

**Clifton Park Town Board Meeting Minutes
April 3, 2006**

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 Roth
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Absent: Councilman Speckhard

Also Present: Town Attorney Trainor
Jason Kemper, Director of Planning
Steven Myers, Director of Building and Development
Michael Shahan, Town Administrator
Jennifer Viggiani, Open Space Coordinator

MOTION by Councilman Paolucci, seconded by Councilman Roth, to approve the minutes of the March 13 and 10, 2006 meetings as presented.

ROLL CALL VOTE

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

Absent: Councilman Speckhard

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett reported the town has prepared a brochure "Quick Guide to the Leaf Eating Cankerworms" for residents' information.

Councilman Roth announced the Not So Common Players Spring production of "Two By Two" to be presented the weekends of April 28th and May 5th.

MOTION BY Supervisor Barrett, seconded by Councilman Roth, to move into Executive Session for the purpose of discussing pending litigation regarding CK Sanitary Systems, Inc. Motion unanimously carried at 7:09 p.m.

In Attendance: Supervisor Barrett, Councilman Paolucci, Councilman Roth, Councilwoman Walowit, Town Attorney Trainor, Assistant Town Attorneys Peller and McCarthy, Town Administrator Shahen, Town Clerk O'Donnell

Absent: Councilman Speckhard

There was no action taken.

MOTION BY Councilman Paolucci, seconded by Councilwoman Walowit, to return to the regular meeting. Motion unanimously carried at 7:28 p.m.

**PUBLIC HEARING, 7:10 PM
REGARDING AN OPEN SPACE ZONING REQUEST
ROLLING MEADOWS SUBDIVISION**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on March 23, 2006.

Scott Lansing, Lansing Engineering, representing applicant Garry Heflin, Rolling Meadows Subdivision, reviewed the project's history, noting before the moratorium was enacted, a cluster layout of 44 lots was proposed. Mr. Lansing said the current plan fits the new zoning and the Planning Board has sent a positive recommendation to the Town Board. The overall parcel is approximately 80.5 acres. An aerial photo was displayed showing location and adjacent parcels, notably Veterans Park on the south. Mr. Lansing reported there is existing water and sanitary sewer through Dutch Meadows, Section 4, as well as the Fairway Woods project. The parcel consists of approximately 14.03 acres of wetlands, both DEC and ACOE. The applicant is proposing 43 single family lots, 20,000 square feet minimum and 43 acres of open space to be dedicated to the town, which equates to 53 percent of the parcel. This will provide an increase in water pressure and flow in the Dutch Meadows subdivision. Mr. Lansing said Mr. Heflin purchased the property with the intention of 44 lots and this request is in accordance with the open space incentive zoning requirements. The additional 21 lots at \$30,000 will bring a total of \$635,000 to the town's open space program. Mr. Lansing said a second access will be provided through the Dutch Meadows, Section 4, subdivision. He asked for the Town Board's approval of the incentive request.

Director of Planning Kemper reported the Town of Clifton Park is the first town in this area of the state to institute open space incentive zoning. He reviewed the process for approval thus far, and with Town Board approval following the public hearing, the

project is referred back to the Planning Board for subdivision approval. He noted, if there is an issue with a lot, it can be removed at the Planning Board process. Mr. Kemper reviewed the various agencies' approvals needed.

Responding to Councilman Roth's question, Mr. Lansing said field delineations have been done and wetlands have increased by two plus acres.

The public hearing was opened for comments from the audience at 7:40 p.m.

Norman Goldman, London Square Drive, noted two concerns: 1) the new zoning had a goal of reducing the number of residences and the requests tonight seem to be asking for 100 percent increase. He commented that the \$30,000 is not a high price for what will be developed and sold; 2) by cutting the zoning and the potential for development, the economic value of property is being lessened that residents may be planning on for retirement.

Julie Nalwalk, Greta Terrace, expressed appreciation for the amount of green space being added to Veterans Park. She asked that access be made from Dutch Meadows to the public space.

