

# TOWN OF CLIFTON PARK TOWN BOARD MEETING

May 4, 2020

## I. Call to Order/5:00 P. M.

Due to the current State of Emergency within the State of New York, and pursuant to Governor Cuomo's Emergency Executive orders affecting the conduct of public meetings, the Town Board meeting will be closed to the public but can be viewed live by visiting [www.cliftonpark.org](http://www.cliftonpark.org) Scroll down to click on



## II. Pledge to Flag

## III. Roll Call

## IV. Approval of Town Board Minutes

## V. Communications/Announcements

## VI. Business

- Public Hearing – Consider amendments to CH. 125 (10) 5:05pm
- Resolutions for Consideration
- Other Business

## VII. Open Public Privilege

### NOTE:

The Town Board meeting will be closed to the public but can be viewed online. You can follow the steps listed above or go to [www.cliftonpark.org](http://www.cliftonpark.org) Select Government from the drop down menu, select Town Board, select Meeting Video Archive to view videos posted immediately after the close of the meeting or select Meeting Stream during the live stream.

## VIII. Adjournment

TOWN OF CLIFTON PARK  
COUNTY OF SARATOGA  
STATE OF NEW YORK  
NOTICE OF PUBLIC HEARING AMENDING CHAPTER 125-10,  
ELIMINATING THE REQUIREMENT FOR A PUBLIC HEARING ON  
RENEWALS OF TERM CONSERVATION EASEMENTS AND EXTENDING  
THE APPLICATION DEADLINE.

Please take notice that the Town Board of the Town of Clifton Park will conduct a public hearing on the 4<sup>th</sup> day of May, 2020 at 5:05 p.m. in the Wood Memorial Meeting Room in the Town Office Building, located at One Town Hall Plaza, Town of Clifton Park, County of Saratoga, State of New York to consider amending Chapter 125-10, eliminating the requirement for a public hearing on renewals of term conservation easements and extending the application deadline. Due to the current State of Emergency within the State of New York, and pursuant to Governor Cuomo's Emergency Executive Orders affecting the conduct of public meetings, the Town Board meeting will be closed to the public but can be viewed live by visiting [www.cliftonpark.org](http://www.cliftonpark.org). Scroll down to click on View Meetings. Comments may be sent in ahead of time to [tbrobston@cliftonpark.org](mailto:tbrobston@cliftonpark.org) with subject Re: Public Hearing.

Copies of the proposed amendments are available by emailing the Town Clerk at [tbrobston@cliftonpark.org](mailto:tbrobston@cliftonpark.org) or calling the Town Clerk's office during normal business hours – 518-371-6681.

Teresa J. Brobston, Town Clerk

**§ 125-6 Procedure for granting term easement.**

**[Amended 5-3-2004 by L.L. No. 1-2004; 12-1-2008 by L.L. No. 8-2008]**

- A. Eligible property. A term easement may be requested for property in the Town of Clifton Park based on the following criteria: an historic building or landmark for an historic preservation easement, a minimum of 15 acres per lot, or a minimum of 7.5 acres each for any two adjoining lots.
- B. Types of term easements. The following types of term easements may be proposed:
- (1) Open space term conservation easement. A minimum of 15 acres per lot or a minimum of 7.5 acres each for any two adjoining lots is required. For an open space term conservation easement, the applicant agrees that land under easement will not be developed, built upon or otherwise changed during the term of the easement.
  - (2) Farmland term conservation easement (farming purposes): the same as Subsection A(1), except that farm structures as described in §§ **208-7** and **208-8** of the Town Code which are used as part of an active agricultural operation are permitted and are granted the same percentage of easement value remaining taxable on the land. The land and buildings under easement shall be principally and actively used for farming purposes for the term of the easement, but approved farming easement applicants can also apply for other tax saving programs without penalty. The Town's term conservation easement will be applied first and cannot be shifted from one program to another.
  - (3) Historic preservation term easement: The applicant shall preserve the historic property as described in Article **XIII** of Chapter **208**, § **208-78**, of the Town Code.
- C. Owner application requirements.
- (1) Any owner or owners of eligible property shall complete a term conservation easement application and submit it to the Town Clerk, who shall refer such application to the Town Board. The term easement application form is available in the Town Clerk's office. The application shall also include a copy of a full-size Tax Map showing the property, if the entire parcel is being encumbered, or a copy of a survey map and metes and bounds description of the proposed area if it is part of a parcel.
  - (2) Application fee. The owner shall pay to the Town an application fee of \$15, which shall be deemed a reasonable sum to cover the costs of administration, no part of which shall be returnable to the applicant.
- D. Review procedures.

