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June 21, 2010

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 Romano
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Also Present: Town Attorney McCarthy
Michael Shahen, Town Administrator
Richard Kukuk, Superintendent of Highways
Mark Heggen, Comptroller
Barbara McHugh, Director of Community Development
John Scavo, Director of Planning

MOTION BY Councilman Hughes, seconded by Councilman Paolucci, to approve the minutes of the June 7, 2010 meeting as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett reviewed the Sunday events at the Clifton Common.

PRESENTATION

Robin Lyle, The Alcohol and Substance Abuse Prevention Council of Saratoga County and facilitates the Shenendehowa Community Coalition, reported on statistics of underage drinking, tobacco and other drug use, specific to the Shenendehowa School District. She reported youngsters in the district are drinking at levels higher than the national and state averages. Ms. Lyle showed the Public Service Announcement regarding underage drinking that is showing prior to every PG 13 and above movie in theaters in Saratoga County.

Supervisor Barrett presented the following resolution to Andrew Ferlo in recognition of his dedication and work on his Eagle Scout project.

Resolution No. 161 of 2010, a resolution honoring Andrew John Ferlo for attaining the rank of Eagle Scout.

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

WHEREAS, Andrew John Ferlo, 4 Bristol Court, Clifton Park, of Boy Scout Troop 246, has attained the rank of Eagle Scout, and

WHEREAS, for his Eagle Scout Project Andrew led a group of adult and youth volunteers in assembling, installing and anchoring eight picnic tables and four hibachis for use at the Vischer Ferry Nature Preserve, and

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WHEREAS, Andrew and his volunteers also excavated and filled an area with stone that enhanced the boat launch that is used by the Vischer Ferry Fire Department for access to the river, and

WHEREAS, Andrew's project also gives boaters a place to stop and enjoy the preserve; now, therefore, be it

RESOLVED, that the Clifton Park Town Board recognizes and honors Andrew John Ferlo of Boy Scout Troop 246 for having attained the rank of Eagle Scout.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Andrew Ferlo reviewed his project, noting parents and scouts assisted him.

Eagle Scout Conor Murphy reviewed his project at Mohawk Landing, including clearing a new trail and building a trail head kiosk to hold maps and rules. He collected donations and presented the \$85 leftover from the project to the town to be deposited in the Enduring Freedom fund.

Supervisor Barrett explained when the troops first went to Afghanistan the Enduring Freedom account was established with private funds. The town also takes donations of various items the troops can use. He noted over \$10,000 has been spent in buying items and for mailing costs over the years and the funds have been depleted. Supervisor Barrett said checks are still being accepted for the Enduring Freedom account.

Supervisor Barrett thanked both Eagle Scouts for their projects noting they will be enjoyed by residents for many years to come.

REPORTS TO THE BOARD

Town Administrator Shahan reported the Clifton Common is being readied for the 4th of July celebration. He reported security has been busy with various activities on the Common and have done a great job. He said work has begun on the 2011 budget. Mr. Shahan said in order to clarify procurement requirements, he and Mr. Heggen have prepared a flow chart.

Town Comptroller Heggen reviewed the May Financial Report, noting the sales tax numbers are tracking ahead of 2009. Revenues and expenditures are in line. Cusack and Co. are preparing the 2009 audit, the annual report and the single audit. They will also do an audit of the Dwaaskill Nature Preserve as one of the requirements to get 100 percent of the funding is an auditor's opinion of revenues and expenditures.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 162 of 2010, a resolution authorizing the Supervisor to apply for a New York State Environmental Protection Fund Grant for Garnsey Park.

