

Clifton Park Town Board Meeting Minutes

July 1, 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

Absent: Town Clerk O'Donnell

Also Present: Town Attorney Trainor
Louis Gerard, Superintendent of Highways
Jason Kemper, Director of Planning
Derek Miller, Ass't Director of Building and Zoning
Michael O'Brien, Environmental Specialist
Michael Shahan, Town Administrator

Councilman Paolucci asked that the minutes of June 10, 2002 be amended in the motion of approval of minutes of May 20, 2002, as he was absent.

MOTION by Councilman Paolucci, seconded by Councilman Roth, to approve the minutes of the June 10, 2002, as amended, and June 17, 2002 meetings as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Letter from members of the 101st Airborne Division to Supervisor Barrett expressing appreciation for the packages sent to Afghanistan.

Supervisor Barrett reviewed plans for the July 4th Celebration.

Councilman Speckhard announced the production of “Crazy for You” presented by town sponsored theater group “Not So Common Players” July 10 – 14.

Supervisor Barrett said Schauber Road will be paved by the county within the next two weeks.

REPORTS

Report for June from the Animal Control Officer was filed with the Town Clerk.

PUBLIC FORUM ON WATER ISSUES

Supervisor Barrett said headway is being made in getting resources to people who need them. He reviewed various areas and requests: 1) Route 146 on eastern side near entrance to Shenendehowa Schools. He said the town has been working with residents and business owners and the Water Authority is to come up with a plan. 2) Katharine Terrace – looking at water and sewer and support is strong in that area. 3) Appleton Road area – water connection down Route 146 to Rexford will help this area. 4) Miller Road – petition has been received, engineer is preparing approximate figures and an informational meeting will be held to discuss cost estimates. 5) East Side Drive – engineering study of ten years ago has been updated. Town is working with Rural Community Assistance Program who will help get funding for this project. He noted an okay is needed from the Town of Glenville to provide the water resources as Glenville supplies the Town of Ballston and the nearest connection would be the Ballston system. The Supervisor said new development would make future projects less expensive. He encouraged resident to call for any information.

Councilwoman Walowit said there have been many questions from different areas regarding the feasibility of getting water and it was felt this forum, with Douglas Connor, Administrator of the Clifton Park Water Authority and Town Engineer John McDonald in attendance would be of interest.

Doug Connor estimated there are 50 miles of roads without water and it would cost between 11 and 15 million dollars to bring water to those areas. He said the Water Authority extends transmission mains not distribution mains. He reviewed the Water Authority’s progress since its formation. He said the Water Authority’s policy is to install transmission mains which is for the overall benefit of the water system but they do not install distribution mains as this is the purview of the developer. Mr. Connor said the Water Authority has no legal mechanism to charge based on ad valorem taxes. He noted Office of the State Comptroller guidelines are used when districts are formed. He said depending on the size of the main, it takes approximately \$250,000 to extend a water main a mile. He stated the Water Authority has made gains in quality and quantity and has about 10,600 customers. He noted half of the water rate is debt, which is currently \$30 million.

FROM THE FLOOR

Clerk's note: Attendees spoke from floor without benefit of microphones and most did not give names or addresses.

Sugar Hill resident said there have been problems for about ten years. It was noted no one had approached the Town Board with any complaint from the Sugar Hill area.

Miller Road resident asked that water be brought 7/10th of a mile to extend the main to Grooms Road. Resident has five wells. Mr. Connor reported John M. McDonald Engineering is doing a study to determine costs of extending mains. Mr. Connor noted the Somerset subdivision has its own water company. The Water Authority only serves Partridge Glen, past Peacock Glen to Settlers Hill.

With regard to a question concerning Appleton Road, town engineer, Jack McDonald, said this area would be served by the Rexford Water District, noting it is separate from the Clifton Park Water Authority. The proposed line along Route 146 is an interconnect with Glenville, with the long-term plan to connect municipal systems between CPWA and Glenville. The proposed Route 146 line is not going to directly benefit Appleton Road initially but will long-term. Mr. McDonald explained the developer pays for the water line to the subdivision and this cost is reflected in the price of the house and noted the only other way to receive water is to form an extension to a water district. This would allow a municipality to borrow money, which would get paid back through a debt service. Under town law in order to form a water district or an extension to a water district, the cost of the mains, the cost of the infrastructure has to be paid by the property owners that benefit. Mr. McDonald said the problem is establishing boundaries of districts and reviewed the process of forming a district. He stated residents of new districts would be paying the water authority rate plus the debt service until the bond is paid off.

It was stated from floor there are serious water problems on Appleton Road.

Mr. McDonald stated the town is bound by municipal bidding procedures. A discussion was held on methods of payments. He announced an informational meeting for residents of Appleton Road is scheduled for July 8, 2002.

