

March 18, 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
Mark Heggen, Comptroller
Barbara McHugh, Director of Community Development
Walter Smead, Assessor

MOTION BY Councilman Hughes, seconded by Councilman Whalen, to approve the minutes of the March 4, 2013 meeting as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett announced the bulk waste pickup will commence on April 28 and continue to May 25th. He also noted the leaf and yard waste pickup will begin April 1st, weather permitting. Both services are free to town residents.

The Supervisor reviewed the proposed HelioSage project of solar panels on the closed landfill, noting a grant application has been submitted to NYSERDA and hope for a response by June. The grant would be part of the funding. He noted HelioSage model of project shows a savings up to a million dollars over 20 years.

PRESENTATIONS TO THE BOARD

Sarah Koniszewski discussed her appearance before the Congressional Committee as part of the National Abstinence Education Association regarding Sexual Risk Avoidance (SRA).

Jenn Wood, Shenendehowa Community Coalition, explained the goal of the Coalition over the past couple of years has been to explore strategies to help reduce the underage drinking rates in the Clifton Park area. She reviewed the Face the Facts Campaign, as well as the Shen Strength in Numbers and said they are looking for community involvement.

Paul Coons, 4 Balsam Way, displayed photos of his home, the Peters Lockrow house, (former address 279 Moe Road) and renovations that retain the historic nature of the home, as well as making it energy efficient. Supervisor Barrett said he would hope people would follow Mr. and Mrs. Coons' lead. Mr. Coons thanked members of the Historic Preservation Commission and Mark Kazmierczak for working closely as a team to put this project together. Mr. Coons announced a Green House tour on April 6th.

PRESENTATION

Supervisor Barrett presented Resolution No. 73 of 2013, adopted by the Town Board on March 11th, to Susan Adinolfi, designating April 2, 2013 as Autism Awareness Day.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 81 of 2013, a resolution authorizing the Southern Saratoga YMCA to use Town roadways for their 20th annual triathlon.

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

WHEREAS, the Southern Saratoga YMCA has requested the use of the Town roadways as specified in the attachment hereto, for the purpose of holding their 20th annual triathlon on May 5, 2013 starting at 7:00 AM to finish, and

WHEREAS, the event has the approval of the Town's Highway Superintendent, now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby authorizes the YMCA to use Town roadways as specified in the attachment hereto, May 5, 2013, at 7:00 AM, for the purpose of holding a 20th annual triathlon, and be it further

RESOLVED, that this approval is expressly conditioned upon receipt prior to May 5, 2013, in the office of the Town Clerk of an insurance certificate in the amount of \$1,000,000 naming the Town of Clifton Park as an additional insured; and be it further

RESOLVED, that this approval is expressly conditioned upon the roads not being closed but members of the YMCA are permitted to temporarily stop traffic at each end of the course in the event both a vehicle and a triathlon participant arrive at the same time.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 82 of 2013, a resolution scheduling a public hearing to consider renewing existing term easements pursuant to Section 125-10 Conservation Easements of the Town Code.

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

WHEREAS, the Town initiated a term Conservation Easement Program in 1996, with term easements issued with a minimum 15 year term thereafter, and

WHEREAS, the first term Conservation Easements issued pursuant to Town Code Chapter 125 expired in 2011, and

WHEREAS, on February 6, 2012, the Town Board adopted Local Law No. 1 of 2012 providing for the streamlining of the process for holders of existing term conservation easements to re-apply for terms of their choice, and

WHEREAS, applications were received from holders of existing Conservation Easements to renew their existing Conservation Easements, and

WHEREAS, pursuant to Chapter 125-10 (C) the Town Board is required to hold a single public hearing on all applications for renewal annually, and act upon all applications for renewal of existing term conservation easements by April 10th, now, therefore, be it

RESOLVED, the Town Board hereby schedules a public hearing on April 1, 2013 at 7:05 PM in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York to consider all applications submitted for renewing existing, expiring, Conservation Easements, pursuant to Chapter 125-10 (C) of the Town Code; and be it further

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

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 83 of 2013, a resolution waiving the applicable permit and site plan review fees for the construction of an indoor practice facility by Clifton Park Baseball on the Clifton Common.

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

WHEREAS, the Clifton Park Baseball League has requested that certain fees otherwise applicable to reviewing the building permit and site plan application for the construction of an indoor practice facility at the Common be waived by the Town Board, and

WHEREAS, the Clifton Park Baseball League is a 501 C 3 organization which serves 800 players annually, and assists the Town in maintaining its baseball facilities to the highest standards, and

WHEREAS, the Clifton Park Baseball League has requested that applicable permit fees for the construction of the baseball facility be waived, now, therefore, be it

RESOLVED, that the applicable permit fees for construction of an indoor practice facility by Clifton Park Baseball on the Clifton Common are hereby waived; and be it further

RESOLVED, that the Building Department and Planning Department are directed to accept applications for same without the fees which are otherwise applicable.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 84 of 2013, a resolution awarding the bid for the Clifton Common Soccer Field Sprinkler System Improvements Project.

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

WHEREAS, on March 18, 2013, bids were received for the above referenced contract, and

WHEREAS, the low bidder for the Clifton Common soccer field sprinkler system improvements project is Rainbow Lawn Sprinklers, Cohoes, New York in the amount of \$125,000, and

WHEREAS, McDonald Engineering has reviewed the bids and has recommended to the Town Supervisor that Rainbow Lawn Sprinklers be accepted as the lowest most responsible bidder per a letter from McDonald Engineering dated March 18, 2013; now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced bid in the amount of \$125,000 to Rainbow Lawn Sprinklers, to be budgeted with a transfer of \$125,000 from Unassigned Fund Balance to A-7112-200 (Clifton Common-Equipment).

