

**Clifton Park Town Board Meeting Minutes
April 17, 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 Speckhard
Councilman Roth
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Absent: Councilman Paolucci

Also Present: Town Attorney Trainor
Mark Heggen, Comptroller
Myla Kramer, Director of Parks, Recreation and Community Affairs
Barbara McHugh, Director of Community Relations
Steven Myers, Director of Building and Development
Michael O'Brien, Environmental Specialist
Michael Shahan, Town Administrator

MOTION by Councilman Roth, seconded by Councilwoman Walowit, to approve the minutes of the April 3, 2006 meeting as presented.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Roth asked the Town Board to review information he is proposing for the supplemental budget and bring any additions or changes to Mr. Shahan. Councilman Roth said he would like to bring this to the May 1, 2006 Town Board meeting.

TOWN BOARD PRESENTATIONS

Supervisor Barrett presented Certificates of Commendation to members of the Rexford Water District Advisory Committee in attendance this evening: Chairman of the Rexford Advisory Board George Peterson and members Paul Harris, Peter Ford, Superintendent Tom Ziobrowski in appreciation of their work, service and dedication to the residents of Rexford over many years. Certificates will be mailed to members Gunner Walnut and Gerald Freeborne who were not able to attend this evening. Supervisor Barrett also remembered Clark Wilson, who passed away in 2005, noting he was a dedicated servant to his community, not only as a member of the Rexford Water District but for his service in the development of the town's Open Space Plan.

Chairman Peterson reported the Committee met when necessary and it was everyone's input that guided the Committee. He thanked Tom Ziobrowski for his 28 years of work in "holding the District together".

PUBLIC HEARING, 7:10 PM REGARDING ESTABLISHMENT OF EXTENSION NO. 1 TO REXFORD WATER DISTRICT NO. 2

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on April 6, 2006.

Town Environmental Specialist O'Brien explained this proposed extension, which will include homes on Grooms Road, has been "in the works" for approximately two years but it was determined another public hearing is necessary. The original proposal was for seven residences on Grooms Road but one more resident has asked to be included. He reported costs have gone up slightly but with the addition of another resident the increase is minimal. Mr. O'Brien reported the Department of Health gave its approval last fall. He further reported everyone in the District is in favor of this extension.

The public hearing was opened for comments from the audience at 7:20 p.m.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 7:20 p.m.

Supervisor Barrett asked that the resolution establishing the extension be considered this evening. He asked Mr. O'Brien to send a letter to the eight residents, advising them of approval of the extension. Supervisor Barrett said there will be the option for additional hookups for outside users.

Jeff Trzeciak, McDonald Engineering, said construction of the project could possibly start in five months, following approval from the State Comptroller Office and the bidding process.

PRESENTATION TO THE BOARD

Glenn Mazzula, Diversified Medical Products, spoke on forming a consortium of towns, school and county regarding reduced co-pay for some prescription drugs.

Oliver Robinson, Shenendehowa School Superintendent, reviewed the proposed school budget and the Future Committee Report. He extended appreciation Planning Board Chairman Bulger and Director of Planning Kemper for their assistance in the preparation of the Report.

Town Comptroller Heggen noted March is the first month that revenues go towards 2006. Most revenues in January and February are carried over from 2005. Town auditors from Marvin & Co. are doing preliminary work and the Annual Update Document will be filed with the state the week of April 24th.

Town Administrator Shahan reported he has been working on a list with Councilman Roth of capital improvements. He further reported that 12 additional traffic lights have been wired by NYSDOT for generators. He reviewed lights that have been wired to accept generators. Security and CERT team personnel have been trained in hooking up the generators. Mr. Shahan said three security cars are out on Friday and Saturday nights. He said the town is currently looking for a part-time security person. Mr. Shahan reminded residents that security personnel do vacation house checks, noting forms are on line.

Councilman Roth said it is his understanding there is a grant that provides funding for CERT and Citizen Corps Instructors and, therefore, would like to remove Resolution No. 90 of 2006 from the table.

MOTION by Councilman Roth, seconded by Councilman Speckhard, to remove Resolution 90 of 2006 from the table.

ROLL CALL VOTE ON MOTION

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

Noes: None

Absent: Councilman Paolucci

MOTION CARRIED

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 for CERT and Citizen Corp instructors, FEMA Certified Lead Instructor \$20.00 per hour and NYS Certified Instructor \$15.00 per hour, to be paid from A-08762-00015 (Citizen Corps-Other contractual) and A-08761-00015 (CERT-Other contractual).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 119 of 2006, a resolution hiring four summer workers for the Clifton Knolls Park District.