Councilman Speckhard said McDonald Engineering has prepared several scenarios based on feedback from residents on Appleton Road, which will be presented at the informational meeting. He said the bottom line is how much are 50 percent of the residents willing to pay to form an extension of the Rexford Water District. He stated this has little to do with the proposed interconnect on Route 146. The Appleton Road hookup into the Rexford Water District would require approval by the Town of Glenville and approval by residents indicating their willingness to pay.

Supervisor Barrett said the Town of Glenville is a very important part of the town's water puzzle.

Councilman Speckhard said the Town of Glenville has indicated that where there was clear need, they would approve outside users.

Miller Road resident, closer to Route 146, reported he has five wells and said he is frustrated with the process. He said some residences are not able to be served because they are surrounded by wetlands, farmlands and it is not financially feasible. He asked the time frame for a connection.

Supervisor Barrett said formation of a water district is a lengthy process due to protections in place for homeowners and regulations through the State Comptroller's office.

Mr. Connor reported the average customer of the Water Authority uses approximately 75,000 gallons a year averaging about \$280.00 per year. He said currently the minimum usage charge is \$38.16 per quarter.

Mr. McDonald reported the request for approval of the Corporate Commerce Zone Water District is currently being reviewed in the State Comptroller's office. He said when establishing a district, if the annual cost to the typical homeowner is more than \$598 then it must go to Audit and Control for approval in order to make sure it is not an undue burden on any property owners. Mr. McDonald noted after a bond is paid off in 20 to 25 years, rates would be lower.

Mr. Connors explained the debt service procedure.

Ronald Stewart, Riverview Road, Vischer Ferry, said there is a Clifton Park Water Authority treatment plant that serves approximately 15 houses and there are 50 other houses within a half mile of the plant that depend on wells. Residents petitioned the water authority and were told the cost would be very prohibitive and to look for additional funding. Mr. Stewart said it is very difficult to sell a house if there is not good well or municipal water.

Mr. Connors said the treatment plant was constructed by the developer as well as water mains to serve the development. He reviewed the history of the Stony Creek Reservoir. Mr. Connor said the Water Authority is only allowed to remove 20 gallons a minute from the reservoir and was designed to serve 29 homes with 15 being currently served. With regard to extending water east and west on Riverview Road, he said there are some people who want water and some who don't. He said the difficulty was getting enough people to be in the district to make the cost reasonable. He explained what made the cost great was the fact that the treatment plant would have to be expanded.

Dr. Glasgow, office on Route 146, said she has no water and has had water trucked in over the past four months with no solution in sight. She asked if there were going to be water districts that are just a patchwork connection or a general town water supply.

Supervisor Barrett said some areas will be eligible for grants and referred to the Eastside

Drive household income survey performed with the assistance of the Rural

Supervisor Barrett said the Town will support water petitioners in any way possible.

Mr. McDonald explained the two ways of forming a district.

Mr. Connors reviewed the court case regarding source and storage fees. Discussion ensued from the floor. Attendee stated the town established the Water Authority to take on responsibility of providing water to residents and suggested it is the job of the community to spread the cost to everyone.

Rick Kukuk, Chairman of the Clifton Park Water Authority, explained the Clifton Park Water Authority does not have the authority to levy taxes but is empowered to fix rates and collect charges. He said taxes are imposed for the purpose of defraying the costs of governmental services; fees have been characterized as the visitation of the cost of special services upon those who derive the benefits thereof. He said for the Water Authority to pay for extending a water main 7/10ths of a mile for the benefit of ten people this would have to go into the rates and 10,600 customers would be paying for these ten people and this could be considered a tax.

From the floor resident recommended putting sewer line down at the same time as the water line. Supervisor Barrett stated this has been considered but some residents don't want sewer.

Norman Goldman questioned the financing in the Vischer Ferry Road corridor.

It was noted though the application to form the Corporate Commerce Zone Water and Sewer Districts is under consideration in the State Comptroller's office, there is pending litigation regarding the proposed districts.

Recommendation from the floor to create the Clifton Park Water District No. 1. Councilman Paolucci said this would be a townwide vote and since it would only benefit a small number there is a chance it would be voted down by the majority of people that already have water.

With regard to a question of dissolving the Clifton Park Water Authority and forming a townwide district, Town Attorney Trainor explained it would require state legislation.

Discussion ensued regarding the grant process to bring water to the East Side Drive area. Councilman Roth said it is his understanding all the information has been submitted to the agency for the funding and they are waiting to see if the Town of Glenville is able to get water into the Town of Ballston and for the Town of Ballston to give the okay to use their pipelines to East Side Drive. Supervisor Barrett said request for sewer funding has also been included.

