

March 23, 2009

A special 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 Hughes
Councilman Roth
Councilwoman Walowit
Supervisor Barrett
Deputy Town Clerk Brobston

Absent: Councilman Paolucci

Also Present: Town Attorney McCarthy
Michael Shahan, Town Administrator
Richard Kukuk, Superintendent of Highways
John Scavo, Director of Planning

Supervisor Barrett explained that at the March 16, 2009 Town Board meeting the Town Board met in an Executive Session to discuss the contract for County Waste regarding the yard waste pick-up program. He stated Councilman Hughes, Councilman Roth and County Waste representatives met before the last Town Board meeting.

Councilman Roth stated he thought the meeting went very well and had felt they came to some good conclusions with Mr. Earl from County Waste. He stated a representative from Troy Sand and Gravel was also present at the meeting. Councilman Roth stated they expressed to Mr. Earl the Town would try to save him money if at all possible and try to see if there was any possibility of reducing the amount taken into the composting area, not from the Town of Clifton Park, but from some of the other Towns. He explained when the meeting was over his understanding was that there was going to be some cut back of material taken in and additional monitoring by the Town of Clifton Park to ensure the piles do not go above a certain height and turned into mulch in a quick time frame over a period of each week. He stated it was discussed that the Town would construct a concrete slab for the incoming materials and arrange to have water available. He felt everyone at the meeting was in agreement. At the present time there is a current agreement that extends to 2010 that could be extended by the Town. He explained he talked with Attorney McCarthy who presented options for the agreement. He stated now his understanding is that Mr. Earl has changed his mind. Councilman Roth stated because he was not able to attend the last meeting when an Executive Session was held with Mr. Earl he will defer to the rest of the Town Board who were present during that meeting for the explanation and concerns for Mr. Earl's change of mind.

Councilman Hughes stated one of the key differences that emerged from the Executive Session during the recent Town Board meeting regarding County Waste was that previously County Waste had paid the operator to take care of that piece and that is not a consideration now. He explained County Waste wants the Town to now pay that expense. Consideration of financial obligations with the Town will need to be looked at and figured in now.

Supervisor Barrett explained once DEC started monitoring the composting then it got a lot better. The amount has already been reduced from 60,000 to 40,000 cubic yards. He stated changes to the contract were discussed and being considered by the Town Board. The Town Board approved requests for bids for the composting operations but has not awarded the bid yet.

Discussion was held on options for the County Waste contract in question.

Supervisor Barrett stated it was suggested County Waste reduce the amounts of materials collected from other towns in exchange to the ability to dispose of the material and everyone in town would continue to get free grass/leaves pick up.

Councilman Hughes stated he understood County Waste were to reduce some towns collection to remain in play which would offset revenues for County Waste which would allow them to continue to pick up in Clifton Park for all customers.

Supervisor Barrett requested Attorney McCarthy to create a letter for County Waste including the Town Boards contract options. Options will include County Waste to pay Troy, Sand & Gravel directly; for material brought in from outside the town (Milton, Malta, Charlton, Ballston Spa and Halfmoon) with discussion to include options for the Town of Clifton Park to be compensated to offset those costs.

Supervisor Barrett moved, seconded by Councilwoman Walowit to give Supervisor Barrett the authority to meet with Mr. Earl from County Waste and present to him, in addition to the current contract the above mentioned letter with the proposed changes outlined. Roll Call was taken. Motion unanimously approved.

Supervisor Barrett requested Attorney McCarthy to create a letter requesting Mr. Clemente to consider his current bid quote for a three year contract.

Councilman Hughes explained the Town Board is trying to ensure the free grass/leaf pick up service to all residents continues, remedy the odor problem at the site and be aware of the financial impact to the taxpayers of the Town.

Councilman Roth explained the residents will also continue to receive the service of free mulch.

PUBLIC PRIVILEGE ON RESOLUTIONS

Highway Superintendent Kukuk explained the requirements and process in order to receive the grant money, due to the ice storm, through the Public Assistance Grant Program. He stated the Highway Department has already started picking up the debris. Once the contract is complete, notification and mapping of the contractor pickup schedule will be noticed on the website and newspapers. He stated FEMA will allow the contractor to make 2 passes on each road. Any debris after that the Town Highway Department will come back through to pickup. He asked the residents to contact the Highway Department as the process is nearing the end to be sure it is all picked up. He stated only ice storm debris will be picked up. Grass and leaves are to be kept separate.