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

WHEREAS, a need has been identified for summer help for the Clifton Knolls Park District to do light maintenance, and

WHEREAS, Michael Handerhan, Supervisor of Buildings and Grounds, has recommended that the four individuals identified, per the attached Schedule A, be hired to fill the positions; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Clifton Knolls Park District, hereby authorizes the hiring of summer help per Schedule A, at \$7.50 per hour, not to exceed \$6000 total for all four hires, effective immediately, to be paid from SP37131-24 (Clifton Knolls Park District Maintenance).

ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilman Roth,

Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 120 of 2006, a resolution adopting an operating budget for two new Character Counts programs.

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

WHEREAS, the Town of Clifton Park in its continuing effort to promote Character Counts programs wishes to add the Fitness Counts Program and the Junior Town Councilperson Program, and

WHEREAS, both of these programs would support Character Counts values including sportsmanship, fairness, respect, responsibility and citizenship; now, therefore, be it

RESOLVED, that the attached budget is hereby adopted showing expected expenditures and revenue for the two new Character Counts Program, to be paid from A-7309-87 (Community Programs-Character Counts).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 121 of 2006, a resolution adopting the "Seasonal Employee Code of Conduct" for all summer recreation employees.

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

WHEREAS, it is the intention of the Parks, Recreation and Community Affairs Department to ensure the safety and security of participants of Town recreational activities, and

WHEREAS, a Code of Conduct was developed for this purpose per the attached; now, therefore, be it

RESOLVED, that the Town Board hereby adopts the “Seasonal Employee Code of Conduct” to be signed by all summer recreation staff upon employment.

It was recommended a place for parent’s signature be added to the form if employee is under 18. Councilman Roth asked if other seasonal employees have to sign. Town Attorney Trainor agreed this would be a good idea.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 122 of 2006, a resolution adopting an operating budget for the Summer Recreation Comic Book Project.

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

WHEREAS, the Office of Parks, Recreation and Community Affairs has made a strong effort to develop new programs to offer to residents, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that the Comic Book Project be offered this summer, and

WHEREAS, the Comic Book Project features the creative process of children writing and designing original comic books, and

WHEREAS, this creative process is supported by language arts comic-workbooks that focus on building vocabulary and reading skills; now, therefore, be it

RESOLVED, that the attached budget for the Comic Book Project, per Schedule A, is hereby adopted.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 123 of 2006, a resolution adopting the amended 2006 Summer Recreation Matrix.

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

WHEREAS, Resolution No. 31 of 2006 adopted the 2006 Summer Recreation Matrix, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that the Summer Recreation Matrix be amended to reflect the changes in the salary and hourly rates for Day Camp and Swim Program Employees, per the attached Schedule A; now, therefore, be it

RESOLVED, that the 2006 Summer Recreation Matrix, as amended, is hereby adopted by the Town Board per Schedule A.

Ms. Kramer reported the Full Day Salaries and Pool Manager needed to be added to the Matrix. The salary for the Summer Rec Director has been increased to \$8200 – Step 1.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 124 of 2005, a resolution authorizing the hiring of the 2006 Summer Recreation Specialists.

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

WHEREAS, it is necessary that additional staff be hired by the Department of Parks and Recreation to operate the Town of Clifton Park summer recreation programs, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that the individuals listed in Schedule A, attached hereto, be hired for such purpose; now, therefore, be it

RESOLVED, that the individual specialists listed in Schedule A, attached hereto, shall be hired to staff the Town of Clifton Park's summer recreation programs, effective immediately to August 18, 2006, to be paid from A7310-E9000 (Summer Recreation Programs-Summer Recreation Site Counselors).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 125 of 2006, a resolution authorizing the Supervisor to utilize Verisign Services for online payment services.

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

WHEREAS, the Department of Parks, Recreation, and Community Affairs has recommended that the Town utilize the services of Verisign Payflow Link to allow for online purchases of Town recreational programs, and

WHEREAS, the service requires a setup fee of \$179 and a monthly charge of \$19.95 and there will be no additional charge for canceling and no minimum period in the agreement; now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to utilize Verisign for the Payflow Link Service for Town recreational programs online purchases at a cost not to exceed \$179 for set up and \$19.95 per month, to be paid from A-7021-0004 (Parks & Recreation Administrative-Computer).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 126 of 2006, a resolution hiring additional Summer Camp Site Directors for the 2006 Summer Recreation Program.