Mr. Goldman said tonight's meeting was very informative, particularly since so many

areas were represented.

In response to a question regarding who determines the boundaries of a district, Supervisor Barrett responded it depends on who wants it and is a very fluid process.

Question from floor regarding the town borrowing money and its impact on the town's general credit or interest rate. Councilman Paolucci noted debt has been paid down.

MOTION BY Supervisor Barrett, seconded by Councilman Roth to recess until 9:20 p.m. Motion unanimously carried at 9:15 p.m.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 178 of 2002, a resolution setting a public hearing regarding establishing a residential facility for developmentally disabled persons.

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

WHEREAS, it is the intent of Catholic Charities Disabilities Services to establish a community residential facility, individualized Residential Alternative type, at 524 Foxwood Drive, Foxwood Apartments in the Town of Clifton Park for two individuals, and

WHEREAS, the Town Board wishes to provide information to the community to inform them of the intentions of Catholic Charities in regard to the proposed establishment of the facility; now, therefore, be it

RESOLVED, that a public hearing be set for July 15, 2002 at 7:10 PM in the Wood Memorial Room, 1 Town Hall Plaza, Clifton Park, regarding establishing a residential facility for developmentally disabled persons.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 179 of 2002, a resolution awarding bid for Uniform Rentals and Service.

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

Speckhard.

WHEREAS, bids were recently opened for Uniform Rentals and Service, and

WHEREAS, the lowest responsible bid was received from Unifirst Corporation in the sum of \$6.48 per employee; now, therefore, be it

RESOLVED, that the bid for Uniform Rentals and Services per Spec. No. H-2-02 is hereby awarded to Unifirst Corporation, 157 Troy-Schenectady Rd., Watervliet, NY as budgeted from accounts DA 05110-00028 (Highway Uniform) and DA 05142-00028 (Highway Uniform).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 180 of 2002, a resolution setting a public hearing to consider a Local Law amending Local Law No. 2 of 1978, regarding prior Notice of Defects.

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

WHEREAS, Chapter 176 of the Town Code currently contains a prior notice of defect requirement regarding Town property, and

WHEREAS, the Town Board wishes to solicit public comments regarding proposed amendments to Chapter 176; now, therefore, be it

RESOLVED, that a public hearing to consider amending Local Law No. 2 of 1978 regarding Notification of Defects as per the attachment hereto, is hereby scheduled for July 15, 2002 at 7:20 PM in the Wood Memorial Meeting Room, One Town Hall Plaza, Clifton Park, and the Town Clerk shall publish appropriate notice of same.

Town Attorney Trainor reported this is at the recommendation of the insurance company. He said changes include sidewalks and duties of the Town Clerk. Mr. Trainor feels this is broad enough to include bike paths.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 181 of 2002, a resolution declaring 6 Rivercrest Drive, Rexford, constitutes an imminent danger to the public requiring emergency action and setting a public hearing regarding the same.

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

WHEREAS, Chapter 77 of the Clifton Park Town Code permits the Town Board to order that premises be vacated and or secured and that such premises be repaired or demolished and the removal of the building upon its finding that the building is dangerous or unsafe to the general public, and

WHEREAS, the report of Dr. Gayle Buckley, Town Health Officer, and the report of Donald Clemens, Director of Building and Zoning for the Town of Clifton Park finds that the structure at 6 Rivercrest Drive, Rexford, Tax Parcel ID #269.18-1-52, is unsafe as evidenced by serious structural defects and unhealthy living conditions and should be vacated and secured against entry until repairs and clean up have been completed; now, therefore, be it

RESOLVED, that 6 Rivercrest Drive, Rexford, Tax Parcel ID #269.18-1-52, is unsafe and presents a clear and imminent danger to occupants and the general public, and be it further

RESOLVED, a hearing is hereby scheduled for 7:30 PM on July 15, 2002 in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, in relation to said dangerous and unsafe building, and be it further

RESOLVED, that the owners of 6 Rivercrest Drive, Rexford, Tax Parcel ID # 269.18-1-52 are hereby ordered to immediately vacate these premises and secure the premises against unauthorized entry on or before July 8, 2002, and be it further

RESOLVED, that work shall start within 30 days and that all structural defects shall be repaired within 60 days from the date of this Resolution, and be it further

RESOLVED, that 6 Rivercrest Drive, Rexford, Tax Parcel ID # 269.18-1-52 shall not be occupied until such time as the Town Health Officer and the Director of Building and Zoning have inspected the building and declared that it is safe for habitation, and be it further

RESOLVED, that in the event of the failure of the owners of 6 Rivercrest Drive, Rexford, to complete any actions ordered herein, the Town of Clifton Park shall undertake to

complete these repairs and clean up or demolition with the costs of such actions to be charged to the owners of 6 Rivercrest Drive, Rexford, and applied to their property tax bill; and be it further

RESOLVED, that the Director of Building and Zoning is hereby ordered to post notice of this order on the building and to serve a copy of this order personally upon the owner or mail a copy by registered mail to the owner's last known address.

