

November 3, 2008

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 Hughes  
Councilman Roth  
Councilwoman Walowit  
Supervisor Barrett  
Town Clerk O'Donnell

Also Present: Town Attorney McCarthy  
Michael Shahen, Town Administrator  
Mark Heggen, Comptroller  
Myla Kramer, Director of Parks, Recreation and Community Affairs  
Barbara McHugh, Director of Community Development  
Michael O'Brien, Facilities Supervisor Clifton Park Sewer District No. 1  
John Scavo, Director of Planning  
Deputy Town Attorney Renzi

MOTION BY Councilman Roth, seconded by Councilman Hughes, to approve the minutes of the October 14 and 20, 2008 meetings as presented.

**ROLL CALL VOTE**

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

Noes: None

**MOTION CARRIED**

**ANNOUNCEMENTS AND COMMUNICATIONS**

Councilman Roth said a letter has been received from Kevin Wood of DEC, reporting an inspection of the solid waste management facility has found no violations and everything is being complied with. The town engineer is inspecting less since the weather has changed and there have been no odor complaints.

Councilman Roth, speaking with regard to additional funds requested from the Parks, Recreation and Community Affairs Department, said he has no problems with items being requested but there should be correspondence to the Town Board explaining exactly what additional funds would be used for.

Councilman Hughes encouraged families to sign up military men/women to the town's Hometown Hero Honor Roll.

Councilman Hughes announced Paul Harding, sculptor of action figures, will be demonstrating and displaying his work at the Grooms Tavern First Friday, November 7.

Supervisor Barrett thanked all involved with the dedication of the Meneely Bell at the Jonesville Cemetery.

Supervisor Barrett announced a Shredding Day is planned for November 15, 2008 from 10 – 2 in the Clifton Park Center parking lot in conjunction with 3N Document Destruction. He noted 3N is doing this at no charge and the only charge to the resident is the donation of a can of food for the Schenectady City Mission.

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Speaking with regard to the mulching operation, Supervisor Barrett said the final sign off has been received that the town is in compliance and looks forward to this program continuing.

Supervisor Barrett reported a request has been made to use the Senior Van to transport seniors to Salty's Pub on Thanksgiving Day for dinner. He asked for Town Board approval to use the van. He hopes volunteers can be found for this service, but if not, then people hired. Councilman Paolucci said he would recommend drivers be town employees. Supervisor Barrett said the van drivers will be asked first.

#### PRESENTATIONS TO THE BOARD

Allen Atwell reported on his participation in the Patriot Flight 106. He explained Patriot Flight Incorporated is a three year old nationwide non-profit organization and Albany is one of seventy hubs throughout the country. He expressed appreciation to the Town Board for their support of the Flight.

Bill Mackesey, South Hollow Drive, Longkill I Park District, member of Trails Committee, presented his year end report, attached.

#### HAZARDOUS WASTE DAY VOLUNTEER PRESENTATIONS

Councilman Roth expressed appreciation to the Hazardous Waste Day volunteers – town residents, staff and ECC members, as well as the sponsors. He thanked Michael O'Brien and Barbara McHugh for their work in putting this successful day together. Ms. McHugh reported 68 percent of the registrations were made on line, fewer pounds of hazardous materials were received, however, three times the number of electronics than last year came in. It was noted 56 volunteers took part. Ms. McHugh acknowledged the sponsors of the day – Stewarts Shops, Clifton Park Rental Center, Route 146 McDonalds, Mama's Family Restaurant, and Clifton Park Price Chopper. She said the following six fire departments were on standby on site during the day: Ballston Lake, Hillcrest, Jonesville, Malta Ridge, Vischer Ferry and Waterford Fire Departments. Backpacks and Certificates of Appreciation were given to all volunteers.

#### PUBLIC HEARING, 7:10 PM TO CONSIDER A LOCAL LAW AMENDING CHAPTER 125 CONSERVATION EASEMENT

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on October 27, 2008.

Town Attorney McCarthy explained some terminology has been changed, as well as Term Conservation Easement and Permanent Conservation Easement language added.

The public hearing was opened for comments from the audience at 8:09 p.m.

