

May 7, 2012

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 Whalen  
 Councilman Hughes  
 Councilman Romano  
 Councilwoman Walowit  
 Supervisor Barrett  
 Town Clerk O'Donnell

Also Present: Town Attorney McCarthy  
 Richard Kukuk, Superintendent of Highways  
 Mark Heggen, Comptroller  
 Myla Kramer, Director of Parks, Recreation and Community Affairs  
 John Scavo, Director of Planning

MOTION BY Councilman Romano, seconded by Councilwoman Walowit, to approve the minutes of the April 9, 2012 meeting as presented.

**ROLL CALL VOTE**

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

Noes: None

**MOTION CARRIED**

**ANNOUNCEMENTS AND COMMUNICATIONS**

Councilman Whalen reminded residents of a Community Arts & Culture Commission roundtable to be held at the Clifton Park Halfmoon Library on May 15 at 7PM.

Councilman Whalen also reminded residents of the upcoming Clifton Park Historic House Tour planned for May 20.

Councilman Hughes announced the Green Committee will be giving away tree seedlings on May 12 at Town Hall starting at 9PM.

Supervisor Barrett stated he read and copied the Town Board an article concerning dealing with abandoned houses in the May 6 edition of the Gazette newspaper. He felt it was a good follow up article since the town has just updated the codes on abandoned houses. It included how other communities have been dealing with the subject. The town has since drained 3 pools in the past year with regards to abandoned houses.

Supervisor Barrett recognized the winners of the towns Arbor Day Poster Contest. He thanked the Shenendehowa Elementary School teachers for their cooperation and partnership on this project.

Supervisor Barrett explained canvassing in the proposed Ballston Lake Water District has been completed. The district has overwhelming support from the residents in the area. The proposal was presented to the Ballston Town Board to finalize the intermunicipal agreement to purchase water for the district. The Town Board of Ballston passed approval for the agreement at the best rate available. Clifton Park Water Authority has agreed to perform operations and maintenance in the proposed district. CPWA will have the best rate for the services. Information was missing from the original public hearing notice causing the cancelling of the public hearing. The next public hearing will be set for May 21.

Ronald Dunn, Ballston Lake Rd., is a resident of the proposed Ballston Lake Water District and a commissioner with the Ballston Lake Fire Dept. thanked Supervisor Barrett, Town Attorney McCarthy and McDonald Engineering for representing the district residents and getting the agreements in place.

Wayne Bull, Ballston Lake Rd., also a resident of the proposed water district, questioned the time frame of completion after the Comptroller reviews the proposal.

Supervisor Barrett answered approximately 2-3 months.

Paul Lord, 146A & Schaubert Rds., a resident of the proposed district, questioned the route of the district.

Supervisor Barrett stated the proposal includes as many parcels as possible based on the support of the residents. Residents who would like to be included in the district can be considered in the future.

Councilman Hughes reported the latest shredding day held on April 29 was very successful. Hundreds of pounds of can goods were collected for a local food pantry.

#### PRESENTATION TO THE BOARD

Dr. L. Oliver Robinson, Shenendehowa Central School District Superintendent, gave an overview of the upcoming school budget.

Steven Schmitt and Kevin O'Connor, tech valley Communications, presented a proposal for voice and internet phone delivery services. Mr. O'Connor explained tech valley Communications are the only locally based fiber optic provider in the region. Mr. Schmitt compared current services and proposed services resulting with a 28% savings over the length of 5 years.

#### PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 108 of 2012, a resolution reducing the speed limit from 45 mph to 30 mph on an eight tenths (or less) section of Main Street, Jonesville that currently has a 45 mph speed limit.