Supervisor Barrett said this is a condition that is continuing to deteriorate and is becoming a public safety issue. Derek Miller, Ass't Director of Building and Zoning, briefly reviewed attempts over the past two years to have the situation rectified.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 182 of 2002, a resolution reappointing Donald Baker provisionally as the Animal Control Officer.

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

WHEREAS, the Town Board wishes to reappoint Donald Baker, 230 Lapp Road, Clifton Park, provisionally as the Animal Control Officer; now, therefore, be it

RESOLVED, that Donald Baker is hereby re-appointed provisionally as the Animal Control Officer effective immediately as budgeted.

Mr. Shahan said the civil service list has been invalidated thereby making it necessary to reappoint Mr. Baker.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 183 of 2002, a resolution granting an easement to Niagara Mohawk

Corporation at the Clifton Common for baseball lights.

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

WHEREAS, Niagara Mohawk Corporation has requested an easement on the upper baseball quad area of the Clifton Common to extend underground electrical service for baseball lights per the attached map and description, and

WHEREAS, the Clifton Park Baseball League has requested the improvements to facilitate field lighting; now, therefore, be it

RESOLVED, that Niagara Mohawk Corporation is hereby granted an easement on the upper baseball quad area of the Clifton Common to extend underground electrical service for baseball lights per the attached map and descriptions.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 183 of 2002, a resolution granting an easement to Niagara Mohawk Corporation at the Clifton Common for baseball lights.

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

WHEREAS, Niagara Mohawk Corporation has requested an easement on the upper baseball quad area of the Clifton Common to extend underground electrical service for baseball lights per the attached map and description, and

WHEREAS, the Clifton Park Baseball League has requested the improvements to facilitate field lighting; now, therefore, be it

RESOLVED, that Niagara Mohawk Corporation is hereby granted an easement on the upper baseball quad area of the Clifton Commons to extend underground electrical service for baseball lights per the attached map and descriptions.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 184 of 2002, a resolution awarding services contract for the Special Collection Day.

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

WHEREAS, two proposals have been submitted for professional services related to packaging, labeling, transport, and disposal of household hazardous waste to be collected at the eighth annual Special Collection Day to be conducted on September 28, 2002, and

WHEREAS, the Town Environmental Specialist has reviewed the proposals submitted for such professional services and recommends that the proposal of CARE Environmental Corp. of Landing, New Jersey, be accepted; now, therefore, be it

RESOLVED, that the contract to perform professional services related to the packaging, labeling, transport and disposal of household hazardous waste to be collected at the Town of Clifton Park's eighth annual Special Collection Day on September 28, 2002, is hereby awarded to CARE Environmental Corporation of Landing, New Jersey, with funds for services not to exceed \$12,000 with such funds to come from A-8989-009 (Community Development-Special Collection Day).

Councilman Roth noted this is a change in vendor.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 185 of 2002, a resolution authorizing additional work to be done in conjunction with painting the Highway Department Garage.

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

WHEREAS, the Highway Superintendent has identified the need for both repairing a crack in the exterior block and weather stripping the overhead doors of the Highway Garage, and

WHEREAS, MAPCO Enterprises, Inc. is currently painting the garage and has estimated

the additional cost of the crack repair and weather-stripping to be \$1,956.53; now, therefore, be it

RESOLVED, that MAPCO Enterprises, Inc. is hereby authorized to weather strip the overhead doors and repair the crack in the exterior concrete block at an additional cost of \$1,956.53, to be paid from account #A05132-00024 (Highway-Garage Repair).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 186 of 2002, a resolution authorizing the hiring of John Brown as a part-time security officer.

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

WHEREAS, a need for a part-time security officer has been identified, and

WHEREAS, Michael Shahan, Town Administrator for the Town of Clifton Park has recommended John Brown, 8 Candlelight Court, Clifton Park, for this position; now, therefore, be it

RESOLVED, that authorization is hereby granted to hire John Brown, 8 Candlelight Court, Clifton Park, as part-time security officer at Grade 3, Step 2 (\$11.69 hr.) effective immediately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Dennis Schilling, Gloucester Street, asked that until the Noise Ordinance is adopted, the Security Officers patrol behind the nightclub (Northern Lights) every half-hour. He stated the noise level has increased.

Steve Bowen, Gloucester Street, said his child is frightened by the noises coming from the nightclub. He asked that the Noise Ordinance be strong.

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 9:50 p.m.

Patricia O'Donnell
Town Clerk