Mr. Lansing showed the area Ms. Nalwalk mentioned and said he will work with the Planning Board to provide the linkage.

Carol Bates, Greensboro Blvd., speaking in favor of the increase, said she has been looking for a new lot and by adding the 21 lots there are more opportunities. She said this also provides the town with more opportunities to purchase open space which she would prefer on Route 146. She said it was her understanding that the moratorium was put in place not to reduce the number of residences but to find a way to create more open space. She spoke in favor of spreading green space throughout the town with pocket parks.

Michael Murphy, MacElroy Road, expressed concern about additional traffic and current speed limit of 45 mph on MacElroy Road. He agreed with the previous speaker that moratorium was meant to create more open space. He spoke in favor of the open space parcel being connected to Veterans Park, and, other than traffic concerns, of the proposed subdivision. He asked how the road and wetlands will be handled.

Mr. Lansing responded it is anticipated that it will be necessary to have the road cross the wetlands and stream with culverts to maintain drainage.

Gil LaDuke, Denkers Drive, spoke in favor of the proposed subdivision, particularly the access, open space connecting to the Park, the bike path and the increased water pressure.

Joe Stockbridge, Denhelder Drive, asked what is the criteria the town will use to determine the number of lots for the project.

Supervisor Barrett said this portion of the law is meant to give flexibility and to provide a

funding stream for open space purchases. He stressed funds realized from incentive zoning do not go into the general fund but to the specific open space fund. He said this zoning will cause developers to be more creative in their projects. The Supervisor said the criteria depends on what the Planning Board presents and how the area and the town as a whole will be affected.

Mr. Stockbridge said his concern is that these decisions are being arbitrarily made. He asked how the \$30,000 per lot was determined.

Mr. Kemper said determinations are made as to whether the infrastructure can support the development, the quality of the open space, proximity to a town park and accessibility. For the project at hand, the Planning Board, after looking at criteria, determined that the maximum allowed would be 21 and this will not cause a negative impact.

Joe Grasso, Clough, Harbour & Associates, explained the \$30,000 fee was determined after discussion with real estate agents, developers, tracking land sales in western part of town, and looking at the price the town paid for open space. He said the \$30,000 appears to be appropriate. Mr. Grasso reported the original Rolling Meadows proposal looked at full development of the site but after Planning Board conceptual review, cluster was proposed.

Mr. Stockbridge asked if the town would consider an alternative entrance to Veterans Park that would go through the Elks Club road. He asked if the project road, crossing the wetlands, was approved.

Mr. Kemper said discussions have been held with the Elks Club.

Mr. Lansing responded the applicant is in the process of applying for a permit to cross the wetlands. He further stated Clough, Harbour & Associates had reviewed the project and determined there would be no impact from 44 lots.

William Engleman, Partridge Plateau, took issue with the wording of the legal notice, stating the projects are not proposing open space zoning. He questioned the Planning Board's unanimous vote after listening to comments at the public workshop for this project. He questioned if the subdivision should "encroach" so closely to Veterans Park, noting it is a natural park. Mr. Engleman said he expressed concern at the workshop regarding the crossing of the R21 wetland. In his view any project that proposes a major road crossing of a protected wetland and wetlands buffer has a mark against it. He asked if the delineation of the DEC portion of the wetlands is accurate and does it reflect the wetland amendments that have been presented by DEC for this wetland. He stated he does not support this proposal.

Councilman Paolucci asked if wetlands increase constrained lands and decrease developable lots and will this be considered at the Planning Board level.

Mr. Kemper responded yes, and gave the example if constrained lands went down by 3

acres, then ultimately the Planning Board could eliminate one lot.

Open Space Coordinator Viggiani explained the town uses the term “open space incentive zoning” as that is the only incentive that the town is seeking at this time. She noted in other areas of the state incentive zoning is used for other kinds of public benefit.

Surveyor of the project reported he was on the parcel with DEC for several days in 2002 and all the wetland was flagged by representatives from the DEC office in Warrensburg. DEC has stated by letter that the maps were drawn correctly.