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

WHEREAS, Main Street, Jonesville is a county road with an eight tenths (or less) section that has a speed limit of 45 mph, and

WHEREAS, a petition was received on behalf of concerned residents who reside in the Main Street area of town requesting that the speed limit on the eighth tenths section of the road, entering a sharp turn, be reduced to 30 mph, and

WHEREAS, the town has authority to establish and adjust speed limits on highways within the town pursuant to Section 1662- (a) of the Vehicle and Traffic Law, and

WHEREAS, the Town Board believes it to be in the best interest of the traveling public to reduce the speed limit; now, therefore, be it

RESOLVED, that the speed limit on the remainder of Main Street, Jonesville be reduced from 45 mph to 30 mph; and be it further

RESOLVED, that a copy of this resolution be sent to the Saratoga County Commissioner of Public Works to install and maintain the appropriate signs.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 109 of 2012, a resolution accepting the conveyance of a five foot strip of land as a result of the subdivision of the lands of Charles Angelillo.

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

WHEREAS, the Town of Clifton Park Planning Board approved a two-lot subdivision known as the 2005-057 Charles Angelillo subdivision, with the final subdivision plan stamped on April 13, 2006, and

WHEREAS, this action created two lots, 611 and 613 Bruno Road, as well as a separate, fee simple, strip of land five-feet wide and about 1,000± square feet total that runs directly in front of both 611 and 613 Bruno Road, that was to be transferred to the Town of Clifton Park for potential future transportation enhancements for this town road, such as but not limited to, shoulder improvements or other amenities for pedestrian and bicyclist accommodations to be determined in the future; now, therefore, be it

RESOLVED, that the Town Board accepts the conveyance of the following strip of land briefly described as follows:

- |   |                             |
|---|-----------------------------|
|   | <u><b>Name of Owner</b></u> |
| <ul style="list-style-type: none"><li>• Five-foot Strip of Land/Bruno Road<br/>SBL 271.7-4-35</li></ul> | Charles Angelillo           |

and be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt of an approval by the Town Attorney 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.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 110 of 2012, a resolution appointing Constance Brown to permanent status as the Chief Court Clerk per Civil Service certification.

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

WHEREAS, Constance Brown, 23 Main Street, Rexford, was provisionally appointed to the position of Chief Court Clerk, and

WHEREAS, Constance Brown successfully passed the Civil Service exam for the position of Chief Court Clerk and was certified as a permanent employee on April 6, 2012, and

WHEREAS, both Town Justices have recommended her permanent appointment as the Chief Court Clerk of the Clifton Park Town Court; now, therefore, be it

RESOLVED, that Constance Brown, 23 Main Street, Rexford, is hereby appointed to permanent status as Chief Court Clerk for the Town of Clifton Park per Civil Service Certification as of April 6, 2012.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 111 of 2012, a resolution referring the proposed amendment of the Northcrest Park Extension PDD to the Planning Board for review and comment.

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

WHEREAS, an application has been received to amend the Northcrest Park Extension, Planned Development District (PDD) by making the following proposed modifications to the PDD:

1. Development of up to three additional buildings on the “North” component (Office Building) not to exceed 30,000 total square feet. The final density of additional building and intensity of uses will be determined in conjunction with site plan approval.
2. The proposed uses will be consistent with the B-4 Zoning district.
3. The additional uses will have the ability to be subdivided as individual parcels (minimum lot of 1 acre will be required).
4. Green space for the entire PDD area shall remain consistent with the recommendations of the Clifton Park Town Center Study.
5. The restriction on “restaurants and food take out enterprises” as defined in Article XXIA A217-147.5 Development. B. (3) (b) shall be removed.
6. 2,000+/- square foot addition to the existing First Niagara building, and

WHEREAS, the Clifton Park Town Code requires that an application to amend a PDD be referred to the Planning Board for review and comment; now, therefore, be it

RESOLVED, that the application to amend the Northcrest Park Extension Planned Development District is hereby referred to the Planning Board for review and comments to be submitted to the Town Board within sixty days from the date of this resolution.

John Scavo, Director of Planning, explained it is an addition of up to 30,000 square feet of office building uses consistent with the B4 zoning. Good project using existing space and existing road networks and infrastructure. Recommendations will be returned to the Town Board based on the towns comprehensive plan and town center plan.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilman Hughes, Councilman Romano,  
Councilwoman Walowit, Supervisor Barrett  
Noes: None

DECLARED ADOPTED

Resolution No. 112 of 2012, a resolution authorizing the hiring of Darren Bachus as a part-time Security Officer.