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

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation is soliciting grant applications for the Title 9 of the Environmental Protection Act of 1993 for its

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park development and planning program with a 50% matching grant reimbursement program, and

WHEREAS, the Town of Clifton Park acquired two parcels, totaling over 152 acres of land on NYS Route 146 in western Clifton Park in 2005 and 2007, in a location adjacent to 97 acres of lands owned by Saratoga P.L.A.N., the regional land trust, thus adding to a large contiguous block of connected, permanently protected land and, further, implementing a concept and goal of the 2003 Town of Clifton Park Open Space Concept Plan to establish a large park in the western part of Town, and

WHEREAS, on September 4, 2007, the Town Board dedicated these two parcels as parkland by Resolution No. 249 of 2007, and

WHEREAS, the Town conducted a public process with an advisory group of citizens, the Route 146 Park Advisory Committee in 2008-2009, including two (2) public forums on September 11, 2008 and November 19, 2009, and

WHEREAS, the public consensus for the site was to create a park that highlights and conserves the natural features of the site as park assets, and yet provides for a balance of recreation, picnic pavilions, environmental education, a large nature trail loop system, a pond/skating pond, and open playing field area for town-wide use, and,

WHEREAS, on October 28, 2009, the Town officially named the 152 acres Garnsey Park, in honor of the Garnsey Family, a long-time farming family and Nathan Garnsey the second supervisor of the Town of Clifton Park, and

WHEREAS, the Town utilized a professional design service firm to design the Phase I facilities, secured permits and approvals as is needed and is currently seeking to leverage local resources to invest in the capital improvements to the multi-phase, long-term park project; now, therefore, be it

RESOLVED, that the Clifton Park Town Board does hereby approve and endorse the application for a grant under the Environmental Protection Fund for a park project known as the Garnsey Park Recreation & Pavilion Enhancements Project located within this community; and be it further;

RESOLVED, that Clifton Park Town Supervisor Philip C. Barrett is hereby authorized and directed with the Planning Department and Community Development staff to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$400,000, and upon approval of said request the Supervisor is authorized to enter into and execute a project agreement with the State for such financial assistance to the Town of Clifton Park for the Garnsey Park – Recreation and Pavilions Development Project.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 163 2010, a resolution accepting an application for a Historic Conservation Easement.

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

WHEREAS, a public hearing was held on June 7, 2010 in order to receive public comment regarding a Historic Conservation Easement application for a parcel at 359 Riverview Road, Rexford, (SBL 287.16.-1-29.2) owned by Joanne and Paul Coons, in accordance with Chapter 125 of the Town Code as amended, and

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WHEREAS, the Town Board has considered the application and the comments received; now, therefore, be it

RESOLVED, that the application for a parcel at 359 Riverview Road, Rexford, home of Joanne and Paul Coons. (SBL 287.16.-1-29.2). is hereby accepted and is granted a Historic Conservation Easement in accordance with the provisions of Article XIII of Chapter 208-78 and Chapter 125 of the Town Code; and be it further

RESOLVED, that the applicant whose parcel has been granted a Historic Conservation Easement shall execute an agreement provided by the Town of Clifton Park.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 164 of 2010, a resolution in connection with a block party to be held on Dyer Drive.

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

WHEREAS, the residents of Dyer Drive wish to conduct a block party on Thursday, July 1, 2010, between the hours of 1:00 pm and 9:00 pm and have requested permission to use Dyer Drive for their party activities; now, therefore, be it

RESOLVED, that the residents, with the approval and advice of the Town Highway Superintendent, have permission to use Dyer Drive on July 1, 2010 from 1:00 -9:00 pm for their party activities, but must not block off the roadway and make sure emergency vehicles can gain access to the street if needed, and be it further

RESOLVED, that the residents shall be responsible for all clean-up activities on Town property or on the street right-of-way resulting from the social activity; and be it further

RESOLVED, that a copy of this resolution be sent to the applicable Fire Department, the Ambulance Corps., the Sheriff's Department and the State Police.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 165 of 2010, a resolution authorizing the transfer of funds into Highway Account DA05110-00030 (Paving/Blacktop).

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

WHEREAS, Highway Superintendent Richard Kukuk has requested that \$150,000 be transferred from General undesignated fund balance and \$150,000 from Highway undesignated fund balance into Highway Account DAO5110-00030 (Blacktop/Paving); now, therefore, be it

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RESOLVED, that the Comptroller is hereby authorized to transfer \$150,000 from General undesignated fund balance and \$150,000 from Highway undesignated fund balance into Highway Account DAO5110-00030 (Paving/Blacktop).