Isabel Prescott, Riverview Road, said now that she has a permanent easement on her farm it is necessary to see what the residual taxable value is. She recommended that the agricultural use assessment program, which is based on soil types, be looked at on a regular basis to review calculations which could determine which program to be in. She questioned penalties for backing out of a program to go into another. Ms. Prescott said it is important to look at the value of agricultural buildings and to put those buildings in the program.

Supervisor Barrett said he would like some feedback from Town Assessor Smead and asked Mr. McCarthy to speak with him.

Mr. McCarthy explained the only thing this proposal addresses is the idea of adding a term conservation easement onto property for which the development rights have already been sold. The term conservation easement law did not address it and gave no guidance. Proposed Section 125-15B would add a provision that says "property for which a permanent conservation easement has been placed on the land, held by either the town or any another qualified conservation entity, may not be eligible for the Town of Clifton Park's term conservation easement program absent in showing that the application advances further the conservation easement goal". The Board would

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still have discretion to consider such an application but the applicant would need to demonstrate that there is a conservation reason for the Board to go forward with it.

George Sarris, Woodside Drive, said the language in the proposed legislation needs more work. He feels the decisions are being arbitrarily left to a lay board. He would like to see a minimum of two to three acres and a maximum of seven for an historical farm building to be determined by the Board. He recommended more flexibility in the legislation. With regard to penalties, he feels all back taxes should have to be paid if an easement is broken. He further recommended adding language stating before an easement is broken, there should be consent from neighboring property owners.

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 8:25 p.m.

PUBLIC HEARING, 7:20 PM  
TO CONSIDER A LOCAL LAW AMENDING ARTICLE XIII  
SECTION 208-78 HISTORIC PRESERVATION

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on October 27, 2008.

Mark Kazmierczak, Historic Preservation Commission Chairman, noted language has been added and changed to clarify the current legislation. He reported the structure must be on the Town of Clifton Park Register of Historic Places in order to apply for an Historic Preservation Conservation Easement. He noted one of the changes added is to allow the Commission 30 days to evaluate and document the building or structure prior to the issuance of a demolition permit.

In response to Councilwoman Walowit question regarding the 30 days time frame, Mr. Kazmierczak said safety is addressed in the legislation.

The public hearing was opened for comments from the audience at 8:29 p.m.

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 8:29 p.m.

PUBLIC HEARING, CONTINUED  
HISTORIC PRESERVATION APPLICATION  
18 FERRY DRIVE – LITTMAN

The public hearing was continued at 8:30 p.m.

Mr. Kazmierczak, Chairman of Historic Preservation Commission, distributed recent photos of the 18 Ferry Drive property and surrounding buildings. He said only structures on the Town Register are eligible, therefore the outbuildings are not eligible. He referred to the letter from Stanley Yakes received in the Town Clerk's office on October 20, 2008 causing the Town Board to keep the public hearing open until the Historic Conservation Commission's further investigation of the property. Mr. Kazmierczak said, after an onsite visit, it was deemed the house is in very good condition and the Commission has recommended the easement be granted for the house, perhaps with the stipulation that along with this Historic Preservation Easement, the house shall be maintained in a proper manner.

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 8:33 p.m.

REPORT TO THE BOARD

Speaking with regarding the Crown Point Sewer Trunk improvement in Clifton Park Sewer District No. 1, Town Comptroller Heggen reported \$234,000 is in the designated capital improvement fund and \$300,000 in unreserved fund and there will be enough money to cover the

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cost of the project. Supervisor Barrett stated money has been put aside each billing period ever since the town took ownership of the sewer system.

Doug Cole, John M. McDonald Engineering, reviewed the history of the CK Sanitary sewer system, now known as Clifton Park Sewer District No. 1. He read the April 2007 Order & Consent letter from DEC, which recognized the efforts of the town. Mr. Cole reviewed work done to the sewer district over the years and the work needed to correct the problems to bring the Crown Point trunk line up to standard.

Facilities Supervisor O'Brien said the Crown Point Trunk Sewer is the most labor intensive section, as well as the most difficult spot in which to work. He stated labor wise and reliability wise this sewer does not function and at this point all that is being done is fixing a broken part every time it fails. Mr. O'Brien further stated this replacement needs to be done.

Mr. Cole said this line will be kept in service until the project is completed. He reported this line serves 160 homes. This project will be bid out over the winter and work started in the spring.