- (1) Town Board referrals. The Town Board shall refer such applications to the Open Space Coordinator and the Planning [Board] Department, and also to the applicable advisory committees such as the Historic Preservation Commission and/or the Open Space, Trails and Riverfront Committee, for review and comments within 45 days, if deemed necessary and/or appropriate.
- (2) Review and recommendations. Upon receipt of each proposal, the Open Space Coordinator and representatives of each applicable advisory committee and the Planning Board shall investigate the subject property to determine if the proposal would be of benefit to the people of the Town of Clifton Park. If the Historic Preservation Commission and Planning Board, if such a referral has been made by the Town Board, determines that it is in the public interest to accept such a proposal, each shall recommend to the Town Board that it hold a public hearing for the purpose of determining whether or not the Town should accept such proposal. [Amended 1-12-2015 by L.L. No. 2-2015]
- (3) Public hearing by Town Board. The Town Board shall, within 45 days of receipt of such advisory opinion, hold a public hearing concerning such proposal at a place within the Town of Clifton Park. At least 10 days' notice of the time and place of such hearing shall be published in a paper of general circulation in such Town, by the Town Clerk. A written notice of such proposal shall be mailed by the applicant to all adjacent property owners and to any municipality whose boundaries are within 500 feet of the boundaries of said proposed area and to the school district in which it is located. Receipts of mailing shall be submitted to the Town Clerk's office prior to the date of the public hearing.
- (4) Determination. The Town Board, after receiving the advisory reports [and after such public hearing,] may adopt the request for a term easement proposal or any modification thereof it deems appropriate or may reject it in its entirety.
- (5) Recording agreement. If such proposal is adopted by the Town Board, it shall be executed by the owner or owners in written form and in a form suitable for recording in the Town Clerk's office.
- (6) Cancellation. Said agreement may not be canceled by either party. However, the owner or owners thereof may petition the Town Board for cancellation upon good cause shown, and such cancellation may be granted only upon payment of the penalties provided in § 125-8 herein.

**§ 125-10 Duration; renewals.**

**[Amended 12-1-2008 by L.L. No. 8-2008; 2-6-2012 by L.L. No. 1-2012]**

- A. Term easements proposed must be subject to a minimum term of 15 years. The maximum term for conservation easements under this section is 25 years.

- B. Renewals of existing term easements. The Town Assessor's office will notify owners of real property subject to existing conservation easements by November 15 of each year immediately prior to the expiration of each such easement. Holders of existing conservation easements with terms set to expire shall have until March 1 of the next succeeding year to apply to renew their existing term conservation easements. Renewal applications shall be developed by the Assessor's office, shall be provided to holders within such notification.
  
- C. Renewal applications shall be filed with the Town Clerk, and referred to the Town Assessor, who shall list properties subject to expiring term conservation easements and advise the Town Board of applications for renewal for each expiring term easement. The Town Board shall [hold a single public hearing upon all applications for renewal under this section annually and act] act upon all applications for renewal of existing term conservation easements prior to [April 10] May 1 of each year with advice from the Town Assessor and Open Space Coordinator regarding the continued suitability of any renewal application consistent with the goals and intent of this chapter.
  
- D. The renewal application fee shall be \$10, and shall be deposited into the Open Space Capital Reserve Account.
  
- E. Owners of real property subject to prior existing term conservation easements who do not file a renewal application by March 1 in the year after expiration of the existing term, who wish to re-apply for a new term conservation easement under this chapter must follow the procedure in § 125-6, effective for the succeeding tax year following application.