Superintendent of Highways Kukuk explained the original budget allocation for this year was \$400,000 with anticipated reimbursement from NYS CHIPS of \$260,000. Those monies and the \$300,000 in this resolution will bring the amount to \$960,000 for the 2010 paving season. He further explained the costs average out to about \$100,000 per mile and stressed the importance of preserving the capital assets so they don't deteriorate. Mr. Kukuk reported a contractor has been hired to do crack sealing on Moe, Bruno and Miller Roads. It was noted \$1.3 million was spent in 2009 on road repair and paving.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 166 of 2010, a resolution authorizing the hiring of additional summer staff for the Department of Parks, Recreation and Community Affairs for the 2010 season.

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

WHEREAS, additional staff is required for the 2010 summer season, and

WHEREAS, the Director of Parks, Recreation and Community Affairs has recommended that additional summer staff be hired per Schedule A; now, therefore, be it

RESOLVED, that the Director of Parks, Recreation and Community Affairs is hereby authorized to hire additional summer staff per Schedule A.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 167 of 2010, a bond resolution dated June 21, 2010 of the Town of Clifton Park, New York, authorizing improvements to sewer facilities benefiting the Olde Nott Farm Sewer District and decommissioning of existing wastewater treatment system at a maximum estimated cost of \$709,000 and authorizing the issuance of not to exceed \$709,900 serial bonds to pay the cost thereof.

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

WHEREAS, pursuant to Town Law Section 202-b, the Town Board of the Town of Clifton Park, New York (the "Town") proposes to undertake certain improvements to the Olde Nott Farm Sewer District (the "District") sewer system, including decommissioning of the existing waste water treatment plant, construction of a sewage pump station and related sewer system improvements, and installation of machinery and apparatus required in connection therewith (the "Improvements"), at a maximum estimated cost of \$709,000, and

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WHEREAS, on April 13, 2009, the Town Board held a public hearing regarding the Improvements, as required by Town Law Section 202-b; now, therefore, be it

RESOLVED, by the Town Board of the Town of Clifton Park as follows:

Section 1. The Town Board hereby determines it is in the public interest to acquire, construct and install the Improvements, and the Town is hereby authorized to decommission the existing Olde Nott Farm Sewer District waste water treatment plant, construct a sewage pump station and related sewer system improvements, and install machinery and apparatus required in connection therewith, at an estimated maximum cost of \$709,000 and to issue not to exceed \$709,000 in serial bonds pursuant to the provisions of the Local Finance Law to finance the costs of the aforesaid object or purpose.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$709,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of not to exceed \$709,000 in serial bonds (the "Bonds") of the Town authorized to be issued pursuant to this resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty (40) years pursuant to paragraph 4 of Section 11.00(a) of the Local Finance Law. The proposed maturity of the obligations authorized by this resolution will be in excess of five (5) years.

Section 4. Pursuant to Section 107.00(3)(1) of the Local Finance Law, no down payment is required prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any Bond Anticipation Notes issued in an anticipation of the Bonds shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any Bond Anticipation Notes issued in anticipation of the Bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds and any Bond Anticipation Notes issued in anticipation of the Bonds. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be apportioned and assessed upon the several lots and parcels of land within the District, which the Town Board shall determine to be especially benefited by the improvements, an amount sufficient to pay the principal of and interest on such obligations as the same become due and payable, but if not paid from such source, all the taxable real property in the Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal and interest on such obligations when due.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00, inclusive, of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to issue bonds providing for level or substantially level or declining annual debt service, is hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 8. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Town's General Fund. It is intended that the Town shall then reimburse such expenditures with the proceeds of

the Bonds and bond anticipation notes authorized by this resolution and that the interest payable on the Bonds and any bond anticipation notes issued in anticipation of the Bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by this resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Regulation Section 1.150-2.

