 2002 and 27 of 1989 as amended by Local Law No. 8 of 1992, and Local Law No. 10 of 1996 regarding the review, approval and issuance of permits for billboards/off premises signs/advertising signs in the Town of Clifton Park.

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

WHEREAS, the Sign Law for the Town of Clifton Park currently prohibits the placement of billboards/off premises signs/advertising signs within the boundaries of the Town of Clifton Park, and

WHEREAS, the Town Board of the Town of Clifton Park was a party to litigation brought by Nichols Media Group, LLC challenging the Town of Clifton Park on the basis that it unconstitutionally prohibited off-premises signs/billboards, and

WHEREAS, the Town Board has adopted certain changes to the Town Code and the Town Attorney has made certain additional recommendations to the Town Board of the Town of Clifton Park including certain changes to the Town of Clifton Park Sign Law in order to address the regulation of billboards/off premises signs/advertising signs; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park will hold a public hearing concerning proposed amendments to Section 171 of the Zoning Law of the Town of Clifton Park, said amendments to address the regulation of billboards/off premises signs/advertising signs on February 11, 2002 at 7:10 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park at which time and place all persons desiring to be heard thereon will be heard; and be it further

RESOLVED, that the Town Clerk of the Town of Clifton Park be and she hereby is directed to publish notification of the said public hearing as required by law.

Councilman Speckhard noted the agreement regarding the signs allows three large signs on Route 9 and within three years all other signs within the town will be illegal and any billboards in the future will be in the special overlay business district.

ROLL CALL VOTE

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

Noes: None

Absent: Supervisor Barrett

DECLARED ADOPTED

Resolution No. 24 of 2002, a resolution authorizing an inter-municipal agreement between the Town of Hadley and the Town of Clifton Park for the bus transportation to the 2002 Association of Towns Meeting.

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

WHEREAS, a proposal has been made that the Town of Hadley and the Town of Clifton Park enter into an inter-municipal agreement providing for bus transportation to the 2002 Association of Towns Meeting which is being held in New York City; now, therefore, be it

RESOLVED, that the Town of Hadley and the Town of Clifton Park enter into an agreement which provides that:

1. The Town of Hadley will provide bus seats to the 2002 Association of Towns Meeting, at a cost to be determined by the Town of Hadley, not to exceed \$100., with the understanding that the seats are a non-refundable purchase. The bus will depart and return to pre-designated areas.
2. The Town of Hadley will provide receipts for paid reservations for bus transportation to the Association of Towns Meeting.
3. The Town of Hadley will pay for no other cost or amount or consideration.
4. The term of the agreement shall be from February 17 - 20, 2002.

ROLL CALL VOTE

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

Noes: None

Absent: Supervisor Barrett

DECLARED ADOPTED

Resolution No. 25 of 2002, a resolution authorizing the hiring of two Laborers in the Highway Department.

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

WHEREAS, two openings exist for the position of Laborer in the Highway Department, and

WHEREAS, the Highway Superintendent recommends that Michael McGuire, 6 Aspen Lane, Clifton Park, and Dean Charbonneau, 91E, Turf Mobile Park, Clifton Park, be appointed to fill these positions, and

WHEREAS, the recommended Laborers have met the qualifications; now, therefore, be it

RESOLVED, that Michael McGuire, 6 Aspen Lane, Clifton Park and Dean Charbonneau, 91E, Turf Mobile Park, Clifton Park, are hereby appointed to the position of Laborer, Grade 4, Step 1, effective immediately, to be budgeted from DA 05110-E3000 (Highway-Laborer) and DA 05142-E3000 (Snow Removal-Laborer).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 26 of 2002, a resolution authorizing the Town Supervisor to sign a State Contract for an aid to Localities Project under the Appropriate Laws of New York State.