Sean Mahar, representing Audobon New York Executive Director David Miller, read a prepared statement in support of the amenity zoning program, attached.

Jim Romano, Wishing Well Lane, Co-Chair of the Open Space, Trails and Riverfront Committee, said in 1994, when he was a member of the Planning Board, the tools for open space didn't exist but in 2000 the Town Board gave a mission to the newly formed Open Space Committee directing them to “preserve open space, don't deprive the landowners of their economic right to the property and don't increase taxes”. Over the next two and a half years, the Open Space Plan was developed and approved in 2003. The town has purchased more than 600 acres of land and is the only community in upstate New York to have hired an Open Space Coordinator to help facilitate the town's open space program. He reported amenity zoning is a new conservation tool only available to landowners and developers in the western Clifton Park area. This tool was created in response to seeking additional ways to encourage private conservation incentives. Mr. Romano noted meetings are being held to educate landowners on the open space initiative. He stated the Open Space, Trails and Riverfront Committee strongly support the concept of amenity zoning.

Bill Mackesey, South Hollow Drive, Chairman of the Longkill Park District, and member of the Open Space, Trails and Riverfront Committee, noted that the Dutch Meadows subdivision is part of the Longkill Park District and over the years requests have been made to establish a pocket park in the area. He spoke in favor of the proposed project.

Lisa LaDuke, Dutch Meadows, spoke in favor of the proposed project and park and bike trails, noting it will benefit Dutch Meadows tremendously.

Frank Berlin, Main Street, spoke in favor of the project and the fact the open space parcel connects with Veterans Park.

Raymond Seymour, Nadler Road, said the Open Space Plan is becoming a reality with the town hiring an Open Space Coordinator and with the Planning Department's support of the program. He said the town is in a different plateau than where we were in 2000. He spoke favorably of the project and in particular of the connection of open space to Veterans Park. Mr. Seymour said the Town Board deserves credit for moving towards the acquisition of open space. He said with the new open space design, a minimum of 50 percent of the parcel has to be preserved and 25 percent buildable which is a wonderful change.

Kate Maynard, Planning Coordinator with Saratoga Plan, stated she support the full implementation of the plan and applauds the town.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 8:45 p.m.

**PUBLIC HEARING, 7:20 PM
REGARDING AN OPEN SPACE ZONING REQUEST
BOEL PROPERTY CRESCENT ROAD**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on March 23, 2006.

Gordon Nicholson, Environmental Design Partnership, representing Belmonte Builders, reviewed the proposed project, noting the parcel consists of 76 acres, 10.98 acres of constrained land, in the CR Zone with a proposed a base density of 22 lots. The applicant is requesting an additional 11 lots for a total of 33. He reported approximately 18 acres of developable land along Crescent Road will be preserved to maintain the existing rural character.

The public hearing was opened for comments from the audience at 8:50 p.m.

Lee Schecter, Crescent Road, asked why the total number of houses was increased from the initial number. Mr. Nicholson explained prior to the current zoning, approximately 60 to 70 houses would have been allowed. Mr. Schecter said he had hoped the land would stay “farm like” and doesn’t feel the open space plan has worked in his case. He believes the developer should have to stay with the original 22 lots and not circumvent the current law to increase their profit margin. Supervisor Barrett said the density is vastly different and the plan looks at the entire study area, not a particular parcel.

Supervisor Barrett emphasized money received through amenity zoning will purchase properties only within the study area.

Ed Schwarzer, Crescent Road, reported he wanted to give his grandson an acre of land but was told it would have to be three acres due to the new zoning laws. He said large sums of money have been spent for surveys and town rules on land he has owned for many years but the new zoning law allows the developer to increase density, in some instances by allowing a house on a half acre, by paying \$330,000. Mr. Schwarzer said he feels this is a case of discrimination and if the law says three acres, it should be three acres. He said landowners should be able to give land to family and this should be grandfathered into the law. Mr. Schwarzer said the new law is completely wrong and should be changed.