Resolutions for Consideration  
Clifton Park Town Board Meeting  
May 4, 2020

<u>SOURCE</u>	<u>RESOLUTION</u>	<u>CONTACT</u>
1. Supervisor	SEQRA Determination for the establishment of Dutch Meadows Sewer District No. 1 Extension No. 1	P. Barrett
2. Sewer	Authorize the establishment of Dutch Meadows Sewer District No. 1 Extension No. 1	P. Barrett
3. Supervisor	Authorize the Supervisor to sign a settlement agreement Syracuse Utilities, Inc. and Utility Construction Specialty for damage to sewer infrastructure.	P. Barrett
4. Supervisor	Award the contract for the Sitterly Road Traffic Improvement Project to New Castle Paving	P. Barrett
5. Buildings & Grounds	Authorize the hiring of seasonal help for the Buildings & Grounds for Summer 2020	P. Barrett

Resolution No. of 2020, a resolution determining that establishment of Extension No. 1 to the Dutch Meadows Sewer District is an unlisted action for purposes of the New York State Environmental Quality Review Act.

Introduced by \_\_\_\_\_ who moved its adoption, seconded by \_\_\_\_\_.

WHEREAS, pursuant to the New York State Environmental Quality Review Act (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 desires to comply with the SEQR Act and the Regulations with respect to the Project; and

WHEREAS, the Town Board is considering the establishment of Extension No. 1 to the Dutch Meadows Sewer District to provide sanitary sewer service to five homes along Hubbs Road, and

WHEREAS, the provision of sanitary sewer service to residential homes is in the public interest and is consistent with environmental policy of the Town Board as expressed in all comprehensive planning documents; now, therefore, be it

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

1. The Project constitutes an "Unlisted Action" under 6 NYCRR § 617.2(ak), as it constitutes a streamlined legislative procedure only.
2. This Resolution shall take effect immediately.

Resolution No. \_\_\_\_\_ of 2020, a resolution establishing the Dutch Meadows Sewer District Extension No. 1, Pursuant to Article 12-a of the New York State Town Law.

Introduced by \_\_\_\_\_, who moved its adoption and seconded by \_\_\_\_\_.

WHEREAS the Town Board of the Town of Clifton Park proposes to establish the Dutch Meadows Sewer District Extension No. 1, pursuant to Article 12-A of the Town Law; and

WHEREAS a map, plan and report relating the establishment of the proposed District within the Town of Clifton Park, with boundaries as described in the attached Exhibit A, has been prepared by Lansing Engineering a competent engineering firm licensed by the State of New York, in the manner and detail required by the Town Board, has been filed with the Town Clerk in accordance with the requirements of Article 12-A of the Town Law; and

WHEREAS Resolution No. \_\_\_\_\_ of 2020 called a public hearing to be held on April 20, 2020 at 5:05 p.m. to hear all persons interested in this matter and to take action as required by law and pursuant to modified procedures authorized by Executive Order no. 202.1 and 202.15 ; 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 April 20, 2020, beginning at 5:05 p.m. and the matter was fully discussed, and all interested persons were heard.

NOW, THEREFORE, the Town Board of the Town of Clifton Park hereby determines that:

1. The notice of hearing was published and posted as required by law, and is otherwise sufficient.
2. All the property and property owners within the proposed Extension are benefited thereby.
3. All the property and property owners benefited are included within the limits of the proposed District.
4. The establishment of this District is in the public interest.

IT IS FURTHER DETERMINED AND RESOLVED that the map, plan and report prepared by Lansing Engineering dated April 1, 2020 be adopted, and,

IT IS FURTHER RESOLVED that the Town Board hereby approves the establishment of the Dutch Meadows Sewer District Extension No. 1 as the boundaries are set forth and as the construction of the sewer system improvements and facilities are set forth in the Map, Plan and Report, with sewer service charges as set forth in the Map, Plan and Report to be assessed, levied

and collected in the same manner as all other charges against the District, and consistent with the engineering Map, Plan and Report as adopted, and

IT IS FURTHER RESOLVED, that this resolution is subject to permissive referendum pursuant to Article 12-A of the NYS Town Law, and

IT IS FURTHER RESOLVED, that the Town Clerk, within 10 days from the date of this resolution, shall post and publish a notice which shall set forth the date of the adoption of this Resolution and shall set forth concisely the purpose and effect thereof, and shall specify that this resolution was adopted subject to permissive referendum.