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

WHEREAS, a need has been identified for a part-time security officer, and

WHEREAS, Darren Bachus, 12 Wayto Lane, Ballston Lake, has successfully passed the Civil Service Exam for Security Officer and was eligible for permanent status on May 1, 2012; now, therefore, be it

RESOLVED, that Darren Bachus, 12 Wayto Lane, Ballston Lake, is hereby appointed as a part-time Security Officer, at Grade 5, Step 3 (\$20.25 per hour), effective immediately, to be budgeted from A-3120-E2200 (Security-Staff Salary).

Supervisor Barrett stated Mr. Bachus rated No. 1 on the Civil Service test list.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilman Hughes, Councilman Romano,  
Councilwoman Walowit, Supervisor Barrett  
Noes: None

DECLARED ADOPTED

Resolution No. 113 of 2012, a resolution authorizing the Town Supervisor to sign and execute the attached contract with tech valley Communications for telephone and internet service.

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

WHEREAS, town staff have reviewed the existing needs and options for telephone and internet service and solicited proposals from multiple vendors, and

WHEREAS, vendors met with town staff and Town Supervisor Philip Barrett to inspect town facilities and determine the town's telephone and internet usage and needs, and

WHEREAS, tech valley Communications, 3 E-Comm Square, Albany, New York, submitted the lowest cost proposal combining telephone and internet service utilizing state of the art fiber optics, and

WHEREAS, tech valley Communication's proposal utilizes fiber telephone and internet technology that will improve overall quality of service and speed while providing significant savings over the next five years in comparison to current and projected telephone and internet fees, and

WHEREAS, the attached five-year contract for telephone and internet service at town hall, the public safety building and other town facilities has been reviewed and approved by the Town Attorney, now; therefore, be it

RESOLVED, that Town Supervisor Philip Barrett is hereby authorized to sign and execute the attached contract with tech valley Communications for telephone and internet service.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilman Hughes, Councilman Romano,  
Councilwoman Walowit, Supervisor Barrett  
Noes: None

DECLARED ADOPTED

Resolution No. 114 of 2012, a resolution authorizing the Highway Superintendent to attend the 2012 Association of Towns Highway School in Ithaca, New York.

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

WHEREAS, Highway Superintendent Richard Kukuk has requested authorization to attend a Highway School at Ithaca College in Ithaca, New York, June 11-13, 2012, at a cost not to exceed \$675, and

WHEREAS, Mr. Kukuk's attendance at the conference would provide a benefit to the town; now, therefore, be it

RESOLVED, that Richard Kukuk is hereby authorized to attend the 2012 Association of Towns Annual Highway School in Ithaca, New York, June 11-13, 2012, at a cost not to exceed \$675, to be paid from A05010-00001. (Highway Admin.-Training & Conferences)

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilman Hughes, Councilman Romano,  
Councilwoman Walowit, Supervisor Barrett  
Noes: None

DECLARED ADOPTED

Resolution No. 115 of 2012, a resolution accepting the quote of Northeastern Commercial Interiors for the replacement of floors at the Shenendehowa Adult Community Center and authorizing the release of funds from the Town of Clifton Park Tax Rebate Account.

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

WHEREAS, it is necessary to replace floors at the Shenendehowa Adult Community Center, and

WHEREAS, quotes were solicited for the replacement of the floors and the lowest quote received was from Northeastern Commercial Interiors, Guilderland, New York, in an amount of \$19,910; now, therefore, be it

RESOLVED, that the quote of Northeastern Commercial Interiors for an amount of \$19,910 is hereby accepted for the replacement of floors at the Shenendehowa Adult Community Center, and be it further

RESOLVED, that authorization is given to the Comptroller to release funds from the Town of Clifton Park Tax Rebate Account in an amount of \$18,300, to be used to replace the floors in the Shenendehowa Adult Community Center, and be it further

RESOLVED, that the remaining balance of \$1,610 to come from Contingency account, with a transfer to A-01624-00200(Senior Center-Equipment), and be it further

RESOLVED, that budget line A-02775 (Refund of Prior Expenditures) be increased by \$18,300 and A-01624-00200 (Senior Center-Equipment) budget be increased by \$18,300, and expenditures by \$18, 300; and be it further

RESOLVED, that the Contingency account decreases \$1,610 with a transfer to A-01624-00200 (Senior Center-Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 116 of 2012, a resolution adopting the Town of Clifton Park Employee Handbook.