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

WHEREAS, openings exist for Summer Camp Site Directors, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that the positions be filled per the attached Schedule A; now, therefore, be it

RESOLVED, that authorization is hereby given to hire Summer Camp Site Directors for the 2006 Season per the attached Schedule A.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 127 of 2006, a resolution authorizing the Supervisor to sign an equipment lease agreement with Citicorp Vendor Finance, Inc. for a copier.

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

WHEREAS, the Town Administrator has recommended that a new copier be leased for the Town Hall, and

WHEREAS, the proposed cost for leasing the copier has been budgeted per the attached schedule; now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to sign an equipment lease agreement with Citicorp Vendor Finance, Inc. for a Lanier LD160 Digital Copier for thirty six (36) months, at a cost not to exceed \$353 per month, plus \$.0053 per copy for

service and supplies, as budgeted in item A-1620-003 (Town Hall Copier).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 128 of 2006, a resolution authorizing the Town of Clifton Park to sponsor a Basic First Aid/CPR class as part of the Citizen Corps Grant program.

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

WHEREAS, the Citizen Corps grant funding provides emergency training to residents as provided by the Clifton Park-Halfmoon Ambulance Corps, and

WHEREAS; the Basic First Aid/CPR class is scheduled to be conducted on May 6, 2006 by the Clifton Park-Halfmoon Ambulance Corps, at a total cost of \$675, and

WHEREAS, this class is mandatory for CERT volunteers and is also open to the public; now, therefore, be it

RESOLVED, that authorization is hereby given to the Town of Clifton Park to sponsor a Basic First Aid/CPR class provided by the Clifton Park-Halfmoon Ambulance Corps at a cost of \$675, to be paid from A-08762-00015 (Citizen Corps-Other Contractual).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 129 of 2006, a resolution authorizing Barbara McHugh to attend the New York State Annual Economic Development Course.

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

WHEREAS, Barbara McHugh, Director of Community Development, has requested authorization to attend the NYS Annual Economic Development Course, June 12-15, 2006 at Union College, in Schenectady, New York, and

WHEREAS, attendance at the workshop will confer a benefit to the residents of the Town of Clifton Park; now, therefore, be it

RESOLVED, that Barbara McHugh, Director of Community Development, is hereby authorized to attend the NYS Annual Economic Development Course June 12-15, 2006 at Union College in Schenectady, New York, at a cost not to exceed \$575, to be paid from A-8989-001 (Training and Conference).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 130 of 2006, a resolution scheduling a public hearing to consider the adoption of Local Law No. _____ of 2006, a local law amending Chapter 171, Signs, Section 171-4, Prohibitions; applications; exemptions and Key to Sign Charts, as adopted by Local Law No. 27 of 1989 as amended.

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

WHEREAS, Steven Myers, Director of Building and Development, has recommended that Chapter 171, Signs be amended per the attached, 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 May 1, 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 Chapter 171, Signs, as per the attached, and the Town Clerk is directed to publish notice of the same.

Director of Building and Development Myers said this is an expansion of exempt signs to include not for profits and also a change in the removal sign after the event is over. The change to the Key to Sign Charts puts PDD signs under the control of the Director of Building and Development.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 131 of 2006, a resolution hiring lifeguards and water safety instructors for the 2006 summer season.

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

WHEREAS, it is necessary to hire lifeguards and water safety instructors for the Country Knolls, Locust Lane and Barney Road Pools, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that the individuals listed in Schedule A hereto be hired; now, therefore, be it

RESOLVED, that the individuals listed in Schedule A, attached hereto, be hired for the Country Knolls, Locust Lane and Barney Road Pools; effective immediately to September 30, 2006, to be paid from A-7150-E4690 (Barney Road Pool), SP5-7151-E4690 (Country Knolls Pool), and A-7152-E4690 (Locust Lane Pool).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 132 of 2006, a resolution approving IDA bonds to refinance the Coburg Village Project.