Section 9. The Serial Bonds and Bond Anticipation Notes authorized to be issued by this Resolution are hereby authorized to be consolidated, at the option of the Town Supervisor, the chief fiscal officer of the Town, with the serial bonds and bond anticipation notes authorized by other bond resolutions adopted by the Town Board for purposes of sale in one or more bond or note issues aggregating an amount not to exceed the amount authorized in such resolution. All matters relating to the sale of the Bonds, including the date of the Bonds, the consolidation of the Bonds and Bond Anticipation Notes with other issues of the Town, and the serial maturity of the Bonds, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 10. The validity of the Bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of this resolution or a summary hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 11. The Town Supervisor, as chief fiscal officer of the Town, is hereby authorized to enter into an undertaking for the benefit of holders of the Bonds from time to time, and any bond anticipation notes issues in anticipation of the sale of the Bonds, requiring the Town to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15(c)2-12.

Section 12. This resolution, or a summary of this resolution, shall be published in the official newspapers of the Town for such purpose, together with a notice of the Clerk of the Town in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 13. The Town Board hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 14. This resolution shall take effect immediately upon its adoption.

Supervisor Barrett explained this work will stabilize and reduce rates for some and extend service for residents that don't currently have public sewers. He stated the Board appreciates the partnership with the Town of Glenville and Niskayuna School District, as well as with the residents from whom easements were required. He said properties will be put back to their original condition. The Supervisor referred to the state grant that was received through a joint application with the Town of Glenville and the additional money received from Assemblyman Reilly in the amount of \$125,000.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

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MOTION BY Councilman Paolucci, seconded by Councilwoman Walowit, to waive the reading of Sections 3-10 of the following resolution as those sections are the same as read in the previous resolution. Motion unanimously carried.

Resolution No. 168 of 2010, a Bond Resolution dated June 21, 2010 of the Town of Clifton Park, New York, authorizing the acquisition, construction and installation of sewer system improvements for Rivercrest Sewer District Extension No. 1 at a maximum estimated cost of \$650,000 and authorizing the issuance of not to exceed \$650,000 serial bonds to pay the cost thereof.

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

BE IT RESOLVED by the Town Board of the Town of Clifton Park as follows:

Section 1. The Town Board hereby authorizes the acquisition, construction and installation of improvements to the Rivercrest Sewer District Extension No. 1 (the "Extension") sewer system, including 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 with the Town of Glenville (the "Improvements"), at an estimated maximum cost of \$650,000 and to issue not to exceed \$650,000 in serial bonds pursuant to the provisions of the Local Finance Law to finance the costs of the aforesaid object or purpose.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$650,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (a) the issuance of not to exceed \$650,000 in serial bonds (the "Bonds") of the Town authorized to be issued pursuant to this resolution (b) the use of proceeds of a New York State Grant in the amount of \$125,000 to fund a portion of the costs, and (c) the use of Town General Fund monies in the amount of \$164,000, attributable to excess capacity in the Improvements, which shall be a general Town charge to be initially advanced by the General Fund and subsequently reimbursed from any future sewer district, extension or other users of the Improvements. Any grants or Town General Fund monies received and available for the Improvements shall be applied to either reduce the amount of Bonds to be issued or, if received after the Bonds are issued, shall be applied to pay debt service on the Bonds.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty (40) years pursuant to paragraph 4 of Section 11.00(a) of the Local Finance Law. The proposed maturity of the obligations authorized by this resolution will be in excess of five (5) years.

Section 4. Pursuant to Section 107.00(3)(l) of the Local Finance Law, no down payment is required prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any Bond Anticipation Notes issued in an anticipation of the Bonds shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any Bond Anticipation Notes issued in anticipation of the Bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds and any Bond Anticipation Notes issued in anticipation of the Bonds. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There

shall annually be apportioned and assessed upon the several lots and parcels of land within the Extension, which the Town Board shall determine to be especially benefited by the improvements, an amount sufficient to pay the principal of and interest on such obligations as the same become due and payable, but if not paid from such source, all the taxable real property in the Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal and interest on such obligations when due.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00, inclusive, of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to issue bonds providing for level or substantially level or declining annual debt service, is hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 8. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Town's General Fund. It is intended that the Town shall then reimburse such expenditures with the proceeds of the Bonds and bond anticipation notes authorized by this resolution and that the interest payable on the Bonds and any bond anticipation notes issued in anticipation of the Bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by this resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Regulation Section 1.150-2.

