

Clifton Park Town Board Meeting Minutes

March 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., 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
Michael Shahan, Town Administrator

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett asked everyone to keep the men and women in Afghanistan in their thoughts and prayers. He said he is looking into the legalities of setting up a fund at the town to take in donations in order to send care packages to the soldiers in Afghanistan.

REPORTS

Reports for February from Parks, Recreation and Community Affairs, Planning Department, Animal Control and Justice Court were filed with the Town Clerk.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 59 of 2002, a resolution accepting a conveyance of the following streets.

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

WHEREAS, as a condition of subdivision approval of the Stonewood Development (a.k.a. Countryman Estates-Section 2) the Town of Clifton Park Planning Board required that the developer convey certain roads to the Town of Clifton Park, and

WHEREAS, a Bond has been provided to the Town Planning Department as security for

the contractor to complete all remaining punch list items, including repair of curbing on Bridle Path; now, therefore, be it

RESOLVED, that the Town Board accepts the conveyance of the following streets, briefly described as follows:

Street Name of Owner

Bridle Path Stonewood Development
Shetland Green
Extension of Thoroughbred Way

and be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt of an approval by the Town Attorney, Highway Superintendent 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 there be appended to the within resolution a copy of the recorded conveyance after it has been returned from the Saratoga County Clerk, and be it further

RESOLVED, that in accordance with the provisions of Section 171 of the 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 aforescribed Town Highways, said Town Highways to consist of the lands described in the aforesaid deeds(s), and be it further

RESOLVED, that the Town Superintendent of Highways be and he is hereby authorized to post a thirty (30) miles per hour speed limit for the herein described highway(s) together with all necessary regulatory signs; and be it further

RESOLVED, that the Town Board hereby authorizes the installation of a stop sign on Bridle Path at its southerly intersection of Thoroughbred Way as required by the Planning Board and Town Highway Superintendent for proper traffic control.

Supervisor Barrett said the town is accepting the roads on the condition that the curb be repaired.

MOTION BY Supervisor Barrett, seconded by Councilman Speckhard, to amend the resolution by adding "curbing on Bridle Path be repaired".

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth

Councilwoman Walowit, Supervisor Barrett

Noes: None

MOTION CARRIED

Highway Superintendent Gerard stated there is a strong possibility the town may not want the curbing as it does hinder the plowing, however, he has an agreement with the developer that if it is decided to have the curbing, the town will put it in and charge back against the developer's bond. Supervisor Barrett said if Superintendent Gerard recommends no curbing this will weigh heavily on the decision.

ROLL CALL VOTE ON RESOLUTION

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

Noes: None

DECLARED ADOPTED

Resolution No. 60 of 2002, a resolution determining that the acquisition, construction and installation of sewer system improvements in Riverview Landing Sewer District No. 1 will not have a significant effect on the environment.

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

WHEREAS, the Town Board of the Town of Clifton Park, Saratoga County, New York (the "Town") is considering undertaking the acquisition, construction and installation of certain improvements to the Riverview Landing Sewer District No. 1 sewer system, consisting of intermittent sand filter bed media and distribution piping removal and replacement, septic tank baffle installation, dosing tank siphon work and restoration, including acquisition and installation of equipment, machinery or apparatus required in connection therewith (the "Project"), and

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

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

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

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

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

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

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

(a) The Project is described in the EAF;

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

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

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

2. This resolution shall take effect immediately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 61 of 2002, a bond resolution dated March 4, 2002 of the Town of Clifton Park, New York, authorizing the acquisition, construction and installation of improvements to the Riverview Landing Sewer District No. 1 sewer system and related equipment, machinery and apparatus at a maximum estimated cost of \$175,000 and authorizing the issuance of \$175,000 serial bonds to pay the cost thereof.

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

Councilman Roth.

Section 1. The Town of Clifton Park, New York (the "Town") is hereby authorized to acquire, construct and install improvements to the Riverview Landing Sewer District No. 1 sewer system, including buildings, land or rights in land, and equipment, machinery and apparatus required in connection therewith, at an estimated maximum cost of \$175,000 and to issue an aggregate \$175,000 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 \$175,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$175,000 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 thirty (30) years pursuant to paragraph 4 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 an 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 an 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 Riverview Landing Sewer District No. 1, which the Town Board shall determine to be especially benefited by the improvements, an amount sufficient to pay the principal of an interest on such obligations as the same become due and payable, but if not paid from such source, all the taxable real property in the Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal and interest on such obligations when due.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00, inclusive, of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to issue bonds providing for level or substantially level or declining annual debt service is hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

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

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

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

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

Section 11. The Town Supervisor, as chief fiscal officer of the Town, is hereby authorized to enter into an undertaking for the benefit of holders of the Bonds from time

to time, and any bond anticipation notes issued in anticipation of the sale of the Bonds, requiring the Town to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15(c)2-12.

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

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

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

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 62 of 2002, a resolution honoring Michael A. Karpovich for attaining the rank of Eagle Scout.

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

WHEREAS, Michael A. Karpovich, Clifton Park, of Boy Scout Troop 45, has attained the rank of Eagle Scout, and

WHEREAS, the Town of Clifton Park Town Board wishes to acknowledge and honor Michael A. Karpovich's achievements, particularly his project entailing raising money by conducting a bottle drive and car wash to purchase supplies for the construction of two (2) sets of bunk beds for Captain's Shelter in Malta, which he supervised the construction of; now, therefore, be it

RESOLVED, that Michael A. Karpovich, Clifton Park, of Boy Scout Troop 45, 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

PUBLIC PRIVILEGE

Norman Goldman, London Square Drive, reported Ass't. Town Attorney Pelagalli reviewed the billboard situation including the settlement of the Nichols Media lawsuit, and legislation adopted regarding billboards.

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

Motion carried at 7:45 p.m.

Patricia O'Donnell
Town Clerk