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

WHEREAS, to accomplish its stated purposes, the Town of Clifton Park Industrial Development Agency (the "IDA") is authorized and empowered under the provisions of Article 18-A of the New York State General Municipal Law (the "Act") to issue its civic facility revenue bonds to finance and refinance the cost of acquisition, construction and installation of one or more "projects" (as defined in the Act), to acquire, construct and install said projects or to cause said projects to be acquired, constructed and installed, and to convey or lease said projects with the obligation to purchase, and

WHEREAS, Coburg Village, Inc., a New York not-for-profit corporation having an address of 1 Coburg Village Way, New York 12065 (the "Company"), has presented an application (the "Application") to the IDA, a copy of which has been filed with the IDA, requesting that the IDA consider undertaking: (A) to issue its civic facility revenue bonds in the principal amount not exceeding \$20,000,000.00 (the "Bonds") in order to finance all, or a portion of, the project described in the following paragraph (the "Project") together with certain costs related to such refinancing; and (B) to lease (with an obligation to purchase) or sell the Project Facility (as defined below) to the Company or such other person as may be designated by the Company and agreed upon by the IDA, and

WHEREAS, said Project consist of the following (1) the acquisition of an interest in a certain parcel or parcels of land comprising approximately 26 acres located at 1 Coburg Village Way in the Town of Clifton Park, Saratoga County, New York (the "Land"), (2) the refinancing of a 210 unit senior housing residential rental facility located on the Land (the "Facility" and together with the Land, collectively, the "Project Facility"), and

WHEREAS, this Board has been advised by the IDA that it proposes to issue, subsequent to the adoption of this resolution, its civic facility revenue bonds from time to time in a principal amount sufficient to fund all, or a portion of, the cost of the Project, together with incidental costs in connection therewith, which principal amount is presently estimated to be approximately \$17,500,000.00, and

WHEREAS, the Company has requested that interest on the Bonds be treated by the Federal government as excludable from gross income for federal income tax purposes pursuant to Sections 103 and 145 of the Internal Revenue Code of 1986, as amended (the "Code"), and

WHEREAS, pursuant to Section 147 (f) of the Code, said interest will not be excludable from gross income for federal income tax purposes unless the issuance of the Bonds shall be approved by this Board after the IDA has conducted a public hearing thereon following reasonable public notice, and

WHEREAS, on December 5, 2005, the IDA held a public hearing to consider both the issuance of the proposed Bonds and the nature and location of the proposed project, and a report of said public hearing has been made available to each member of this Board prior to this meeting, and

WHEREAS, pursuant to Section 147 (f) of the Code, this Board desires to allow the interest on the Bonds to be treated as excludable from gross income for federal income tax purposes; now, therefore, be it

RESOLVED, that, for the sole purpose of qualifying the interest payable on the Bonds for exclusion from gross income for federal income tax purposes pursuant to Section 147 (f) of the Code, this Board, as the elected legislative body of the Town of Clifton Park, New York, hereby approves the issuance of the Bonds by the IDA, provided that the Bonds, and the premium (if any) and interest thereon, shall be special obligations of the IDA, shall never be a debt of the State of New York, the Town of Clifton Park, New York, or any political subdivision thereof (other than the IDA), and that neither the State of New York, the Town of Clifton Park, New York nor any political subdivision thereof (other than the IDA) shall be liable thereon.

Comptroller Heggen questioned if a 2/3 vote is necessary since this is a bonding resolution. Mr. Trainor said he doesn't believe so as they are not the town's bonds. IDA Chairman Angus said this resolution is only giving approval for special IRS treatment for the bonds.

ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilwoman Walowit, Supervisor Barrett

Noes: None

Abstain: Councilman Roth – member of the Coburg Village Board of Directors

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 133 of 2006, a resolution authorizing the Twelfth Annual Special Collection Day on September 30, 2006.

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

WHEREAS, the Town Board of the Town of Clifton Park wishes to conduct the Twelfth Annual Special Collection Day for household hazardous waste to be held on September 30, 2006, from 8:00 am to 4:00 pm at the Ray Road site, and

WHEREAS, an application will be made to the New York State Department of Environmental Conservation for reimbursement of up to 50% of eligible costs, and

WHEREAS, the citizens of Clifton Park have supported such programs in the past; now, therefore, be it

RESOLVED, that authorization is hereby granted to allocate up to \$36,000 from Account A-8989-00150 (Special Collections), in order to conduct the Special Collection Day; and be it further

RESOLVED, that authorization is given to the Town Environmental Specialist to apply for funding for reimbursement of up to 50% of eligible costs.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 134 of 2006, a resolution awarding the bid for the Van Patten Sewage Pump Station Improvements, Contract No. 1-General Construction.

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

WHEREAS, on April 6, 2006 bids were received for the above referenced contract, and

WHEREAS, bids were publicly opened for the above referenced contract, and

WHEREAS, the low bidder for Contract No. 1-General Construction was submitted by Carver Construction in the amount of \$76,597, and

WHEREAS, McDonald Engineering has reviewed the bids and has recommended to the Town Supervisor that the bid in the amount of \$76,597 from Carver Construction 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 to Carver Construction in the amount of \$76,597, to be paid from G7-08111-200 (Sewer-Equipment).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 135 of 2006, a resolution authorizing the Highway Superintendent to engage the services of Clough Harbour & Associates for Engineering and Planning services associated with the Town's Municipal Separate Storm System Permit.