Section 9. The Serial Bonds and Bond Anticipation Notes authorized to be issued by this Resolution are hereby authorized to be consolidated, at the option of the Town Supervisor, the chief fiscal officer of the Town, with the serial bonds and bond anticipation notes authorized by other bond resolutions adopted by the Town Board for purposes of sale in one or more bond or note issues aggregating an amount not to exceed the amount authorized in such resolution. All matters relating to the sale of the Bonds, including the date of the Bonds, the consolidation of the Bonds and Bond Anticipation Notes with other issues of the Town, and the serial maturity of the Bonds, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 10. The validity of the Bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of this resolution or a summary hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 11. The Town Supervisor, as chief fiscal officer of the Town, is hereby authorized to enter into an undertaking for the benefit of holders of the Bonds from time to time, and any bond anticipation notes issues in anticipation of the sale of the Bonds, requiring the Town to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15(c)2-12.

Section 12. This resolution, or a summary of this resolution, shall be published in the official newspapers of the Town for such purpose, together with a notice of the Clerk of the Town in substantially the form provided in Section 81.00 of the Local Finance Law.

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Section 13. The Town Board hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 14. This resolution shall take effect immediately upon its adoption.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 169 of 2010, a resolution awarding the bid for the Rivercrest Sewer District Extension No. 1, Contract No. 3-General Construction.

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

WHEREAS, by Resolution No. 289 of 2008, the Town Board approved execution of an Intermunicipal Agreement with the Town of Glenville for additional sewage flows from Olde Nott Farm and Rivercrest Sewer District, and

WHEREAS, by Resolution No. 44 of 2009, the Town Board authorized preparation of a map, plan, and report detailing improvements necessary for decommissioning the waste water treatment plant at Olde Nott Farm and constructing facilities for increased flow to the Glenville treatment plant and pump facilities at Alplaus, and

WHEREAS, by Resolution 153 of 2009, the Town Board created Rivercrest Sewer District Extension No. 1, which contemplated improvements to be made within Rivercrest Sewer District to connect residents to the sanitary sewer facilities of the District, and

WHEREAS, on June 3, 2010, bids were received for the contracts to construct the improvements contemplated by the above referenced resolutions, and

WHEREAS, the low bidder for the Rivercrest Sewer District Extension No. 1, Contract No. 3-General Construction is W.M. Schultz Construction, Inc. in the amount of \$595,628.45, and

WHEREAS, as per letter from McDonald Engineering dated June 7, 2010, McDonald has reviewed the bids and has recommended to the Town Supervisor that W.M. Schultz Construction, Inc. be selected as the lowest most responsible bidder, and

WHEREAS, by Resolution No. 83 of 2009, the Town Board determined to proceed as the only involved agency pursuant to 6 NYCRR 617.6 (b) (4) and determined that the project will not have an adverse impact on the environment and issued a Negative Declaration pursuant to Article 8 of the Environmental Conservation Law; now, therefore, be it

RESOLVED, that the Town Board, as Commissioners of the Rivercrest Sewer District, hereby accepts and awards the above referenced bid in the amount of \$595,628.45 to W.M. Schultz Construction, Inc., to be paid from proceeds from the Bond.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

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Resolution No. 170 of 2010, a resolution awarding the bid for the Rivercrest Sewer District Extension No. 1, Contract No. 4-Electrical Work.

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

WHEREAS, on June 3, 2010, bids were received for the above referenced electrical contract associated with the Rivercrest/Olde Nott Farm sewer improvement project, and

WHEREAS, the low bidder for the Rivercrest Sewer District Extension No. 1, Contract No. 4-Electrical Work is Capital District Electric Co., Inc., in the amount of \$82,412, and

WHEREAS, as per letter from McDonald Engineering dated June 7, 2010, McDonald has reviewed the bids and has recommended to the Town Supervisor that Capital District Electric Co., Inc. be selected as the lowest most responsible bidder; now, therefore, be it

RESOLVED, that the Town Board, as Commissioners of the Rivercrest Sewer District, hereby accepts and awards the above referenced bid in the amount of \$82,412 to Capital District Electric Co., Inc., to be paid from proceeds from the Bond.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 171 of 2010, a resolution scheduling a public hearing to consider an application for the Conservation Easement program.