Darrell Harp, Rolling Brook Drive, member of the original sewer committee after CK Sanitary System was abandoned to the town, suggested including some type of incentive bonus provision for work finished early. He stated whatever is spent will be well worth it.

Supervisor Barrett asked Mr. Cole to give the Town Board suggestions on a bonus provision.

William Mackesey, South Hollow Drive, member of Trails Committee, said he would like a stabilized surface at the Crown Point site for a potential trail along the Longkill Creek. He noted this will add more dollars to the project but will be worthwhile.

MOTION BY Councilwoman Walowit, seconded by Councilman Hughes to move into Executive Session to discuss potential litigation. Motion unanimously carried at 9:05 p.m.

No action was taken

MOTION BY Councilman Roth, seconded by Councilwoman Walowit, to return to the regular scheduled meeting. Motion unanimously carried at 9:20 p.m.

#### PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 290 of 2008, a resolution authorizing John M. McDonald Engineering, P.C. to proceed with the map, plan and report for the proposed extension of the Rivercrest Sewer District No. 1, and to appropriate funds for the preparation of the report.

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

WHEREAS, the Town of Clifton Park has authorized an Inter-municipal Agreement with the Town of Glenville for increased sewer service in the area of Rivercrest and Old Nott Farm Sewer Districts, and

WHEREAS, the Niskayuna School District has requested that the Glenville Elementary School be allowed to join the Rivercrest Sewer District No. 1, and

WHEREAS, the Town Board wishes to authorize the preparation of a map, plan and report for a proposed extension to the Rivercrest Sewer District and for expanded sewer services and facilities within the Olde Nott Farm Sewer District, including calculations necessary for excess facilities pursuant to Town Law, Section 192 (A); now, therefore, be it

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RESOLVED, that the Town Board hereby authorizes John M. McDonald Engineering, P.C. to prepare a map, plan and report for the proposed extension of the Rivercrest Sewer District No.1, cost to be budgeted from A-1440-135 (Engineering), and be it further

RESOLVED, that the Engineering Fees expended for the map, plan and report for the proposed extension of the Rivercrest Sewer District No. 1 be repaid to A-1440-135 (Engineering), by the newly created District, and be it further

RESOLVED, that this resolution is subject to permissive referendum pursuant to Town Law § 192 (A).

**MOTION BY** Councilwoman Walowit, seconded by Councilman Hughes, to remove Resolution No. 290 OF 2008 from the table.

Supervisor Barrett said it is his understanding Assemblyman Reilly will increase the grant from \$50,000 to \$125,000.

Councilman Paolucci said he has spoken with the Association of Towns, the state, and Town Attorney McCarthy regarding funding excess capacity and though there are different counsel opinions and he still has concerns, he is ready to vote yes on the map, plan and report and to move forward.

Mr. McCarthy said Resolution No. 290 only authorizes John M. McDonald Engineering to prepare the map, plan and report which can't be done until the 30 day permissive referendum period has passed. At that time the town will again review with bond counsel and the Office of the State Comptroller to ensure the financing is being done correctly. He stated he is sure the town can go forward with the excess capacity funding as this has been done before. Mr. McCarthy recommended the Town Board consider Resolution No. 290.

ROLL CALL VOTE ON MOTION TO REMOVE FROM TABLE

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

Noes: None

MOTION CARRIED

ROLL CALL VOTE ON RESOLUTION

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

Noes: None

DECLARED ADOPTED

Resolution No.296 of 2008, a resolution accepting a conveyance of the following streets and easements from Brooks Heritage, LLC.

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

WHEREAS, as a condition of approval of the Brooks Subdivision, the Town of Clifton Park Planning Board required that the developer convey roads and easements to the Town of Clifton Park, and

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

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

<u>Street</u>	<u>Name of Owner</u>
<ul style="list-style-type: none"><li>• Chandler Drive</li><li>• Detention Area</li><li>• Stormwater Management Area</li><li>• 10-Foot Wide Strip of Land for Highway Purposes (1,432 square feet)</li><li>• 10-Foot Wide Strip of Land for Highway Purposes (1,641 square feet)</li></ul>	Geoffrey Brooks

and, be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt of an approval by the Town Attorney, Highway Superintendent and Town Engineer of all necessary documents and upon payment of all taxes and assessments, and be it further

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

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

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

RESOLVED, that the Town Board hereby authorizes the installation of a stop sign on Chandler Drive at its southerly intersection of Ushers Road, as required by the Planning Board and Town Highway Superintendent for proper traffic control

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 297 of 2008, a resolution accepting an extension of Clifton Park Center Road from Clifton Country Road Associates to be known as Village Plaza Road.