Supervisor Barrett suggested residents get the debris out to the curb as soon as possible. The process may take a couple months.

Resolution No. 82 of 2009, a resolution awarding the bid for Ice Storm Damage Debris Removal and authorizing the Supervisor to sign an Agreement consistent with the bid.

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

WHEREAS, as a result of the December 12, 2008 ice storm, a state of emergency was declared in the area, and

WHEREAS, the Town seeks to provide for the timely and efficient cleanup of extraordinary vegetative debris caused by the ice storm, most of which remains at or near front curbing/roadway right of ways throughout Clifton Park as a result of subsequent snowfall, and

WHEREAS, a request for bids for Ice Storm Damage Debris Removal was advertised pursuant to state and local requirements for competitive bids, and

WHEREAS, bids were received and opened on March 16, 2009, and

WHEREAS, the Town seeks to award a contract for removal, transportation and processing of ice storm debris on a unit basis pursuant to guidelines and protocols established by the Federal Emergency Management Agency (FEMA), and

WHEREAS, the Town anticipates reimbursement from FEMA at the formula promulgated under the applicable Public Assistance Program currently estimated at 87.5% of expenditures, and

WHEREAS, Highway Superintendent Richard Kukuk recommends that the bid of VanAuken Trucking, Inc., 561 Waite Road, Rexford, be accepted as the lowest most responsible bidder; now, therefore, be it

RESOLVED, that the Town Board awards the contract for ice storm debris removal and processing to VanAuken Trucking per the attached contract specifications and bid documents, and be it further

RESOLVED, that the Town Supervisor is authorized to execute a contract with VanAuken Trucking consistent with the bid specifications and with the attached guidelines and protocols established by FEMA, subject to approval by the Town Attorney; and be it further

RESOLVED, that expenses for the ice storm debris cleanup shall be paid from the general fund and that reimbursements received from FEMA shall be reimbursed to the general fund.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 83 of 2009, a resolution providing SEQRA Review of Western Clifton Park Sewer Improvement Project consistent with an Intermunicipal Agreement with the Town of Glenville.

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

WHEREAS, by Resolution No. 289 of 2008, the Town Board approved execution of an Intermunicipal Agreement with the Town of Glenville for distribution of additional sewage flows from Olde Nott Farm Sewer District No. 1, Rivercrest Sewer District No.1, Glenclyff Elementary School, as well as certain areas along Riverview Road, and

WHEREAS, by Resolution No. 290 of 2008 and Resolution No. 44 of 2009, the Town Board authorized Town Engineer John M. McDonald to prepare maps, plans and reports for proposed extensions to the Rivercrest Sewer District No. 1 and for Proposed Improvements to the Olde Nott Farm Sewer District No. 1 pursuant to Sections 192 A and 202 B of the Town Law, and

WHEREAS, the Town Board has considered the potential environmental impacts of the proposed action applying the criteria for determining significance found at 6 NYCRR 617.7(c); now, therefore, be it

RESOLVED, that the Clifton Park Town Board hereby determines that the project constitutes an Unlisted Action subject to SEQR and that there are other involved agencies with respect to this project which are identified on the completed SEQR Long Environmental Assessment Form, attached hereto, and be it further

RESOLVED, that the Town of Clifton Park has chosen to proceed with an uncoordinated review under SEQR for the action of authorizing the funding mechanisms for the project to proceed forward, and be it further

RESOLVED, that the Town Board hereby determines to proceed as if it were the only involved agency pursuant to 6 NYCRR Part .617.6 (b)(4) with respect to this action and that a Completed Part I and Part II of a long EAF is sufficient for determining whether the proposed action will have a significant impact on the environment, and be it further

RESOLVED, that the Town Board has considered the EAF prepared by the Town Planning Department, public comments received to date concerning the proposal, its own independent analysis of the proposed action, and comparison with the Criteria for Determining Significance found at 6 NYCRR Part 617.7, and hereby finds that adoption of proposed resolutions pursuant to TL 192 A and 202B constitutes an action which will not have a significant impact on the environment and, therefore, does not require preparation of a draft Environmental Impact Statement; and be it further

RESOLVED, that this Determination of Significance shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Law.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 84 of 2009, a resolution scheduling a public hearing regarding Extension No. 1 to Rivercrest Sewer District No. 1.

