

March 11, 2013

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

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett thanked all involved with the Town Center Plan meetings, as well as all attendees. He said this continues to be a work in progress, noting the study looks at a timeframe of 2013 to 40 years in the future. He said as the process comes to an end towards the end of summer, there will be additional meetings and public hearings.

PRESENTATIONS

Supervisor Barrett presented Eagle Scout Stephen Dering with Resolution No. 6 of 2013, congratulating him of his achievements. Stephen reviewed the work on his Eagle Scout project.

REPORT TO THE BOARD

Town Historian, John Scherer, presented his annual report, attached. He displayed the coverlets and linen sheets, as well as the baseball referenced in his report.

PRESENTATION BY HELIOSAGE ENERGY

Supervisor Barrett said the town is interested in using the capped landfill as an energy source. Mike Walters of HelioSage outlined the power purchase agreement via NYSERDA funding, attached. Mr. Walters feels the town has a good chance of receiving the NYSERDA grant. Supervisor Barrett said this project will give the town a "fixed" energy rate. If grant is awarded, HelioSage would enter into a contract with the town and negotiate terms. Awards are expected in two to three months. Mr. Walters said he would expect the project to be completed in late 2013 or early 2014 in an eight month timeframe and SEQRA been completed. It was noted the landfill closure was over 20 years ago. Mr. Walters said the delivery charge will be significantly reduced. Councilman Romano asked if 1.8 kilowatt hours is attainable. Mr. Walter responded yes. He explained kilowatt hours are banked on an annual basis. Councilman Romano asked Mr. Walters to look at "demand response" programs. It was noted if the NYSERDA grant is not awarded the project would be "scrapped". Mr. Walters said it is anticipated this project could generate throughout its life on an annual basis enough electricity to meet about 90 percent of the town's load. Once the project expires there will be an option to renew or purchase equipment at fair market value or a third option that HelioSage would remove equipment at no cost and return the site back to its original state. Mr. Walters said the minimum amount needed from NYSERDA to go forward would be about 20 to 30 percent of the entire project costs. Supervisor Barrett said this potentially has much more promise from a financial standpoint than what was previously discussed, noting no capital outlay from the town and taking on no business risks which has the prospect of "sensational" savings on the town's energy costs into the future. He recommended the Town Board follow through with the Letter of Intent and apply for the money from NYSERDA. In response to a question from the floor, Mr. Wolf said HelioSage would be

responsible for maintenance of the project property. Councilman Whalen asked about expansion of the project. Mr. Wolf said the proposal is for the nine flat acres and any expansion would not be significant. In response to Councilman Hughs' question regarding the life of the solar panels, Mr. Wolf said the manufacturers guarantee about 25 years. Supervisor Barrett said this will change a useless piece of property to revenue generating property.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 73 of 2013, a resolution to proclaim April 2, 2013 as a day of recognition for Autism Awareness in the Town of Clifton Park.

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

WHEREAS, autism affects all persons regardless of race, religion, socio-economic status or geography, and

WHEREAS, the U.S. Center for Disease Control and Prevention (CDC), identify around 1 in 88 American children as on the autism spectrum-a tenfold increase in prevalence in 40 years, and

WHEREAS, studies also show that autism is four to five times more common among boys than girls, that a child is diagnosed with autism every 20 minutes and an estimated 1 in 252 girls are diagnosed with autism in the United States, and

WHEREAS, based on data collected from North America, Western Europe and Japan, it is conservatively estimated that 35 million people worldwide have autism, and

WHEREAS, in December of 2007 the United Nations General Assembly adopted a resolution proclaiming World Awareness Day by unanimous consent, encouraging UN Member States to take measures to raise awareness about autism throughout society and to promote early diagnosis and early behavioral intervention, and

WHEREAS, autism is a lifelong condition in which the bulk of the cost occurs in adulthood, creating an enormous economic impact, and

WHEREAS, the resolution designates World Autism Awareness Day as a United Nations Day to be observed yearly starting in 2008 to raise global awareness of autism, and

WHEREAS, the aims for World Autism Awareness Day are to inform the general public about the global health crisis of autism, stress the importance of early diagnosis and early intervention, and to celebrate the unique talents and qualities of individuals with autism; now, therefore, be it

RESOLVED, that the Town of Clifton Park hereby proclaims Tuesday, April 2, 2013 as a day of recognition for Autism Awareness in the Town of Clifton Park.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 74 of 2013, a resolution authorizing the hiring of an Athletic Specialist for the 2013 Summer Recreation Half-Day Summer Camp.