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

WHEREAS, upon a recent audit, the Highway Superintendent discovered that the deed for Clifton Park Center Road extension was recorded on August 4, 1989, and

WHEREAS, the Town Board never adopted a resolution accepting the same, and

WHEREAS, it is the intention of the Town Board to correct the record by adopting this resolution; now, therefore, be it

RESOLVED, that the Town Board accepts the conveyance of the following street briefly described as follows;

Street

Name of Owner

- Village Plaza Road

Clifton Country Road Associates

and, be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt of an approval by the Town Attorney, Highway Superintendent and Town Engineer of all necessary documents, and upon payment of all taxes and assessments, and be it further

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

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

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

RESOLVED, that all stop signs currently in place on Village Plaza Road also be accepted.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 298 of 2008, a resolution appointing a part-time armed Court Officer.

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

WHEREAS, a need exists for a part-time armed Court Officer, and

WHEREAS, Elliott E. Schreiber, 15 Shadow Wood Way, Ballston Lake, has been recommended to fill the position; now, therefore, be it

RESOLVED, that authorization is hereby given to appoint Elliott E. Schreiber, 15 Shadow Wood Way, Ballston Lake, as a part-time armed Court Officer at Grade 4, Step 3 (\$16.36 per hour), effective immediately, to be paid from A-3120-E-4000 (Security-Court Officer).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

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Resolution No. 299 of 2008, a resolution authorizing the sale of equipment declared surplus by the Superintendent of Highways.

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

WHEREAS, the Highway Superintendent has declared the equipment listed on the enclosed attachment, as surplus property, and

WHEREAS, the Highway Superintendent has recommended that such be advertised and sold by means of sealed bid, "as is", subject to New York State sales tax, with the Town of Clifton Park reserving the right to reject any bid and all bids; now, therefore, be it

RESOLVED, that the Clifton Park Town Clerk is hereby authorized to advertise said equipment listed on the attached list determined to be surplus by the Town Board by sealed bid, with such sealed bids to be opened on November 6, 2008, at 3:00 p.m.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 300 of 2008, a resolution to authorize John M. McDonald Engineering, P.C. to call for bids for the Town of Clifton Park Clifton Park Sewer District No. 1, Contract No. 1-Crown Point Trunk Sewer Replacement.

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

WHEREAS, plans and specifications for the Town of Clifton Park Sewer District No. 1, Contract No. 1-Crown Point Trunk Sewer Replacement have been prepared by John M. McDonald Engineering, P.C.; now, therefore, be it

RESOLVED, that John M. McDonald Engineering, P. C. is hereby authorized to call for bids contingent upon New York State Department of Environmental Conservation approval of plans and specifications, in accordance with municipal bidding procedures for work associated with the Town of Clifton Park Sewer District No. 1, Contract No. 1-Crown Point Trunk Sewer Replacement, and be it further

RESOLVED, that the Town Clerk of the Town of Clifton Park shall cause Notice to be published in the official newspaper of the Town of Clifton Park at least ten (10) days before the date of reception of bid proposals.

Supervisor Barrett asked Mr. O'Brien to follow up with Darrell Harp.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED



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Resolution No. 301 of 2008, a resolution authorizing the Town Supervisor to sign a municipal lease with TD Equipment Leasing, Inc., part of TD Bank North, formerly Commerce Commercial Leasing, LLC, for the purchase of Highway Equipment.