Supervisor Barrett asked Mr. Kemper and Ms. Viggiani to set up a meeting with Mr.

Schwarzer.

Mrs. Schwarzer, Crescent Road, reported coyotes and geese are running loose in the proposed project area.

Cynthia Schecter, Crescent Road, located across from proposed project, questioned the Conservation Easement on the Boel property. She said this is a major change in the rural character of the neighborhood and animals will have no access to land on Crescent Road. Ms. Schecter stated she is opposed to the project.

Supervisor Barrett responded if the Conservation Easement agreement is broken, a penalty is involved. He said land can be saved if the landowner is willing to sell to the town or if the town can purchase development rights. The Supervisor reported the town had attempted to buy the Boel property for sometime. He said approximately 65 acres in the Vischer Ferry/Riverview Road area have been bought by the town to preserve open space.

Mr. Nicholson stated 50 percent (38 acres) of the proposed project will remain undeveloped as open space and 18 acres of the 38 acres is right along Crescent and Van Vranken Roads. The acreage proposed for development is in the woods beyond the tree line.

Steve Wright, Crescent Road, property adjoins project, spoke against the additional houses and asked that more of the property be preserved as open space. He said this site is a very pivotal parcel in the area. Mr. Wright reported the workshop at the Planning Board level was to be informational, however, it clearly was a judgmental procedure. He asked the Town Board to reconsider the additional 11 houses.

Frank Berlin, Main Street, said the town is looking to buy development rights from farmers in order to keep farms. He reiterated the importance of protecting open space.

Howard Rubinger, Sweet Briar Dr., reported this project has 50 percent greenspace and the developer has a right as a landowner to do what is in the law.

Gerry Magoolaghan, Belmonte Builders, said one of the misconceptions with the program is that additional lots take away from open space. He explained additional lots do not take away from the open space but condense the houses and shrink the lots. This project will look the same from the road or actually driving through it whether it's 22 or 33 houses. He reminded the audience that this same property a year and a half ago was ready to be approved for 80 lots. Mr. Magoolaghan stated the town has done a great job of preserving open space and cutting the density and still coming up with funds to buy additional open space other than the 50 percent that is being preserved in the project. He stated the character of the property will remain as it is today. He further reported no wetlands will be impacted.

Norman Goldman, London Square Drive, said it was his understanding contiguous open

space was one of the objectives of the new zoning. He is concerned that by having the provision of incentive zoning, certain people will have the opportunity to build more residences than they would otherwise. He is not in favor of incentive zoning.

Mr. Magoolaghan explained the \$30,000 pays for the “dirt” but when engineering, improvements, etc., are added in then it comes to a \$70,000 lot.

Garry Boel, Crescent Road, owner of property, said he didn’t feel the property should have come under the new ordinance. He stated he will have to pay the penalties of the Conservation Easement. He said before the new zoning, he was approached to put 83 homes on the front portion of the property and give the 38 acres in the back to the town. He said when he saw the plans that Mr. Belmonte proposed, he felt it did not impact the neighborhood at all, everybody is buffered, and the developer did a good job in protecting the homeowners in the area. Mr. Boel said the 15 acre field will remain a field.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 9:50 p.m.

Joe Grasso, Clough Harbour & Associates, reviewed the bids for the Clifton Park Action Park, explaining the project was broken up into a base and bid and six alternates. He said CHA is recommending three add alternates which include additional skating structural equipment, benches and trash receptacles and concrete paving and that bid go to the low bidder, Hudson River Construction for a total bid of \$388,400.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 86 of 2006, a resolution to adopt an Information and Security Breach Notification Policy.

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

WHEREAS, the New York State Legislature enacted in 2005 the Information and Security Breach Notification Act to require state agencies and corporations who conduct business in New York State to promptly notify New York residents and non-residents when a person’s personal or financial information is believed to be compromised, and

WHEREAS, the statute requires a local policy to be in place by April 6, 2006, and

WHEREAS, the Town Board of the Town of Clifton Park desires to adopt an Information and Security Breach Notification Policy to comply with the Act; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby adopts the following Information and Security Breach Notification Policy, per Exhibit “A”.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 87 of 2006, a resolution setting a public hearing to consider adoption of Local Law No. _____ of 2006, a local law amending Article II, Fire Prevention, Section 73-10 Duties of Enforcement Personnel of the Town Code.