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

WHEREAS, by Resolution No. 131 of 2011, the Town Board authorized the Supervisor to retain Public Sector HR Consultants LLC (PSHR) to consult with the town on all matters concerning human resources, personnel management and benefit administration, and

WHEREAS, PSHR has undertaken a review of the town's existing employee manual, as well as labor contracts and practices regarding employment matters, operational policies, benefit administration, workplace safety, and compliance with state and federal employment mandates, and

WHEREAS, PSHR met with designated Town Board members and staff throughout the past year regarding updates to the existing policy manuals as well as compliance measures, and

WHEREAS, pursuant to the consulting agreement, the PSHR has recommended the adoption of an updated and comprehensive employee manual outlining proposed town policy in these areas as well as compliance with all state and federal civil service and employment mandates, and

WHEREAS, the Town Board and Highway Superintendent have reviewed the proposed manual; now, therefore, be it

RESOLVED, that the Town Board adopts the Town of Clifton Park Employee Handbook prepared by PSHR Consultants LLC and dated May 7, 2012.

Town Attorney McCarthy explained the manual was in need of updates.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 117 of 2012, a resolution adopting the Town of Clifton Park Controlled Substances and Alcohol Testing Policy for commercial licensed drivers.

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

WHEREAS, by Resolution No. 131 of 2011, the Town Board authorized the Supervisor to retain Public Sector HR Consultants LLC (PSHR) to consult with the town on all matters concerning employment related matters including compliance with state and federal mandates, and

WHEREAS, PSHR has recommended that the Town Board and Highway Superintendent update the towns' manual on Controlled Substance and Alcohol Testing Policy in compliance with federal regulations governing transportation employees and covered NYSDOT agency employees, and

WHEREAS, PSHR has met with the Supervisor, Highway Superintendent and management regarding USDOT mandates and procedures outlined in the Controlled Substances and Alcohol Testing Policy Manual, dated May 7, 2012; now, therefore, be it

RESOLVED, that the Town Board hereby adopts the Controlled Substances and Alcohol Testing Policy for Commercial Licensed Drivers dated May 7, 2012.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 118 of 2012, a resolution appointing Emad Andarawis as a member of the Planning Board.

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

WHEREAS, due to the resignation of Sandra Pace an opening exists on the Planning Board, and

WHEREAS, alternate member Emad Andarawis has been recommended to fill the position on the Planning Board vacated by Mrs. Pace, and

WHEREAS, Mr. Andarawis has been an alternate member to the Planning Board since January of 2010 and his membership on the Planning Board will confer a benefit to the town and its residents; now, therefore, be it

RESOLVED, that Emad Andarawis, 67 Hubbs Road, Ballston Lake, is hereby appointed as a full member of the Town of Clifton Park Planning Board to fill the unexpired term of Sandra Pace, term to expire December 31, 2017.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 119 of 2012, a resolution authorizing the hiring of summer staff for the Parks & Recreation Department.

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



WHEREAS, an additional staff member is required to staff the Department of Parks & Recreation during the summer months, and

WHEREAS, the Director of Parks, Recreation and Community Affairs has recommended that Kelsey Miller, 45 Spruce Street, Clifton Park, be hired as a summer office staff member; now, therefore, be it

RESOLVED, that the Director of Parks, Recreation and Community Affairs is hereby authorized to hire Kelsey Miller as a member of the summer office staff, effective May 21, 2012 through August 3, 2012, at Grade 1, Step 2, \$12.88 per hour, to be paid from A7021-E4000 (Parks and Recreation-Administration).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 120 of 2012, a resolution allowing for the consumption of alcoholic beverages at a 50<sup>th</sup> birthday party at Collins Park on June 2, 2012.