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

WHEREAS, an opening exists at Collins Park for an Athletic Specialist for the half-day camp, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that Jamie Boldish, 3 Strathmore Drive, Loudonville, be hired to fill the position of Athletic Specialist; now, therefore, be it

RESOLVED, that Jamie Boldish, Loudonville, be hired as an Athletic Specialist at Collins Park for the Town of Clifton Park's Summer Recreation Half-Day Camp, effective immediately through August 9, 2013, to be paid \$228 per week from A-7310-E9000-4500 (Summer Rec.-Site Super/Spec.).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 75 of 2013, a resolution authorizing Town Historian John Scherer to attend the Association of Public Historians Annual Conference.

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

WHEREAS, the Director of Parks, Recreation and Community Affairs has recommended that Town Historian John Scherer be authorized to attend the Association of Public Historians Conference in Liverpool, New York, April 17 - 19, 2013, and

WHEREAS, John Scherer's attendance at the Association of Public Historian's Conference would confer a benefit to the Town; now, therefore, be it

RESOLVED, that John Scherer is authorized to attend the Association of Public Historians Conference in Liverpool, New York, April 17-19, 2013 at a cost not to exceed \$700 for registration, lodging, meals and mileage, to be paid from budget line item A-07510-001 (Historian-Training/Conference).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 76 of 2013, a resolution hiring returning Adventure Challenge Facilitators and Assistants.

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

WHEREAS, it is necessary to rehire returning adventure challenge staff to conduct the 2013 Project Adventure program within the Department of Parks and Recreation; now, therefore, be it

RESOLVED, that the individuals on the annexed Schedule A are rehired as Adventure Challenge staff for the 2013 Project Adventure program to said positions, effective April 1, 2013 through October 31, 2013, at the salary amounts listed, to be paid from A-7621-E2360 (Project Adventure Staff) and A7621-E2350 (Project Adventure Coordinator).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 77 of 2013, a resolution establishing Rexford Water District No. 2 Extension No. 2 and authorizing the acquisition and construction of improvements to the water distribution system.

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

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

WHEREAS, notarized petitions asking the Town Board to establish a water district pursuant to Article 12 of the New York State Town Law were presented to the Town Board by all of the owners of real property within the proposed district, along with a map, plan and report relating the establishment of the proposed Extension, prepared by John M. McDonald Engineering, P.C., a competent engineer licensed by the State of New York consistent with Article 12, and

WHEREAS, on February 19, 2013, Resolution No. 54 of 2013 was adopted by the Town Board reciting the filing of petitions with the Town Board accompanied by the map, plan and report, the boundaries of the proposed district, the improvements proposed, the estimated expense of these improvements, the proposed method of financing, the cost of the district to the properties in the district, the fact that the map, plan and report are on file in the Town Clerk's office for public inspection and all other matters required by law to be stated, and

WHEREAS, the resolution called for a public hearing to be held on March 4, 2013 at 7:05 p.m. to hear all persons interested in this matter and to take action as required by law, and

WHEREAS, the resolution was published and posted as required by law, and

WHEREAS, a public hearing on the matter was held by the Town Board on March 4, 2013, beginning at 7:05 p.m., and the matter was fully discussed and all interested persons were heard; now, therefore, be it

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

1. The petitions were signed by the property owners within the proposed district and all of them were notarized by the Town Clerk's staff and are legally sufficient pursuant to NYSTL 194.

2. The notice of hearing was published and posted as required by law and is otherwise sufficient.

3. All the property and property owners within the proposed Extension are benefited thereby.
4. All the property and property owners benefited are included within the limits of the proposed Extension.
5. The establishment of this Extension is in the public interest.

BE IT FURTHER DETERMINED AND

RESOLVED, that the establishment of the Extension is hereby approved and that the proposed water system improvements (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) the acquisition of land or rights in land, all as more particularly described in the Maps and Plans, shall be acquired, constructed and installed upon the required funds being made available and provided therefore, and be it further

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

RESOLVED that the cost of the Improvements, including legal and engineering fees, and all other costs and expenses, shall be financed by the issuance of serial bonds and bond anticipation notes of the town containing such terms as may be determined by the Town Board, and such costs shall be assessed on an ad valorem basis by the Town Board. (in as close a proportion to the benefit to which each lot or parcel will derive from the improvement as is possible).