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

WHEREAS, the Town Board is considering amending Article II, Section 73-10 of the Town Code regarding Duties of Enforcement Personnel, and

WHEREAS, the Town Board wishes to solicit the comments of the Town's citizens regarding the proposed changes; now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled for April 10, 2006, at 7:10 PM in the Wood Memorial Room, One Town Hall Plaza, Clifton Park to consider the adoption of Local Law No. _____ of 2006, a local law amending Article II, Fire Prevention, Section 73-10, Duties of Enforcement Personnel as per the attached Exhibit "A" and the Town Clerk is directed to publish notice of the same.

Building Director Myers explained this section of law can be eliminated as the county now handles these duties.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 88 of 2006, a resolution setting a public hearing to consider adoption of Local Law No. _____ of 2006, a local law amending Chapter 103, Article II, Local Activity Fees.

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

WHEREAS, Steven Myers, Director of Building and Development, has recommended

that a fee schedule for fire inspections be established, and

WHEREAS, the Town Board wishes to solicit the comments of the Town's citizens regarding the proposed changes; now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled for April 10, 2006, at 7:20 PM in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, to consider the adoption of Local Law No. _____ of 2006, a local law amending Chapter 103, Article II, Local Activity Fees, as per the attached Exhibit "A" and the Town Clerk is directed to publish notice of the same.

Supervisor Barrett reported it is becoming more and more frequent that fire code inspectors have to make repeat visits to businesses. Mr. Myers explained this will allow fines to be imposed if businesses don't comply within time allotted.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 89 of 2006, a resolution honoring Nathan Lewis Bruschi for attaining the rank of Eagle Scout.

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

WHEREAS, Nathan Lewis Bruschi, 53 Timberwick Drive, 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 Nathan's achievements, including his Eagle Scout Service Project which consisted of leading a group of fifty-five scouts, students and adults in a playground redesign and improvement project at the Parsons Child and Family Center in Albany, New York, and

WHEREAS, Nathan also raised money to buy new playground equipment, plant attractive landscaping, make a Four Square Court and paint for a large mural on the fence after having repaired it; now, therefore, be it

RESOLVED, that Nathan Lewis Bruschi, 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 Roth,

Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 90 of 2006, a resolution establishing a rate for CERT and Citizen Corps instructors.

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

WHEREAS, it is necessary to establish a rate for instructors for the CERT and Citizen Corps programs; now, therefore, be it

RESOLVED, that rates are hereby established, per Schedule "A", for CERT and Citizen Corp instructors, to be paid from A-08762-00015 (Citizen Corps-Other contractual) and A-08761-00015 (CERT-Other contractual).

Town Administrator Shahen recommended that individual names not be mentioned in the resolution but just state FEMA instructors and NYS instructors.

Councilman Roth said it was his understanding this was a volunteer program and doesn't know why the town is moving in a different direction.

It was noted there is grant money for this program.

MOTION BY Councilman Roth to table the resolution, seconded by Councilman Paolucci

ROLL CALL VOTE TO TABLE

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

Noes: None

Absent: Councilman Speckhard

MOTION CARRIED

Resolution No. 91 of 2006, a resolution referring an Amenity Zoning request for a subdivision on Ray Road from Scott Earl to the Planning Board for further review.