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

WHEREAS, the Town of Clifton Park herein called the "Municipality," after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in the State Contract, herein called the "Project" is desirable, in the public interest, and is required in order to study and/or implement the local project or program, and

WHEREAS, under Chapter 53, Section 1, of the Laws of 2001 relating to Local Assistance Budget, the Legislature has authorized financial assistance to localities for services and expenses related to local projects, programs and studies by means of a written agreement, and

WHEREAS, the Municipality has examined and duly considered Chapter 55, Section 1, of the Laws of 2001 relating to the Local Assistance Budget and deems it to be in the public interest and benefit under this law to enter into a contract therewith; now, therefore, be it

RESOLVED, by the Town Board of the Town of Clifton Park that the Town Supervisor is directed and authorized as the official representative to act in connection with any contracts between the Municipality and the State, and to provide such additional information as may be required; and be it further

RESOLVED, that one (1) certified copy of this Resolution be prepared and sent to the New York State Department of Environmental Conservation, Albany, New York together

with the State Contract; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Councilman Speckhard said this relates to the proposed sewer in the Corporate Commerce Zone.

ROLL CALL VOTE

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

Noes: None

Absent: Supervisor Barrett

DECLARED ADOPTED

Resolution No. 27 of 2002, a resolution appointing Ann Marie Healy to the Grooms Tavern Preservation Committee.

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

WHEREAS, the Grooms Tavern Preservation Committee has recommended that Ann Marie Healy, 15 Wishing Well Lane, Rexford be appointed to the Committee; now, therefore, be it

RESOLVED, that Ann Marie Healy, 15 Wishing Well Lane, Rexford is hereby appointed to the Grooms Tavern Preservation Committee to serve at the pleasure of the Town Board.

Councilman Speckhard explained this action was intended to be taken at the organizational meeting and Ms. Healy name was inadvertently left off the list of the appointments.

ROLL CALL VOTE

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

Noes: None

Absent: Supervisor Barrett

DECLARED ADOPTED

Resolution No. 28 of 2002, a resolution adopting the street name of Clifton Common Court.

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

WHEREAS, the current address of the Henry J. Kinns building, 15 Town Hall Plaza, is confusing since the building is located on a street directly off Clifton Common Boulevard, and

WHEREAS, it is vital to emergency services to properly assign a correct address to all properties; now, therefore, be it

RESOLVED, that a new address of 6 Clifton Common Court, has been assigned to the Henry J. Kinns building in the interest of life, safety and a standard numbering system; and be it further

RESOLVED, that the Highway Superintendent is authorized and directed to place two new street signs for “Clifton Common Boulevard” at the entrance to the Common and for “Clifton Common Court” at the street leading to the Henry J. Kinns building.

ROLL CALL VOTE

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

Noes: None

Absent: Supervisor Barrett

DECLARED ADOPTED

Resolution No. 29 of 2002, a resolution authorizing the Supervisor to enter into an agreement appointing Louis Pasquarell Jr. to the temporary position of Code Enforcement Officer.

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

WHEREAS, the Director of Building and Zoning has requested that the vacant position of Code Enforcement Officer within the Building Department be filled temporarily, and

WHEREAS, the Director of Building and Zoning has recommended that Louis Pasquarell, Jr. of Vischer Ferry Road, Clifton Park, be hired as a temporary Code Enforcement Officer pursuant to the terms of the accompanying Memorandum of

Understanding; now, therefore, be it

RESOLVED, Louis Pasquarell Jr. of Vischer Ferry Road, Clifton Park, be hired as a temporary Code Enforcement Officer, Grade 7, Step 1, pursuant to the terms of the attached Memorandum of Understanding, effective immediately.

Town Attorney Trainor asked that under No. 4 of the Memorandum of Understanding the language “at any time” be added.

Councilwoman Walowit said Mr. Pasquarell is qualified for this position but she will abstain from the vote as he is Chief of the Jonesville Fire District of which she is a member.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth

Noes: None

Abstain: Councilwoman Walowit

Absent: Supervisor Barrett

DECLARED ADOPTED

Resolution No. 30 of 2002, a resolution to accept a bid from CTI Agricycle, LLC for the purchase of 2,500 cubic yards of ground leaves and brush.

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

WHEREAS, Bids were solicited to purchase mulch from the Town, and

WHEREAS, CTI Agricycle, LLC was the highest conforming bid at \$3.00 per yard for 2,500 cubic yards; now, therefore, be it

RESOLVED, that the bid of CTI Agricycle, LLC at \$3.00 per yard to purchase 2,500 cubic yards of mulch from the Transfer Station be accepted and approved.