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

WHEREAS, the Town Board proposes to create Extension No. 1 (the "Extension") to Rivercrest Sewer District No. 1, and

WHEREAS, a map, plan and report (the "Maps and Plans") have been prepared in a manner and detail as determined by the Town Board regarding the proposed Extension, and

WHEREAS, the Maps and Plans have been filed in the Town Clerk's Office and are available for public inspection during regular business hours, and

WHEREAS, the boundaries of the proposed Extension are as described in Exhibit A to this Resolution, and

WHEREAS, the sewer system improvements proposed to be constructed in and for the Extension (the "Improvements") consist of the construction and acquisition of new force mains and related sewer infrastructures, and furnishings, machinery, equipment or apparatus required in connection therewith, and certain facilities within the Town of Glenville, Alplaus Sewer District and connections to sewer pipes, mains, pump facilities and treatment capacity pursuant to an Intermunicipal Agreement executed on December 16, 2008, and

WHEREAS, the estimated maximum amount to be expended for the Improvements, including design, construction and administrative costs, is estimated to be \$ 650,000, and

WHEREAS, the proposed method of financing the cost of the Improvements consists of (1) the use of proceeds of a New York State Grant in the amount of \$125,000 to fund a portion of the costs, (2) \$164,000 which is attributable to Excess Facilities which shall be a general Town charge to be initially advanced by the General Fund and subsequently reimbursed from any future Sewer District or extension, or additional users of the facilities, and (3) the issuance of serial

bonds and bond anticipation notes of the Town to mature in annual installments, payable in the first instance from assessments levied on benefited real property in the proposed Extension, and

WHEREAS, the cost of acquiring, constructing and installing the Improvements will be assessed by the Town Board in proportion as nearly as may be to the benefit which each lot or parcel in the Extension will derive there from, and

WHEREAS, the annual cost of the proposed Extension to the typical property in the Extension is estimated to be \$1,016 per year, and

WHEREAS, the estimated cost of the hook-up fees to the typical property as part of the Extension is anticipated to be \$0,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board will hold a public hearing to hear all persons interested in the Extension and the proposed sewer system improvements, which public hearing shall be held in the Wood Memorial Room, One Town Hall Plaza, in the Town of Clifton Park on April 13, 2009 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 Towns Official Sign Board not less than ten nor more than twenty (20) days before such hearing.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 85 of 2009, a resolution scheduling a Public Hearing regarding a Map, Plan and Report describing proposed improvements to the Olde Nott Farm Sewer District No. 1.

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

WHEREAS, by Resolution No. 44 of 2009, the Town Board authorized McDonald Engineering to prepare a map, plan and cost estimate for improvements to facilities and infrastructure in the Olde Nott Farm Sewer District No. 1, and

WHEREAS, a Draft Map, Plan and Report have been filed in the Office of the Town Clerk and is available for public inspection during regular business hours, and

WHEREAS, the total cost for the improvements is estimated to be \$709,000, and

WHEREAS, the annual cost to the typical property owner for the proposed improvements is \$1,130 per year, and

WHEREAS, the Town Board wishes to obtain public comment on the draft map, plan, and report for such improvements and concurrent plans for the decommissioning of the existing wastewater treatment plant within the District; now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled for April 13, 2009 at 7:20 P.M. regarding a map, plan and report for improvements to the Olde Nott Farm Sewer District No. 1 pursuant to Town Law Section 202 B.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

PUBLIC PRIVILEGE

Councilman Roth thanked Steven Myers, Building & Zoning Director and Planning Director John Scavo for supplying information to the Jonesville Country Store so they could secure a historic grant to enable them to expand their seating for the restaurant and the kitchen area. He explained they are proposing to enclose the porch area on the north side of the building.

Planning Director Scavo explained the existing footprint of the building will remain.

Director Scavo announced Request for Proposals for the land appraisal on the Stony Creek Reservoir have been reviewed with the lowest proposal being Michael Blyskal, MAI, Upstate Appraisal Services at \$7,800.

Supervisor Barrett moved to accept the lowest proposal of Upstate Appraisal services for the land appraisal on the Stony Creek Reservoirs for the amount of \$7,800 to be completed in four weeks, seconded by Councilman Roth. Roll Call was taken. Motion unanimously approved.

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 8:20 p.m.

Teresa Brobston
Deputy Town Clerk