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

WHEREAS, Scott Earl has submitted a project narrative, requested incentive and proposed amenity, subdivision calculations, site location map, constrained and unconstrained plan, and proposed layout to the Town Board on March 9, 2006 by Lansing Engineering in accordance with Section 208-43.16 of the Town Code, and

WHEREAS, the applicant is requesting a density increase for the subdivision in accordance with Section 208-43.16 of the Town Code; and

WHEREAS, the Town Board must make a determination as to whether the project is worthy of further consideration under the amenity zoning provision, and

WHEREAS, referring this application to the Planning Board does not approve the density increase for the subdivision; now, therefore, be it

RESOLVED, that the amenity zoning request for Scott Earl for his proposed subdivision on Ray Road is referred to the Planning Board for further review.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 92 of 2006, a resolution referring an Amenity Zoning request from Dave Massaroni for subdivision on Tanner Road to the Planning Board for further review.

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

WHEREAS, Massaroni Builders has submitted a project narrative, requested incentive and proposed amenity, subdivision calculations, site location map, constrained and unconstrained plan, and proposed layout to the Town Board on December 12, 2005 by Lansing Engineering in accordance with Section 208-43.16 of the Town Code, and

WHEREAS, the applicant is requesting a density increase for the subdivision in accordance with Section 208-43.16 of the Town Code, and

WHEREAS, the Town Board must make a determination as to whether the project is worthy of further consideration under the amenity zoning provision, and

WHEREAS, referring this application to the Planning Board does not approve the density increase for the subdivision; now, therefore, be it

RESOLVED, that the amenity zoning request for Dave Massaroni for his subdivision on Tanner Road is referred to the Planning Board for further review.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 93 of 2006, a resolution scheduling a public hearing regarding the establishment of Extension No. 1 to Rexford Water District No. 2.

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

WHEREAS, the Town Board of the Town of Clifton Park, Saratoga County, New York (the "Town") has caused a map, plan and report (the "Maps and Plans") to be prepared in connection with the proposed establishment and improvement of Extension No. 1 (the "Extension") to the Rexford Water District No. 2 (the "District"); and

WHEREAS, the boundaries of the proposed Extension are set forth on Exhibit A attached hereto; and

WHEREAS, the Town proposes to acquire, construct and install a water supply and distribution system and related facilities in the Extension (the "Improvements"), including (a) construction and installation of water transmission mains and lines and related facilities, (b) acquisition of furnishings, equipment, machinery or apparatus required in connection therewith, and (c) acquisition of land or rights in land, all as more particularly described in the Maps and Plans; and

WHEREAS, the maximum amount proposed to be expended for Improvements in the Extension is \$83,900; and

WHEREAS, property owners in the Extension will be required to pay a 1-time water service permit fee to the Clifton Park Water Authority in the amount of \$1,025 for administrative and inspection costs and water meter equipment and installation; and

WHEREAS, the cost of the proposed Extension to the typical property in the Extension is estimated to be approximately \$1,152 per year; and

WHEREAS, the proposed method of financing the costs of the Improvements consists of the issuance of serial bonds and bond anticipation notes of the Town to mature in annual installments over a period not exceeding 25 years; and

WHEREAS, the Maps and Plans describing the foregoing, including a detailed explanation of how the estimated cost of the Extension to the typical property was computed, have been filed in the Town Clerk's office and are available for public inspection during regular business hours; now, therefore, be it

RESOLVED that the Town Board will hold a public hearing to hear all persons interested in the establishment of the Extension 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 April 17, 2006 at 7:10 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.

LEGAL DESCRIPTION

Town of Clifton Park
Rexford Water District #2
Extension #1

ALL THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND, designated as Rexford Water District #2, Extension #1, on map entitled "Rexford Water District #2, Extension #1", dated March 19, 2004 and revised March 30, 2006, as prepared by John M. McDonald Engineering, P.C., which District is comprised of the parcels shown on Town of Clifton Park, Saratoga County, New York Tax Map number 275 and 276 as prepared by L. Robert Kimbal Consulting, Ebensburg PA and digitally updated March 1, 2002 by the L. A. Group, being more particularly bounded and described as follows:

BEGINNING AT A POINT on the southerly bounds of the Grooms Road right-of-way, said point also being the northwest corner of parcel 275.-1-40.1, said point also being the northeast corner of parcel 275.-1-41 in the Town of Clifton Park, County of Saratoga, State of New York; and