Supervisor Barrett said the next step is to file with the State Comptroller's office and hopes to have an answer from them in two to three months.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 78 of 2013, a resolution authorizing approval of a contract with Behan Associates and MJ Engineering to design and prepare bid documents for improvements to Clifton Country Road and to authorize the Town Comptroller to transfer \$67,752 from Undesignated Fund Balance to General Fund (Traffic Improvements-Engineering).

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

WHEREAS, the Town Board wishes to undertake design upgrades to the entry medians and aesthetic improvements to enhance the appearance of Clifton Country Road between Route 146 and Clifton Park Center Road; now, therefore, be it

RESOLVED, that the Supervisor is authorized to retain Behan Associates, Saratoga Springs, and MJ Engineering, Clifton Park, to design and prepare bid documents for the Clifton Country Road Median Improvement Project, at a cost not to exceed \$67,752; and be it further

RESOLVED, that the Comptroller is authorized to transfer \$67,752 from Undesignated Fund Balance to A-3310-135 (General Fund-Traffic Improvements-Engineering).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 79 of 2013, a resolution accepting the environmental assessment for an application for grant funding from NYSERDA for the Landfill Solar Proposal.

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

WHEREAS, the Town's Planning Director has completed a short Environmental Assessment Form regarding the NYSERDA grant request for the solar project at the town's capped landfill, and

WHEREAS, the Town of Clifton Park is the lead agency for SEQRA purposes; now, therefore, be it

RESOLVED, that the Town Board as lead agency hereby accepts the environmental assessment completed by the Town's Planning Director, finds the proposed action to be unlisted pursuant to SEQRA, and hereby issues a negative declaration regarding the same.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 80 of 2013, a resolution authorizing the Supervisor to execute a Letter of Intent authorizing Heliosage, Inc. to submit a joint application for funding to NYSERDA.

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

WHEREAS, the Clifton Park landfill comprises 25+ acres of open field at 217 Vischer Ferry Road, and

WHEREAS, by Resolution No. 240 of 2012, the Town Board authorized a Letter of Intent to option space at the landfill to Heliosage Inc., Charlottesville VA, pending any change in the New York State policy concerning utility scale renewable energy projects and incentives, and

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA) has now made funding available for project applicants able to utilize power purchasing agreements via remote net metering, allowing the town to offset utility grid generated electricity costs at municipal facilities town wide, through solar generated electricity transported through the transmission facilities at the landfill/transfer station, and

WHEREAS, the town has reviewed the available documentation from NYSERDA regarding the program opportunity (Pon 2589) to obtain up to \$3MM in funding as well as a project proposal from Heliosage, Inc. which would utilize the existing landfill space for the generation of renewable energy through solar technology at the town landfill, and

WHEREAS, the project proposal from Heliosage, Inc. envisions up to a 2.0 megawatt solar facility which would offset some 90% of the town's electricity needs, providing significant

immediate savings in both supply and delivery charges as well as a long term hedge against rising energy costs, and

WHEREAS, the proposed Letter of Intent contemplates a partnership with Heliosage, Inc. to act as solar project developer to prepare an application to NYSERDA for funding, including the assembly of project financing, and the competitive selection of installers for the design, construction, and long term maintenance of the system with no capital investment from the town: now, therefore, be it

RESOLVED, that the Supervisor is authorized to execute a Letter of Intent authorizing Heliosage Inc., Charlottesville, VA, to submit a joint application for funding to NYSERDA along with application attachment J and associated documents, and be it further

RESOLVED, that Heliosage, Inc. will assume all costs associated with the application; and be it further

RESOLVED, that the application and Letter of Intent do not commit the town to the project pending the grant and funding application review process.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

MOTION BY Supervisor Barrett, seconded by Councilwoman Walowit, to move into Executive Session to discuss pending litigation. Motion unanimously carried at 8:23 pm.

Returned to regular meeting at 8:40 pm.

PUBLIC PRIVILEGE

No one wished to be heard.

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 8:42 p.m.

Patricia O'Donnell
Town Clerk