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

WHEREAS, on May 10, 2003 the Town of Clifton Park applied for authorization to discharge storm water from their storm sewer system and obtained coverage under the SPDES General Permit for Storm Water Discharges from Municipal Separate Storm Water Sewer System (MS4s), and

WHEREAS, the permit requires that the Town develop, implement and enforce a storm water management program (SWMP) designed to reduce the discharge of pollutants from the Town's storm sewer system to the maximum extent practicable, and

WHEREAS, the SWMP must be fully implemented no later than January 8, 2008; now, therefore, be it

RESOLVED, that authorization is hereby given to Environmental Specialist Michael O'Brien to engage the services of Clough Harbour & Associates for Engineering and Planning services associated with the Town's Municipal Separate Storm System Permit, at a cost not to exceed \$9,750, to be paid from A-8959-15 (Other Contractual) as outlined in the attached proposal from Michael Miller, P.E. dated February 8, 2006.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 136 of 2006, a resolution authorizing the expenditure of funds from the Water Development Capital Reserve Fund.

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

WHEREAS, both the Town Board of the Town of Clifton Park (the "Town") and the Clifton Park Water Authority have indicated the need and the desire for an emergency reserve water capacity, a capacity that can be mutually achieved by an interconnection between the Corporate Commerce Zone Water District and the Rexford Water District, and

WHEREAS, such an interconnection would serve the best interests of the residents of the Town of Clifton Park by providing both an adequate emergency backup water source and an ability to further extend water services to residents of Clifton Park for both the Rexford Water District No. 2 and the Clifton Park Water Authority, and

WHEREAS, by Resolution No. 169 of 2002 the Town Board established a Water Development Capital Reserve Fund (the "Reserve Fund"), to be dedicated to the extension of water services into the western part of the Town in furtherance of the interconnection, and the Town deposited \$600,000 into the Reserve Fund, and

WHEREAS, by Resolution No. 126 of 2005 the Town Board authorized certain improvements to the Rexford Water District No. 2 water system facilities, as part of the interconnection between the Corporate Commerce Zone Water District and Rexford Water District No. 2, including reconstruction of water transmission lines and related improvements (the "Rexford Improvements"), and

WHEREAS, the Town Board now desires to authorize the disbursement of \$608,000 from the Reserve Fund to pay a portion of the cost of the Rexford Improvements which the Town Board determines to be allocable to the interconnection benefiting the Clifton Park Water Authority and all residents of the Town; now, therefore, be it

RESOLVED by the Town Board as follows:

1. The Town Board hereby determines that the Rexford Improvements will benefit not only the residents of Rexford Water District No. 2 but also the Clifton Park Water Authority and all residents of the Town and, based on information provided by the Town Engineer, the Town Board determines that \$608,000 of the cost of the Rexford Improvements is allocable to water system improvements benefiting the Clifton Park Water Authority and all residents of the Town.
2. The Town Board hereby authorizes the disbursement of \$608,000 from the Reserve Fund to pay a portion of the cost of the Rexford Improvements.
3. This resolution is subject to permissive referendum as provided in General Municipal Law Section 6-c, in the manner provided in Article 7 of the Town Law.

ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilman Roth,

Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 137 of 2006, a resolution authorizing an appraisal of the Historic Grooms Tavern.

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

WHEREAS, in order to close the 2001 Grant from the New York State Office of Parks, Recreation and Historic Preservation an appraisal of the Historic Tavern is required, and

WHEREAS, Michael O'Brien, Environmental Specialist, has recommended that the firm of Alvey, Cote and DiMura, Inc. be hired to prepare the appraisal; now, therefore, be it

RESOLVED, that authorization is hereby given to Alvey, Cote and DiMura, Inc., Latham, New York, to prepare the appraisal of the Historic Grooms Tavern, at a cost not to exceed \$1900, to be paid with a transfer from Contingency to A1627-200 (Grooms Tavern-Equipment).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 138 of 2006, a resolution establishing Rexford Water District No. 2, Extension No. 1 and authorizing the acquisition and construction of improvements to the water system.

Introduced by Councilman Speckhard, who moved its adoption and seconded by Councilman Roth.