PROCEEDING THENCE (in a clockwise direction around the proposed bounds) in an easterly direction along the northerly bounds of parcels 275.-1-40.1, 275.-1-40.2, 275.-1-

39 and the southerly bounds of the Grooms Road right-of-way to the northwest corner of parcel 275.-1-38.2, said point also being the northeast corner of parcel 275.-1-39;

THENCE, in a northeasterly direction across the Grooms Road right-of-way to the southwest corner of parcel 275.-1-22.4, said point also being the southeast corner of parcel 275.-1-22.54, said point also being on the northerly bounds of the Grooms Road right-of-way;

THENCE, in a northerly direction along the westerly bounds of parcel 275.-1-22.4, and the easterly bounds of parcel 275.-1-22.54 to the northwest corner of parcel 275.-1-22.4, said point also being the northeast corner of parcel 275.-1-22.54;

THENCE, in an easterly direction along the northerly bounds of parcel 275.-1-22.4 and the southerly bounds of parcel 275.-1-19 to the northwest corner of parcel 275.-1-22.3, said point also being the northeast corner of parcel 275.-1-22.4 and on the southerly bounds of parcel 275.-1-19;

THENCE, in a southerly direction along the westerly bounds of parcels 275.-1-22.3 and 275.-1-22.21, and the easterly bounds of parcel 275.-1-22.4 to the northwest corner of parcel 275.-1-36, said point also being on the easterly bounds of parcel 275.-1-22.4 and on the southwest corner of parcel 275.-1-22.21;

THENCE, in an easterly direction along the northerly bounds of parcels 275.-1-36 and 275.-1-37, and the southerly bounds of parcel 275.-1-22.21 to the northeast corner of parcel 275.-1-37, said point also being the northwest corner of parcel 275.-1-22.22 and on the southerly bounds of parcel 275.-1-22.21;

THENCE, in a southerly direction along the westerly bounds of parcel 275.-1-22.22, and the easterly bounds of parcels 275.-1-37, to the southwest corner of parcel 275.-1-22.22, said point also being also being the southeast corner of parcel 275.-1-37 and on the northerly bounds of the Grooms Road right-of-way;

THENCE, in a westerly direction along the northerly bounds of Grooms Road right-of-way and the southerly bounds of parcel 275.-1-37 to the southeast corner of parcel 275.-1-36, said point also being the southwest corner of parcel 275.-1-37, and on the northerly bounds of the Grooms Road right-of-way;

THENCE, in a southwesterly direction across the Grooms Road right-of-way, to the northeast corner of parcel 275.-1-38.1, said point also being also being the northwest corner of parcel 276.-1-50, and on the southerly bounds of the Grooms Road right-of-way;

THENCE, in a southerly direction along the easterly bounds of parcels 275.-1-38.1 and 275.-1-38.2, and the westerly bounds of parcels 276.-1-50 and 276.-1-47.1, to the southeast corner of parcel 275.-1-38.2, said point also being a westerly corner of parcel 276.-1-47.1 and on the northerly corner of parcel 275.-1-73;

THENCE, in a southwesterly direction along the southerly bounds of parcels 275.-1-38.2 and 275.-1-39, and the northerly bounds of parcels 275.-1-70, 275.-1-71, and 275.-1-73, to a southerly corner of parcel 275.-1-39, said point also being the northwest corner of parcel 275.-1-70, and on the easterly bounds of parcel 275.-1-90;

THENCE, in a northwesterly direction along the southerly bounds of parcel 275.-1-39, and the northerly bounds of parcel 275.-1-90 to a southeasterly corner of parcel 275.-1-40.3, said point also being on the easterly bounds of parcel 275.-1-40.2 and on the southwest corner of parcel 275.-1-39;

THENCE, in a northeasterly direction along the southeasterly bounds of parcel 275.-1-40.3, and the westerly bounds of parcel 275.-1-39, to the southeast corner of parcel 275.-1-40.2, said point also being a westerly corner of parcel 275.-1-39 and on the northeasterly corner of parcel 275.-1-40.3;