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

WHEREAS, the Town Board has determined that a true and very real need exists for the acquisition of the equipment described in the Lease Purchase Agreement presented to this meeting, and

WHEREAS, the Town Board has taken the necessary steps, including any legal bidding requirements under applicable law, to arrange for the acquisition of such equipment, and

WHEREAS, the Town Board does not reasonably anticipate that the amount of qualified tax-exempt obligations to be issued by it in the calendar year ending December 31, 2008 will exceed \$10,000,000; now, therefore, be it

RESOLVED, by the Town Board that the terms of said Lessee Purchase Agreement are in the best interests of Lessee for the acquisition of such Equipment, and the Town Board designates and confirms the Town Supervisor to execute and deliver, and to witness (or attest), respectively, the Lease Purchase Agreement and any related documents necessary to the consummation of the transactions contemplated by the Lease Purchase Agreement, and be it further

RESOLVED, by the governing body of Lessee that the Lessee designated the Lease Purchase Agreement as a "qualified tax-exempt obligation", as defined in and for the purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended; and be it further

RESOLVED, that the Lease be paid from Highway Fund DA-5130-219.

Town Comptroller Heggen explained this is the financing piece for the sewer vacuum and plow truck for the Highway Department approved in March. He reported he received four bids and there are sufficient funds in 2008 to make this payment.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 302 of 2008, a resolution authorizing the Town Board to secure professional appraisal services for appraising the value of purchase of development rights for the Heckman Farm on Hubbs Road.

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

WHEREAS, the Town Planning Board has recognized the scenic resources and agricultural resources of this site, and that it has been a site of significant development pressure, and the Open Space, Trails and Riverfront Committee has recommended that the Town Board explore permanent conservation options to protect the remaining lands of Heckman Farm, and

WHEREAS, the Town of Clifton Park has been awarded a \$100,000 matching grant from the County of Saratoga and its 2008 Farmland and Open Space Protection Program towards the purchase of development rights for the permanent protection of the remaining lands of the former Heckman Farm, and

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WHEREAS, the Town wishes to explore the feasibility of the purchase of development rights for the property, and

WHEREAS, an appraisal is required in order to receive the \$100,000 matching grant from the County of Saratoga, and the results of such an appraisal would be utilized in negotiations with the landowner, and

WHEREAS, this resolution does not bind the Town to any decision regarding the possible purchase of development rights, but mainly provides the Town with additional information regarding potential values; now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to enter into an Agreement or Engagement Letter and Authorization to Proceed with Upstate Appraisal Services, as needed, at a cost not to exceed a total expenditure of \$2,200 for a summary appraisal report.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 303 of 2008, a resolution authorizing CERT member and instructor, Ronald Volungus, to attend SEMO Training regarding "Hazardous Weather and Flooding Preparedness".

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

WHEREAS, Barbara McHugh, Director of Community Development, has requested authorization for Ronald Volungus, 4 Applewood Drive, Rexford, to attend SEMO Training regarding "Hazardous Weather and Flooding Preparedness", November 12-13, 2008, at the Ramada Inn in Oriskany, New York, and

WHEREAS, Mr. Volungus' attendance at the Preparedness Course would confer a benefit upon the Town residents; now, therefore, be it

RESOLVED, that Ronald Volungus, 4 Applewood Drive, Rexford, is hereby authorized to attend SEMO Training for Hazardous Weather and Flooding Preparation at a cost not to exceed \$260 for two nights to attend, to be paid from A-8762-1 (Planning-Conference and Training).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 304 of 2008, a resolution authorizing a Budget transfer for vendor expenses for Household Hazardous Waste Day.

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

WHEREAS, \$55,000 was budgeted for expenses related to Household Hazardous Waste Day, and

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WHEREAS, Revenues from the other Municipalities are expected to be at least \$8,000, and

WHEREAS, the anticipated budgeted revenues from the municipalities participating in Household Hazardous Waste Day was \$5,000, and

WHEREAS, it is necessary to increase the budget in order to satisfy the Household Hazardous Waste Day expenditures, and

WHEREAS, the actual vendor expenses for removal of both the Hazardous Materials and the Electronics cost approximately \$67,672; now, therefore, be it

RESOLVED, that \$10,500 be transferred from A8989-15 (General Fund-Community Development-Other Contractual) to A8989-150 (General Fund-Community Development-Household Hazardous Waste Day) to meet the expense of the cost of the removal of Household Hazardous Waste and Electronics; and be it further

RESOLVED, that Revenues be increased \$2,172 in A-2189 (General Fund-Other Home and Community Service Income) with corresponding increase in A8989-150 (General Fund-Other Home and Community Service Income).