ROLL CALL VOTE

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

Noes: None

Absent: Supervisor Barrett

DECLARED ADOPTED

Resolution No. 31 of 2002, a resolution appointing Janis Dean as lead secretary to the Planning Board and appointing Margaret Kasky as alternate secretary to the Planning Board, as needed.

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

WHEREAS, due to the resignation of Elaine Hughes, a vacancy exists for secretary to the Planning Board, and

WHEREAS, the Planning Board has approved the appointment of Janis Dean to the position of lead secretary; and Margaret Kasky as alternate secretary to the Planning Board; now, therefore, be it

RESOLVED, that Janis Dean is hereby appointed as lead secretary to the Planning Board, at a salary as budgeted, and Margaret Kasky is hereby appointed as alternate secretary to the Planning Board, as needed, effective immediately.

Councilman Speckhard expressed the Board's appreciation to Elaine Hughes for the fine job she has done as secretary to the Planning Board.

ROLL CALL VOTE

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

Noes: None

Absent: Supervisor Barrett

DECLARED ADOPTED

Resolution No. 32 of 2002, a resolution accepting a conveyance of the following open space, easements, as well as deed for conservation easement.

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

WHEREAS, as a condition of approval of the Applegarth Subdivision, the Town of Clifton Park Planning Board required that the certain open space and ingress/egress easements be conveyed to the Town of Clifton Park, as well as a Deed of Conservation Easement required by the Army Corp of Engineers, and

WHEREAS, a Bond has been provided to the Town Planning Department as security for the contractor to complete all remaining punch list items; now, therefore, be it

RESOLVED, that the Town Board accepts the conveyance of the following open space parcels and easements briefly described as follows:

Street Name of Owner

- Conservation Easement and applicable Robert J. Czub, Sr. & deed restrictions Beverly R. Czub
- Open Space Parcels (2)
- Ingress/Egress Easement

and be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt of an approval by the Town Attorney and Town Engineer of all necessary documents, provisions of a title report which is acceptable to the Town Attorney, and upon payment of all taxes and assessments; and be it further

RESOLVED, that in accordance with the provisions of Section 171 of Highway Law of the State of New York, consent be and the same hereby is given to the Superintendent of Highways of the Town of Clifton Park make an Order laying out the aforesaid Town Highways, said Town Highways to consist of the lands described in the aforesaid deeds; and be it further

RESOLVED, that there be appended to the within resolution a copy of the recorded conveyance after it has been returned from the Saratoga County Clerk.

Councilwoman Walowit said she will abstain from voting as Ms. Czub served as manager of her recent political campaign

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth

Noes: None

Abstain: Councilwoman Walowit

Absent: Supervisor Barrett

DECLARED ADOPTED

Resolution No. 33 of 2002, a resolution scheduling a public hearing regarding the establishment of Corporate Commerce Zone Water District No. 1.

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

WHEREAS, the Corporate Commerce Zone was created in the late 1980's and expanded in the mid-1990's by the Town Board of the Town of Clifton Park (the "Town") as a special zoning district, and consists of approximately 280 acres of land located on Route 146, approximately 5,000 feet west of Route 146A intersection, and

WHEREAS, the Town Board proposes to establish a water district in the Corporate Commerce Zone to be known as the Corporate Commerce Zone Water District No. 1 (the "District"), 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 proposed establishment of the District, 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 as described in Exhibit A to this Resolution, and

WHEREAS, the water system improvements proposed to be constructed in the District (the "Improvements") consist of the construction and acquisition of water transmission and distribution mains including ductile iron water mains, service connections and hydrants, and all appurtenances and incidental equipment including the acquisition of rights-of-way, if necessary, in accordance with the Maps and Plans, and

WHEREAS, the Improvements will include water facilities in excess of those required for the proposed District, including the use of larger water mains and associated appurtenances, valves and spacing of hydrants to provide excess capacity (the "Excess Facilities"), which will be reserved for future water districts or extensions in the Town, and

WHEREAS, the estimated maximum amount to be expended for the Improvements, including design, construction and administrative costs, is \$580,000, of which (1) \$250,000 is attributable to the Excess Facilities and shall be a general Town charge to be initially advanced from the Town's general fund and subsequently reimbursed from any future water district or extension that uses the excess facilities, and (2) \$330,000 shall be a charge against the District to be paid from assessments levied on real property in the District, and