Supervisor Barrett explained of the two bids received, the low bid of \$85,000 had to be pulled due to errors in the bid. It is hoped to start as soon as possible, weather depending. He said the Soccer Club will also be contributing on a 5-1 basis.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 85 of 2013, a resolution awarding the bid for the Ballston Lake Water District project and to create a Capital Project Fund.

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

WHEREAS, on March 14, 2013, bids were received for the above referenced contract, and

WHEREAS, the low bidder for the Ballston Lake Water District project is Jablonski Excavating, St. Johnsville, New York in the amount of \$436,985.05, and

WHEREAS, as per letter from McDonald Engineering, dated March 15, 2013, McDonald Engineering has reviewed the bids and has recommended to the Town Supervisor that Jablonski Excavating be accepted as the lowest most responsible bidder, now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced bid in the amount of \$436,985.05 to Jablonski Excavating; and be it further

RESOLVED, that the Comptroller is authorized to create Capital Project Fund, H40-Ballston Lake Water District.

Supervisor Barrett reported the lowest bid is \$100,000 below the estimate. It is hoped to start as soon as possible and a letter will be sent to advise of the starting date.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

RESOLUTION NO. 86 of 2013

BOND RESOLUTION DATED MARCH 18, 2013 OF THE TOWN OF CLIFTON PARK, NEW YORK, AUTHORIZING IMPROVEMENTS TO WATER DISTRIBUTION FACILITIES BENEFITTING THE BALLSTON LAKE WATER DISTRICT, AT A MAXIMUM ESTIMATED COST OF \$596,000 AND AUTHORIZING THE ISSUANCE OF \$596,000 SERIAL BONDS TO PAY THE COST THEREOF.

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

Section 1. The Town of Clifton Park, New York (the "Town") is hereby authorized to construct improvements to the Ballston Lake Water District necessary and incidental to construction of water distribution facilities and other improvements in connection therewith, at an estimated maximum cost of \$596,000 and to issue an aggregate \$596,000 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 \$596,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$596,000 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.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 87 of 2013, a resolution authorizing the Supervisor to sign an amended contract with MJ Engineering to add right of way responsibilities to scope of services of R.K. Hite for Crescent Road Trail Project.

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

WHEREAS, additional consulting services are required for completion of the Crescent Road path/sidewalk project (Pin 1757.68) specifically right of way activities as per the federal highway guidelines, and

WHEREAS, additional cost of \$24,500 will be calculated into town cash match requirements as per July 2010, NYSDOT Contract No.DO32569; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign an amended contract with MJEngineering to add right of way responsibilities to scope of services of R.K. Hite for Crescent Road Trail Project.

Supervisor Barrett said DOT had concerns with the right of way design of the pedestrian path going over the bridge. Director of Community Development McHugh said federal highway as well as state DOT requires insuring all property owners are justly treated and protected and is required to be in the contract.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 88 of 2013, a resolution approving and authorizing the Supervisor to sign an application to the New York State Comptroller for Audit and Control for approval of the formation of Rexford Water District No. 2, Extension No. 2 and construction of improvements for the extension.

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

WHEREAS, the Town Board of the Town of Clifton Park, New York (the "Town") has authorized the establishment of the Rexford Water District No. 2, Extension No. 2 (the "Extension") and the acquisition and construction of improvements for the District, subject to receipt of approval of the New York State Comptroller in accordance with Town Law Section 209-f and Part 85 of the New York State Comptroller's Regulations; and

WHEREAS, at the direction of the Town Board, the Town Attorney has prepared an application for permission of the State Comptroller (the "Application") a copy of which is attached to this resolution;

NOW, THEREFORE, be it resolved by the Town Board of the Town of Clifton Park as follows:

1. The Town Board believes the contents of the Application to be accurate.
2. The Town Board has previously determined that the formation of the District and the acquisition, construction and installation of the proposed improvements thereto are in the public interest and will not constitute an undue burden on the property which will bear the cost thereof.

3. The real property to be assessed the cost of the proposed improvements will be benefited by the proposed improvements and no benefited property has been excluded.
4. This resolution is adopted in accordance with Section 85.3 of the New York State Comptroller's Regulations.
5. The Supervisor is authorized to execute the attached application to the New York State Department of Audit and Control, Office of the Comptroller.

Supervisor Barrett explained the homeowners have submitted petitions and it is hoped NYS Comptroller approval will be received in the near future.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Annie Friedman, Leonardo Drive, said storm drainage easement on her property has never been recorded and asked where she can find the terms and conditions of the easement. Town Attorney McCarthy said there are a lot of easements that are not fully written down and is standard practice. He continued the easement for Ms. Friedman's property shows on the site plans in the Planning Department. Mr. McCarthy said the site plan only shows the lines of the drainage easement.

Nancy Bellamy, Eastside Drive, reported her mortgage company has advised her she must have flood insurance at a cost of at least \$1000 per year. She said she has never been in a flood zone before but has been informed that the flood zone maps are now being enforced. Ms. Bellamy said she is in the process of having her property surveyed in order to get an elevation certificate and asked the Town Board if they are aware of a program where a participating community can get a discount and if the town would want to become part of the awareness program in order to get a discount. Councilman Whalen said he is familiar with flood zone issues. Supervisor Barrett said he will look into the situation.

Brent Vild, Valencia Lane, expressed appreciation to the town and Collection Systems Manager Michael O'Brien for their assistance to his son as he works toward his merit badge. He also noted he appreciated Sarah Koniszewski's presentation this evening.

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 8:43 p.m.

Patricia O'Donnell
Town Clerk