Councilman Roth anticipates \$20,000-22,000 back from the state.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 305 of 2008, a resolution authorizing John M. McDonald Engineering, P.C. to call for bids for the Town of Clifton Park Clifton Country Road Sewer District Improvements, Contract No. 1-General Construction and Contract No. 2-Electrical Work.

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

WHEREAS, plans and specifications for the Town of Clifton Park Clifton Country Road Sewer District Improvements, Contract No. 1-General Construction and Contract No. 2-Electrical Work, have been prepared by John M. McDonald Engineering, P.C.; now, therefore, be it

RESOLVED, that John M. McDonald Engineering, P. C. is hereby authorized to call for bids contingent upon New York State Department of Environmental Conservation approval of plans and specifications, in accordance with municipal bidding procedures for work associated with the Town of Clifton Park Clifton Country Road Sewer District Improvements, Contract No. 1-General Construction and Contract No. 2-Electrical Work; and be it further

RESOLVED, that the Town Clerk of the Town of Clifton Park shall cause Notice to be published in the official newspaper of the Town of Clifton Park at least ten (10) days before the date of reception of bid proposals.

Mr. O'Brien explained this is a follow up to the formation of the Clifton Country Road Sewer District. He said part of the formation was the intent to relocate and upgrade an existing pump station along Clifton Country Road which currently resides on private property and will be moved into the public right of way and will serve an increased capacity that is within that district. He noted costs will be covered by the district.

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ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 306 of 2008, a resolution authorizing the Supervisor to sign Change order No. 1 for the Clifton Park Sewer District No. 1, Wood Dale Drive Pump Station Generator Contract.

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

WHEREAS, Resolution No. 63 of 2008 authorized a contract for the Clifton Park Sewer District No. 1 Wood Dale Drive Pump Station Generator in an amount of \$29,447; and

WHEREAS, a delay with National Grid regarding installation of the new natural gas service to the new generator necessitated a time extension of this contract by ninety-four days, and

WHEREAS, Phoenix Electricians Co. Inc., the Contractor on this project, installed a breaker panel for the block heater and battery charger and additional landscaping under the allowance item in the contract with \$60.55 remaining in the item, and

WHEREAS, a Change Order was prepared by McDonald Engineering which provides for the decrease in contract price and increase in contract times, and

WHEREAS, the Change Order results in a decrease of \$60.55 for the Wood Dale Drive Pump Station Generator Contract from the current amount of \$29,447 to arrive at a new contract amount of \$29,386.55; now, therefore, be it

RESOLVED, that Supervisor Barrett is hereby authorized to sign Change Order No. 1 dated October 2, 2008, to Phoenix Electricians Co. Inc.; and be it further

RESOLVED, that the decrease amount of \$60.55, be released from encumbrances in G7-8111-200 (Capital Improvements)

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Norman Goldman, London Square Drive, reiterated his concern with oversized political signs stating the signs are against Town Law.

Youssef Ballout, Torrero Drive, speaking with regard to the Stoney Creek Reservoir and possible logging of the area, stated it is important that the Town of Clifton Park purchase the property from the Town of Colonie especially in light of the town sitting on a considerable surplus. He said this could be converted into a passive park.

Supervisor Barrett reported he has met with Town of Colonie officials over the last several months and he doesn't know if they clear on what direction they will take.

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Frank Berlin, Main Street, read a letter from the Friends of Clifton Park Open Space urging the Town Board to consider purchasing of the Stoney Creek Reservoir Forest from the Town of Colonie to turn the area into a park.

William Koebbeman, Riverview Road, asked what the zoning is on the reservoir property. He said he has recommended in the past that the Board consider an Open Space Zoning designation, noting currently land is purchased in perpetuity and zoned for development.

Robert Ritter, Mt. View Terrace, said the campaign has been responsible in its efforts in taking down signs. He said the campaign did go to property owners and asked that signs be taken down and in one case the property owner refused.

Councilman Hughes said the town has made its interest in the Stoney Creek Reservoir property abundantly clear to the Town of Colonie.

Councilman Roth said the Town of Colonie has been told that they would have rights to the water.

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

Motion carried at 10:18 p.m.

Patricia O'Donnell  
Town Clerk