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

WHEREAS, Terri Jordan, 8 Lincoln Avenue, Clifton Park, has requested a waiver of the town's "no alcohol" policy for the consumption of alcoholic beverages during a 50<sup>th</sup> birthday party on June 2, 2012 at Collins Park from 1:00 -5:00 P.M., and

WHEREAS, it is the town's policy to require the using group to monitor the consumption of alcohol, be responsible for the group's activities, and to provide the town with appropriate evidence of insurance to indemnify the town; now, therefore, be it

RESOLVED, that attendees at a 50<sup>th</sup> birthday party are authorized to consume alcoholic beverages on June 2, 2012, at Collins Park from 1:00 - 5:00 P.M. providing that they provide the town with a certificate of insurance in the amount of \$1,000,000, naming the Town of Clifton Park as an insured, so as to indemnify the town for any incidents which may result with the waiver of the "no alcohol" policy for the event.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 121 of 2012, a resolution authorizing the hiring of a co-instructor and an unpaid volunteer for the Tiny Hands Summer Club preschool camp.

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

WHEREAS, a need exists for a co-instructor for the Tiny Hands Summer Club preschool program, being presented as part of the Summer Recreation Program, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that Nicole Burjetka, 5213 Forest Pont Drive South, Clifton Park, be hired as a co-instructor and recommends that Allie Troischt, 9 Northgate Court, Clifton Park, be hired as an unpaid volunteer; now, therefore, be it

RESOLVED, that authorization is hereby given to hire Nicole Burjetka, 5213 Forest Point Drive, Clifton Park, as a co-instructor for the Tiny Hands Summer Club effective June 18th through August 17, 2012, at a rate of \$90 per week, not to exceed \$540, to be paid from A7310-E4520 (Summer Recreation-Other Programs); and be it further

RESOLVED, that Allie Troischt, 9 Northgate Court, Clifton Park, be hired as an unpaid volunteer for the Tiny Hands Summer Club.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 122 of 2012, a resolution appointing Frank Rosselli to the Community Arts and Culture Commission.

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

WHEREAS, due to the resignation of Ric Mitchell an opening exists on the Community Arts and Culture Commission, and

WHEREAS, Frank Rosselli, 14 Burning Bush Boulevard, Ballston Lake, has been recommended to fill the unexpired term of Ric Mitchell, term to expire December 31, 2013, and

WHEREAS, Mr. Roselli's presence on the Community Arts and Culture Commission will confer a benefit to the town; now, therefore, be it

RESOLVED, that Frank Rosselli, 14 Burning Bush Boulevard, Ballston Lake, is hereby appointed to the Community Arts and Culture Commission, to fill the unexpired term of Ric Mitchell, term to expire December 31, 2013.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 123 of 2012, a resolution determining that action to organize the Ballston Lake Water District and acquire, construct and install improvements to the water system will not have a significant effect on the environment..

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

WHEREAS, the Town Board of the Town of Clifton Park, Saratoga County, New York (the "Town") proposes to establish a water district in the Town to be known as Ballston Lake Water District (the "District") and also proposes to acquire, construct and install a water supply and distribution system in the District, including (a) construction and installation of water transmission mains and lines and related facilities, (b) acquisition of furnishings, equipment, machinery or apparatus required in connection therewith, and (c) acquisition of land or rights in land, all as more particularly described in the report of John M. McDonald Engineering, P.C. which is on file in the office of the Town Clerk (the "Project"); and

WHEREAS, pursuant to Article 8 of the Environmental Conservation law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations"), the Town Board desires to determine whether the Project may have a "significant effect on the environment" (as said quoted term is defined in the SEQR Act and the Regulations) and therefore require the preparation of an environmental impact statement; and

WHEREAS, to aid the Town Board in determining whether the Project may have a significant effect upon the environment, an environmental assessment form (the "EAF") has been presented to and reviewed by the Town Board, copies of which EAF are on file in the office of the Town Clerk; and

WHEREAS, pursuant to the Regulations, the Town Board has examined the EAF in order to make a determination as to the potential environmental significance of the Project; and

WHEREAS, the Project does not appear to constitute a "Type I Action" (as said quoted term is defined in the Regulations);

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN BOARD OF THE TOWN OF CLIFTON PARK AS FOLLOWS:

- (1) Based upon an examination of the EAF, and based further upon the Town Board's knowledge of the area surrounding the proposed District and such further investigation of the Project and its environmental effects as the Town Board has deemed appropriate, the Town Board makes the following findings with respect to the Project:

- (A) The Project consists of the organization of the District and the acquisition, construction and installation of a new water system in the District, including (i) construction and installation of water transmission mains and lines and related facilities, (ii) acquisition of furnishings, equipment, machinery or apparatus required in connection therewith, and (iii) acquisition of land or rights in land, all as more particularly described in the report of John M. McDonald Engineering P.C. which is on file in the office of the Town Clerk.
- (B) No potentially significant impacts on the environment are noted in the EAF, and none are known to the Town Board.

(2) Based upon the foregoing investigation of the potential environmental impacts of the Project and considering both the magnitude and importance of each environmental impact therein indicated, the Town Board makes the following findings and determinations with respect to the Project:

- (A) The Project constitutes an "Unlisted Action" (as said quoted term is defined in the Regulations);

- (B) The Project will result in no major impacts and, therefore, is one which will not cause significant damage to the environment. Therefore, the Town Board hereby determines that the Project will not have a significant effect on the environment, and the Town Board will not require the preparation of an environmental impact statement with respect to the Project; and
- (C) As a consequence of the foregoing, the Town Board has prepared a negative declaration with respect to the Project.

(3) The Town Supervisor is hereby directed to file with the Town Clerk a negative declaration with respect to the Project, which shall be available for public inspection during regular business hours.

(4) This resolution shall take effect immediately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 124 of 2012, a resolution scheduling a public hearing regarding the establishment of Ballston Lake Water District.

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

WHEREAS, the Town of Clifton Park, Saratoga County, New York (the "Town") has negotiated an Intermunicipal Cooperation Agreement with the Town of Ballston, Saratoga County, New York (the "Intermunicipal Agreement") pursuant to which the Town and the Town of Ballston intend to enter into a water purchase agreement to provide a source of public water to properties located within a proposed Water District to be known as the Ballston Lake Water District, and the Town of Clifton Park intends to acquire, construct and install water system facilities to provide water to certain properties described below, and

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

WHEREAS, as part of the Water District project, the Town proposes to acquire, construct and install a water supply and distribution system and related facilities in the District (the "Improvements"), including (a) construction and installation of water transmission mains and lines and related facilities, (b) acquisition of furnishings, equipment, machinery or apparatus required in connection therewith, and (c) acquisition of land or rights in land, all as more particularly described in the Maps and Plans prepared by John McDonald Engineering, P.C.; and

WHEREAS, the maximum amount proposed to be expended for Improvements in the District is \$596,000 and

WHEREAS, the estimated cost of hook-up fees for the typical property in the District is \$275.00, and the cost of the proposed District to the typical property in the District is estimated to be approximately \$1208.00 per year; and

WHEREAS, the proposed method of financing the costs of the Joint Water Project, including the District Improvements, consists of the issuance of serial bonds and bond anticipation notes of the Town of Clifton Park in the total maximum principal amount of \$596,000, of which \$596,000 is attributable to Improvements in the District, to mature in annual installments over a period not exceeding 30 years; and

WHEREAS, the District will pay annual debt service on the \$596,000. indebtedness attributable to District Improvements, which shall be payable in the first instance from assessments levied on real property in the proposed District; and

WHEREAS, the cost of acquiring, constructing and installing the Improvements will be assessed among the properties in the district in proportion to the benefits derived by each property; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board will hold a public hearing to hear all persons interested in the establishment of the District and the proposed water system Improvements, which public hearing shall be held in the Wood Memorial Room, Town Hall, One Town Hall Plaza, in the Town of Clifton Park on May 21, 2012 at 7:05 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 days before such hearing.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Anthony Morelli, Gloucester St., candidate for the Shenendehowa Central School Board, thanked the Town Board for having the confidence in him by appointing him in the past as a member of the IDA. He thanked the Board for allowing him to serve the community in that position

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 9:04 p.m.

Prepared by Teresa Brobston  
Deputy Town Clerk