WHEREAS, the proposed method of financing the costs of the Improvements (other than the Excess Facilities) consists of the issuance of serial bonds and bond anticipation notes of the Town, payable in the first instance from assessments levied on benefited real

property in the District. The proposed method of financing the Excess Facilities consists of the advance of \$250,000 from the Town's general fund, to be reimbursed by any future water district or extension that uses the Excess Facilities, from assessments levied against any such future district or extension, and

WHEREAS, the cost of acquiring, constructing and installing the District Improvements will be assessed by the Town Board in proportion as nearly as may be to the benefit which each lot or parcel in the District will derive therefrom, and

WHEREAS, the cost of the proposed District to the properties in the District is a combined total of debt service cost and operation and maintenance charges and is estimated to be as follows:

A. Debt Service Cost:

Annual Estimated

Parcel ID No.	Debt Service Cost
270.-2-3.121	\$2,665.29
270.-2-1	\$3,148.33
270.-2-3.11	\$1,462.47
270.-1-23.1	\$1,646.94
270.-1-20.111	\$4,952.17
270.-2-2	\$5,611.93
270.-1-20.112	\$916.89
270.-2-3.122	\$1,122,84
270.-1-20.113	\$1,873.14

B. Operation and Maintenance Charges: The water system, once constructed, will be operated by the Clifton Park Water Authority. The following are the estimated operation and maintenance costs that will apply to existing properties in the District:

1. Residential Users:

Hook-up Fee \$600 per lot

Water Line to Curb Stop \$500 per lot

Water Line from Curb to House \$10 per linear foot

Meter \$150 per unit

Water Usage (2001 Rate) \$3.24 per 1,000 gallons of water used

(Typical Single Family Usage is 75,000 gallons per year or \$243.00)

2. Commercial Users:

Hook-up Fee \$600 per building unit

Water Line to Curb Stop Varies based on size of building

Water Usage (2001 Rate) \$3.24 per 1,000 gallons of water used

NOW, THEREFORE, BE IT RESOLVED that the Town Board will hold a public

hearing to hear all persons interested in the establishment of the District and the proposed water system improvements, which public hearing shall be held in the Wood Memorial Room, Town Hall, One Town Hall Plaza, in the Town of Clifton Park on February 25, 2002 at 7:20 p.m.; and be it further

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

Councilman Speckhard explained Bond Counsel has identified some minor technicalities having to do with the publication in terms of an incomplete description of the boundaries and has recommended that it be redone.

ROLL CALL VOTE

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

Noes: None

Absent: Supervisor Barrett

DECLARED ADOPTED

Resolution No. 34 of 2002, a resolution scheduling a public hearing regarding the establishment of Corporate Commerce Zone Sewer District No. 1.

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

WHEREAS, the Corporate Commerce Zone was created in the late 1980's and expanded in the mid-1990's by the Town Board of the Town of Clifton Park (the "Town") as a special zoning district, and consists of approximately 280 acres of land located on Route 146 approximately 5,000 feet west of Route 146A intersection, and

WHEREAS, the Town Board proposes to establish a sewer district in the Corporate Commerce Zone to be known as the Corporate Commerce Zone Sewer District No. 1 (the "District"), 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 proposed establishment of the District, 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 as described in Exhibit A to this Resolution, and

WHEREAS, the sewer system improvements proposed to be constructed in the District (the “Improvements”) consist of the construction and acquisition of a sanitary sewage collection system, including acquisition of land or rights in land, and furnishings, machinery, equipment or apparatus required in connection therewith, and

WHEREAS, the estimated maximum amount to be expended for the Improvements, including design, construction and administrative costs, is \$530,000, and

WHEREAS, the proposed method of financing the cost of the Improvements consists of (1) the receipt of a \$250,000 New York State grant to fund a portion of the costs, and (2) the issuance of serial bonds and bond anticipation notes of the Town, payable in the first instance from assessments levied on benefited real property in the District, to fund the remaining \$280,000 costs of the Improvements, and

WHEREAS, the cost of acquiring, constructing and installing the District Improvements will be assessed by the Town Board in proportion as nearly as may be to the benefit which each lot or parcel in the District will derive therefrom, and

WHEREAS, the cost of the proposed District to the properties in the District is a combined total of debt service cost, operation and maintenance charges and hook-up fees, and is estimated to be as follows:

A. Debt Service Cost:

Annual Estimated

Parcel ID No.	Debt Service Cost
270.-2-3.121	\$2,900.44
270.-2-3.11	\$1,591.49
270.-1-23.1	\$1,792.25
270.-1-20.111	\$5,389.09
270.-2-2	\$6,107.05
270.-1-20.112	\$997.79
270.-2-3.122	\$1,221.90

B. Operation and Maintenance Charges: The sewer system, once constructed, will be operated by the Saratoga County Sewer District No. 1 (“SCSD”). The costs of operation and maintenance will be based on the established SCSD Scale of Charges. Each parcel will be charged an allocated share of the annual cost of debt service, administration, operation and maintenance for the District’s treatment facilities, interceptor sewer, and each major trunk sewer. An Equivalent Connection Unit (e.c.u.) will be determined for all users based on the type of use (commercial, single parcel, apartments, and various

miscellaneous uses such as schools, food service, office building, warehouse, etc.) and the gallons per day of sewer discharge. The SCSD Scale of Charges is included as an Exhibit to the Maps and Plans on file in the Office of the Town Clerk of Clifton Park.

C. Hook-Up Fees: The estimated hook-up fees for connection to the sewer system are \$1,000 per lateral hook-up.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board will hold a public hearing to hear all persons interested in the establishment of the District and the proposed sewer system improvements, which public hearing shall be held in the Wood Memorial Room, One Town Hall Plaza, in the Town of Clifton Park on February 25, 2002 at 7:30 p.m.; and be it further

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

(Clerk's note: The Bond Counsel has identified some minor technicalities having to do with the publication in terms of an incomplete description of the boundaries and has recommended that it be redone.)

ROLL CALL VOTE

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

Noes: None

Absent: Supervisor Barrett

DECLARED ADOPTED

Resolution No. 35 of 2002, a resolution to authorize emergency bidding so that immediate repairs can be made to the Riverview Landing Wastewater Treatment System.

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

WHEREAS, the Riverview Landing Sand Filter Wastewater Treatment System which serves the properties within the Riverview Landing Sewer District has ceased to function properly, and

WHEREAS, the failure of this system constitutes a public health hazard; now, therefore, be it

RESOLVED, that a public emergency exists which requires immediate action as defined under General Municipal Law Section 103-4; and be it further

RESOLVED that John M. McDonald Engineering P. C. is hereby authorized to prepare a scope of work for emergency repairs to the treatment system and obtain quotes for said work; and implement the work plan with the contractor with the lowest most responsible quote.

Councilman Speckhard said this is an emergency resolution as the system has failed. Councilman Paolucci asked if there is any recourse to fix a system if the Town Board wasn't meeting, does the Town Board have the authority to make necessary repairs. Town Attorney Trainor said this is addressed in the new sewer use policy, as well as in general powers of the town to protect the health, safety and welfare of residents. Mr. Shahan said the bid process is lengthy and this resolution should satisfy the State Comptroller's office.

ROLL CALL VOTE

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

Noes: None

Absent: Supervisor Barrett

DECLARED ADOPTED

PUBLIC PRIVILEGE

Norman Goldman, London Square Drive, questioned Clifton Park's Empire Zone designation. Councilman Speckhard said it is his understanding that the County had an allotment of Empire Zones, which was allotted across the board throughout the County and Clifton Park received their share which is located in the Corporate Commerce zone. He said he believes this is about economic development and not need. Mr. Goldman asked if a map could be prepared showing the location of pre-existing billboards. He said he understood during discussion of the adult use business overlay zone there was indication that there would need to be a town wide prohibition on nudity and asked the status. Councilman Paolucci said he is currently researching this aspect. Mr. Goldman asked the Town Board to give consideration to going back to the previous address for Town Hall. (Clerk's note: 653 Clifton Park Center Road) He asked if a regular street address could be given to Municipal Plaza as that address is unnecessary for one building.

Wayne Burdge expressed appreciation to the Town Board for their efforts on the telecommunications issue.

MOTION by Councilman Paolucci, seconded by Councilman Roth, to adjourn the meeting to the next regular meeting or any other meeting necessary for the conduct of Town business.

Motion carried at 9:00 p.m.

Patricia O'Donnell
Town Clerk