WHEREAS, the Town Board of the Town of Clifton Park proposes to establish the Rexford Water District No. 2, Extension No. 1 (the "District") in the Town of Clifton Park, New York (the "Town"), pursuant to Article 12-A of the Town Law, and

WHEREAS, a map, plan and report relating the establishment of the proposed Extension, prepared by John M. McDonald Engineering, P.C., a competent engineer licensed by the State of New York, in the manner and detail required by the Town Board, has been filed with the Town Clerk in accordance with the requirements of Article 12-A of the Town Law, and

WHEREAS, on July 6, 2004 and April 3, 2006, resolutions were adopted by the Town Board reciting the filing of the map, plan and report, the boundaries of the proposed Extension, the improvements proposed, the estimated expense of these improvements, the proposed method of financing, the cost of the District to the properties in the District, the fact that the map, plan and report are on file in the Town Clerk's office for public inspection, and all other matters required by law to be stated, and

WHEREAS, the Town Board passed Resolution No. 93 of 2006 reciting that the maximum amount to be expended for Improvements in the Extension is \$83,900, with the annual cost to the typical property owner to be approximately \$1152 per year, and

WHEREAS, the property owners in the Extension will be required to pay a one-time water service permit fee to the Clifton Park Water Authority of \$1025 for administrative and inspection costs and water meter equipment and installation, 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 twenty-five (25) years, and

WHEREAS, resolutions called public hearings to be held on August 2, 2004 and April 17, 2006 at 7:10 p.m. to hear all persons interested in this matter and to take action as required by law, and

WHEREAS, the resolutions were published and posted as required by law, and

WHEREAS, public hearings on the matter were held by the Town Board on August 2, 2004 and April 17, 2006 and the matter was fully discussed and all interested persons were heard; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby determines that:

1. The notices of hearings were published and posted as required by law, and are otherwise sufficient.
2. All the property and property owners within the Extension are benefited thereby.
3. All the property and property owners benefited are included within the limits of the Extension.

4. The Extension is in the public interest.

AND IT IS FURTHER

RESOLVED, that the District extension, as set forth in the map, plan and report be approved, that the requested improvements be constructed, and that the necessary easements and lands be acquired, upon the required funds being made available and provided for, and it is further

RESOLVED, that this District Extension shall be known as the Rexford Water District No. 2, Extension No. 1 in the Town of Clifton Park and shall be bounded and described as set forth on Exhibit A attached hereto, and it is further

RESOLVED, that the proposed improvements, including construction costs, cost of acquisition of lands and easements, legal and engineering fees, and all other expenses, be financed by the issuance of serial bonds and bond anticipation notes of the Town containing such terms as may be determined by the Town Board, the cost of such improvements to be assessed by the Town Board in proportion to the assessed value of each property in the District, and it is further

RESOLVED, that this resolution is subject to permissive referendum as provided in Town Law Section 209-e, in the manner provided in Article 7 of the Town Law, and is subject to the approval of the State Department of Audit and Control in accordance with Town Law Section 209-f.

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 Speckhard, Councilman Roth,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

PUBLIC PRIVILEGE

Bill Koebbeman, Riverview Road, spoke against the proposal tonight regarding

prescription drugs. He reported he has seen buses idling on the school campus for forty minutes. With regard to the DCG project on Wood Road, he stated this is an Empire Zone and has seen nothing about benefits for the taxpayer.

Community Development Director McHugh responded the area was formerly an Empire Zone but effective January 1, 2006 it is no longer. She further noted the town does not have any Empire Zones.

Bill Engleman, Partridge Plateau, said trees are being damaged by the construction along Ushers Road and encouraged the Board to visit the site. He asked how the blue lupine assessment will be done at the northeast corner of Longkill and Ushers Roads. He asked if the trail will be level with the road or in an excavated area. Mr. Engleman said there is currently no public hearing scheduled for the DCG project on Wood Road and he believes there should be public input. He distributed correspondence to Supervisor Barrett from David Gibson, Conservation Chair, Audubon Society of the Capital Region dated March 19, 2000; to Planning Board Chair from John Van Deloo, Conservation Chair Hudson-Mohawk Group Atlantic Chapter Sierra Club dated January 6, 2006; to Town Board, et al, from Friends of Open Space, dated April 12, 2000, regarding the Wood Road site; and copy of minutes dated April 27, 2004, regarding DCG Development Co – Soil disturbance plan, Wood Road Conceptual Review.

MOTION by Councilwoman Walowit, 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 9:33 p.m.

Patricia O'Donnell
Town Clerk