Resolution No. \_\_\_ of 2020, a resolution authorizing the settlement of pending litigation concerning property damage to sewer infrastructure.

Introduced by \_\_\_\_\_, who moved its adoption and seconded by \_\_\_\_\_.

WHEREAS by Resolution No. 99 of 2019, the Town Board authorized the Town Attorney's office to initiate litigation to recover damages incurred when underground sewer infrastructure which were crossed during directional drilling for the installation of electric service lines beneath Clifton Park Center Road; and

WHEREAS Syracuse Utilities, Inc. and Utility Construction Specialty have offered the sum of \$12,900 in settlement of the Town's claims, and

WHEREAS the Town Attorney recommends acceptance of the settlement offer in resolution of a disputed claim; now, therefore be it

RESOLVED, that the Supervisor is authorized to execute the attached property damage release in exchange for the sum of \$12,900, to be returned to Clifton Country Road Sewer District #1 – G8, and be it further

RESOLVED, that the Town Attorney is authorized to dismiss the litigation.

Resolution No. \_\_\_\_\_ of 2020, a resolution awarding the construction contract for the Sitterly Road Intersection Improvement Project, PIN 1759.84 to New Castle Paving, LLC pursuant to competitive bid.

Introduced by \_\_\_\_\_ who moved its adoption, seconded by \_\_\_\_\_.

WHEREAS, Resolution No. 290 of 2017, authorized the implementation and funding for federal-aid and State "Marchiselli" Program to fund the Sitterly Road Intersection Improvement Project as a transportation federal-aid project and appropriating funds therefore, and

WHEREAS, by Resolution No. 30 of 2020, the Town Board appropriated \$1,979,339 for construction and engineering expenses associated with the construction phase of the project, and for payment of such costs in the first instance pending reimbursement through Marchiselli funds, and

WHEREAS, rights of way have been acquired for the construction and maintenance of the right-of-way improvements from the Intersection of Sitterly Road and Crossings Boulevard traveling in an easterly direction to the intersection of Sitterly Road and the western most private driveway access to the Twin Lakes Apartment Complex, located in the Town of Halfmoon, and

WHEREAS, Federal Construction authorization was obtained on January 29, 2020, and

WHEREAS, MJ Engineering prepared final plans, specifications and estimate, and the Town was authorized to proceed to bid in January of 2020, and

WHEREAS, after a bid opening on February 26, 2020, MJ Engineering performed a bid analysis and recommended that the bid be awarded to New Castle Paving, LLC as low bidder, and

WHEREAS, the project consists of Federal, State Marchiselli and Local funding sources, now therefore, be it resolved

RESOLVED, that the Town Board accepts the recommendation of the project design engineer, MJ Engineering, and hereby awards the construction contract for the Sitterly Road Improvement Project to New Castle Paving, LLC pursuant to General Municipal Law Section 103, at a cost not to exceed \$1,726,481.65 to be paid from the H48-7629-200 (Sitterly -Woodin Road – Trails – Equipment), and be it further

RESOLVED that MJ Engineering is authorized to notify New Castle Paving, LLC to proceed, with construction expected to be substantially completed by the end of November 2020; and be it further.

RESOLVED, that the Supervisor is hereby authorized to execute all contract documents implementing this resolution.

Resolution No. \_\_\_\_\_ of 2020, a resolution authorizing the hiring of 2020 summer help for the Buildings and Grounds Department.

Introduced by \_\_\_\_\_, who moved its adoption, seconded by \_\_\_\_\_.

WHEREAS, an opening exists for seasonal help in the Buildings and Grounds Department,  
and

WHEREAS, Daniel Clemens, Superintendent of Buildings and Grounds, has recommended that Michael Barber, 1503 Hudson Avenue, Stillwater, NY be hired to fill the positions; now therefore be it

RESOLVED, that Michael Barber be hired as a seasonal worker for Buildings and Grounds for the summer of 2020, at the rate of \$15.00 per hour, effective immediately, to be budgeted from A7110-E4000 (Buildings & Grounds Summer Hires).