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

WHEREAS, the Town's Conservation Easement program requires public comment on properties proposed to be included in the program, and

WHEREAS, Anne W. Caldwell, 1401 Route 146, Rexford, has submitted an application for inclusion in the program, and

WHEREAS, the Planning Board has reviewed the application and unanimously supports the application of Anne W. Caldwell for a Conservation Easement; now, therefore, be it

RESOLVED, that a public hearing is scheduled for July 6, 2010 at 7:10 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York, to consider the property owned by Anne W. Caldwell, (SBL 270-1-57), for inclusion in the Conservation Easement program, and be it further

RESOLVED, that the property owner give notice to all adjacent property owners and other entities as provided in the Town's Conservation Easement legislation in advance of the public hearing and submit receipts of mailing to the Town Clerk's office prior to the date of the public hearing; and be it further

RESOLVED, that the Town Clerk is directed to publish appropriate notice of the same.

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ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 172 of 2010, a resolution accepting a proposal to complete a full residential curbside bulk trash pick up for all residents within the Town of Clifton Park.

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

WHEREAS, a proposal was sent to ten vendors requesting price quotes to perform a full residential curbside bulk trash pick up for Town residents, and

WHEREAS, on June 9, 2010, the Town received a proposal from County Waste, Clifton Park, New York, totaling \$95,000 which is in conformance with the request for proposal due June 11, 2010, and;

WHEREAS, no other vendor submitted a proposal in response to the request for proposal, and

WHEREAS, the Town Board has allocated \$65,000 for Bulk Waste Pick Up in A-8160-050 (General Fund Transfer Station-Bulk Pick Up) and will require a transfer of \$30,000 to cover the cost of \$95,000 for the bulk trash pick up; now, therefore, be it

RESOLVED, that the Town Board accepts the proposal from County Waste in an amount of \$95,000 to complete a full residential curbside bulk trash pick up for all residents within the Town of Clifton Park; and be it further

RESOLVED, that the Town Board appropriates up to \$95,000 for bulk waste pick up, with a transfer of \$30,000 from un-appropriated fund balance to A-8160-050 for such purpose.

Director of Community Development McHugh explained the process of contacting vendors. She noted this year's proposal is a little lower than last year. Ms. McHugh said all residential properties will receive a letter as to when pick up will occur and apartment complexes are also notified. Councilman Hughes spoke in favor of the bulk pick up.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Supervisor Barrett said he will ask the Board to go into Executive Session after Public Privilege.

PUBLIC PRIVILEGE

Beverly Czub, Rexford, spoke favorably on the condition of the Common. She said the plantings around the Senior Center need some attention. She asked who is paying for the lights at the new crosswalks on Clifton Park Center and Moe Roads. Mr. Scavo noted these are solar lights and planned to be 12 hours on and 12 hours off. Ms. Czub asked that picnic tables be placed in front of the Sr. Center and that parking be made easier for the senior volunteers on the 4th of July.

6/21/2010

Frank Berlin, Main Street, Jonesville, asked if a website could be set up that could notify beekeepers the locations of honeybees. Supervisor Barrett said perhaps the ECC could use this as a topic of discussion and will have Environmental Specialist Montague get in touch with Mr. Berlin. Councilman Hughes said he would like to get a group together to discuss this and will also speak to Mr. Montague.

Motion by Councilman Paolucci, seconded by Councilwoman Walowit, to move into Executive Session. Motion unanimously carried at 8:30 p.m.

The purpose of the Executive Session is to discuss a real property contract.

No action was taken. Returned to the regular meeting at 8:57 p.m.

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

Motion carried at 8:58 p.m.

Patricia O'Donnell
Town Clerk