

TOWN OF CLIFTON PARK TOWN BOARD MEETING

May 11, 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 Scroll down to click on



II. Pledge to Flag

III. Roll Call

IV. Approval of Town Board Minutes

V. Communications/Announcements

VI. Business

- 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 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

Resolutions for Consideration
Clifton Park Town Board Meeting
May 11, 2020

<u>SOURCE</u>	<u>RESOLUTION</u>	<u>CONTACT</u>
1. Supervisor	Amend Chapter 125 (10) of Town Code requiring public hearings for renewals of existing conservation easement applications	P. Barrett
2. Sewer	Authorize the Supervisor to sign a contract with MJ Engineering to create a Map, Plan and Report for the formation of a new sewer district serving the former Crescent water treatment service area	P. Barrett
3. Supervisor	Award a contract for pedestrian improvements to the Vischer Ferry Nature Preserve to Bette & Cring, LLC	P. Barrett

Resolution No. of 2020, a resolution adopting a local law eliminating the requirement for a public hearing on renewal applications of existing term conservation easements.

Introduced by _____, who moved its adoption, seconded by _____.

WHEREAS, Section 125 (10) (C) of the Town Code contains a requirement that all applications for renewal of expiring term conservation easements shall be heard at a Town Board public hearing in order to be approved for renewal, and

WHEREAS, on April 20, 2020, the Town Board held a public hearing on a proposal to eliminate this requirement from renewal applications for existing term conservation easements, pursuant to Section 104 of the Public Officers Law and Executive Order 202.1, and

WHEREAS, the Board wishes to update and streamline the process by which holders of existing conservation easements may renew for an additional term at the same level; now therefore, be it

RESOLVED, that the Town Board adopts Local Law Number ___ of 2020, attached, eliminating the requirement for a public hearing for such renewal applications, as attached; and be it further

RESOLVED, that Chapter 125-10 (C) is amended, as attached, and be it further

RESOLVED, that the Clerk is ordered to publish and post the Notice of Adoption.

§ 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 if 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.

Resolution No. _____ of 2019, a resolution to retain MJ Engineering and Land Surveying, PC, for professional engineering services to evaluate the feasibility of a sewer district to serve the former Crescent Waste Treatment Corp service area.

Introduced by _____, who moved its adoption, seconded by _____.

WHEREAS, Crescent Waste Water Treatment Corp. (CWTC) has provided written notice of its intention to abandon the waste water treatment service area to the Town, and

WHEREAS, the Town Board wishes to explore the feasibility of establishing a new sewer district, commensurate with the boundaries and service area of CWTC to provide service to all existing customers and properties benefitted by the existing infrastructure, and

WHEREAS, MJ Engineering and Land Surveying, has proposed a scope of work and cost estimates to explore the costs associated with the formation of a new sewer district and present those findings at a public information meeting; now, therefore be it

RESOLVED, that the Town Board hereby authorizes MJ Engineering and Land Surveying, to provide professional engineering services to determine a cost formation of a new sewer district within the project area, and to conduct a public meeting to provide an overview of the contemplated sewer district a cost not to exceed \$5,900; and be it further,

RESOLVED, that the Comptroller is authorized to offset the costs of the scope of work to be paid from budget line item expenditure account #A-1440-135 (Engineering Services).

Resolution No. _____ of 2020, a resolution awarding the construction contract for the Improved Recreational Access to the Vischer Ferry Nature Preserve Project, PIN 1SB1.32/D034917 to Bette & Cring, LLC pursuant to competitive bid.

Introduced by _____ who moved its adoption, seconded by _____.

WHEREAS, the Town of Clifton Park has an existing grant contract with the NYS Canals Corporation #C010174 and a grant contract with NYS DOT identified as PIN 1SB1.32/D034917 to fund a portion of the Vischer Ferry Nature Preserve Project as a transportation federal-aid project and appropriating funds therefore, and

WHEREAS, by Resolution 286 of 2014, the Town Board authorized the retention of Barton & Loguidice to prepare engineering design drawings as well as final plans, specifications and bid documents, which were advertised for bid on February 21, 2020 pursuant to Section 103 of the General Municipal Law, and

WHEREAS, after a bid opening on March 19, 2020, Barton & Loguidice performed a bid analysis and recommended that the construction contract be awarded to Bette & Cring, LLC as low bidder, and

WHEREAS, by Resolution 316 of 2014, the Town Board created a Capital Projects fund to cover costs of design and construction for the project and payment in the first instance, and

WHEREAS, the project is supported by Federal, State, and Local funding sources; now therefore, be it resolved

RESOLVED, that the Town Board accepts the recommendation of the project design engineer, Barton & Loguidice, and hereby awards the construction contract for the Improved Recreational Access to the Vischer Ferry Nature Preserve Project, to Bette & Cring, LLC pursuant to General Municipal Law Section 103, at a cost not to exceed \$596,051 which represents a base low bid of \$636,051.00 and \$40,000.00, in additional reduced costs savings, to be paid from H36-7629-200 (Vischer Ferry Capital Project – Trails Contractual – Equipment); and be it further

RESOLVED, that the Town Board authorizes the Comptroller to pay 100% of the costs of construction and construction management services in the first instance pending reimbursement from Grant Funding sources per operative grant contracts in place for the project; and be it further

RESOLVED that Barton & Loguidice is authorized to notify Bette Cring, LLC to proceed, with construction expected to be substantially completed within 90 days from the issuance of a Notice to Proceed; and be it further

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