THENCE, in a northwesterly direction along the northerly bounds of parcel 275.-1-40.3, and the southerly bounds of parcel 275.-1-40.2, to the southwest corner of parcel 275.-1-40.2, said point also being a northwesterly corner of parcel 275.-1-40.3;

THENCE, in a northeasterly direction along the westerly bounds of parcels 275.-1-40.1 and 275.-1-40.2, and the easterly bounds of parcel 275.-1-41, to an easterly corner of parcel 275.-1-41, said point also being a westerly corner of parcel 275.-1-40.1;

THENCE, in a westerly direction along the northerly bounds of parcel 275.-1-41, and the southerly bounds of parcel 275.-1-40.1, to a northeasterly corner of parcel 275.-1-41, said point also being a northwesterly corner of parcel of parcel 275.-1-40.1;

THENCE, in a northerly direction along the westerly bounds of parcel 275.-1-40.1 and the easterly bounds of parcel 275.-1-41 to the northwest corner of parcel 275.-1-40.1, said point also being the northeast corner of parcel 275.-1-41, the southerly bounds of the Grooms Road right-of-way, and the point and place of beginning.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 94 of 2006, a resolution appointing Myla Kramer to permanent status as Director of Parks, Recreation and Community Affairs per Civil Service certification.

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

WHEREAS, Myla Kramer, 12 McGregor Court, Clifton Park, was provisionally appointed to the position of Director of Parks, Recreation and Community Affairs for the Town of Clifton Park, and

WHEREAS, Myla Kramer successfully passed the Civil Service Exam for the position of Director of Parks, Recreation and Community Affairs and was certified as a permanent employee on March 22, 2006; now, therefore, be it

RESOLVED, that Myla Kramer, 12 McGregor Court, Clifton Park, is hereby appointed to permanent status as Director of Parks, Recreation and Community Affairs for the Town of Clifton Park, per Civil Service Certification as of March 22, 2006.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 95 of 2006, a resolution awarding the bid for the Barney Road Pool Liner System.

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

WHEREAS, on March 30, 2006 bids were received for the above referenced contract, and

WHEREAS, the low bidder for the Barney Road Pool Liner System is Aquatic Renovation Systems, Inc. in the amount of \$70,755, and

WHEREAS, as per letter from McDonald Engineering dated March 31, 2006, McDonald Engineering has reviewed the bids and has recommend to the Town Supervisor that Aquatic Renovation Systems, Inc. be accepted as the lowest most responsible bidder; now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced bid in the amount of \$70,755 to Aquatic Renovation Systems, Inc., to be paid from A-7150-200 (Barney Road Pool-Equipment).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

Resolution No. 96 of 2006, a resolution awarding the bid for construction of the proposed Clifton Park Action Park.

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

WHEREAS, on March 30, 2006 bids were received for the above referenced contract, and

WHEREAS, based on the combination of Alternatives, the apparent low bidder is Hudson River Construction, 101 Dunham Drive, Albany, New York, in the amount of \$388,400, and

WHEREAS, as per letter from Clough Harbour and Associates LLP, dated April 3, 2006, Clough Harbour and Associates has reviewed the bids and has recommended to the Town Supervisor that a contract for the Base Bid plus Alternatives B, D and E be awarded by the Town to Hudson River Construction in the amount of \$388,400, to be paid from unreserved Fund Balance with a transfer to A-07200-200 (General Fund-Skate Park-Equipment).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Speckhard

DECLARED ADOPTED

PUBLIC PRIVILEGE

Norman Goldman, London Square Drive, speaking with regard to the Action Park, questioned the operational schedule. He reviewed the various waivers for sports leagues. Mr. Goldman said he is convinced if an increase in taxes were going to pay for the Action Park, taxpayers would not approve of it. He further questioned town funds used to pay for the extension of Maxwell Road. He asked what section of the Open Government Law applied to the Executive Session held this evening.

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 10:30 p.m.

Patricia O'Donnell
Town Clerk