

TOWN OF CLIFTON PARK TOWN BOARD MEETING

June 15, 2020

I. Call to Order/7:00 P. M.

Due to the potential public participation at two public hearings being held, more space is required per social distancing guidelines due to the State of Emergency. This Town Board meeting will take place in the Clifton Park Senior Community Center, 6 Clifton Common, Town of Clifton Park.

II. Pledge to Flag

III. Roll Call

IV. Approval of Town Board Minutes

V. Communications/Announcements

VI. Business

- **7:05 pm Public Hearing on the Ballston Lake Sewer District**
- **7:20 pm Public Hearing on the dissolution of the Crescent Waste Sewer District and formation of Clifton Park Sewer District #2**
- **Resolutions for Consideration**
- **Other Business**

VII. Open Public Privilege

NOTE:

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 subject to spacing and attendance maximums within the hearing room. Residents and members of the public who wish to view the meeting remotely can go to www.cliftonpark.org and scroll down to select VIEW MEETINGS. Written questions or comments should be emailed to tbrobston@cliftonpark.org with subject Re: Public Hearing, up to 4PM on June 15, 2020.

The Town Board meeting will be open to the public with strict social distancing protocol in place. All visitors must wear a face mask at all times. Each speaker shall state name and address prior to addressing the Board and shall be granted the floor for a single time frame of up to five minutes.

VIII. Adjournment

TOWN OF CLIFTON PARK
COUNTY OF SARATOGA
STATE OF NEW YORK

NOTICE OF PUBLIC HEARING REGARDING RE-ESTABLISHMENT OF
BALLSTON LAKE SEWER DISTRICT NO 1

Please take notice that the Town Board of the Town of Clifton Park will conduct a public hearing on Monday, June 15, 2020, at 7:05 p.m. at the **Clifton Park Senior Community Center, 6 Clifton Park Common Court**, Town of Clifton Park, County of Saratoga, State of New York, regarding the re-establishment of the Ballston Lake Sewer District No. 1, in accordance Resolution No. 107 of 2020, adopted by the Town Board adopted on June 1, 2020.

The Town Board of the Town of Clifton Park has been working with the Town of Ballston, which has prepared engineering maps, plans and reports and cost estimates for the provision of municipal sanitary sewers for properties around Ballston Lake. The construction of the sewer improvements is proposed as a joint project. The financing of the system is proposed through the establishment of sewer districts in each town, with approximately 13.26% of the estimated usage (equivalent dwelling units) within Clifton Park. The Town Board of the Town of Clifton Park has scheduled the public hearing to solicit comment from the public concerning the proposal.

The boundaries of the proposed Ballston Lake Sewer District area generally encompasses properties along the eastern and southern border of Ballston Lake in the Town of Clifton Park with borders generally described as beginning at the southern end at the boundary line between Clifton Park and the Town of Ballston near the intersection of Schauber Road and Ballston Lake Road, including four parcels with frontage on Ballston Lake Road and/or Mill Road (SBL # 257-1-24;SBL 257-1-3;SBL 257-1-30; and SBL 257-1-6.1), said properties will be connected into the sewer collection system that serves the Town of Ballston Sewer District on the west side of Ballston Lake.

Based on the opening of sealed bids for the joint project on October 8, 2019, the estimated maximum amount to be expended for the improvements including design, construction and administrative costs, is \$17,754,661 for the improvements to be constructed within the joint project to be planned and constructed in both towns, with approximately 13.26% of those expenditures occurring within the Town of Clifton Park, resulting in the maximum amount of total expenditures in Clifton Park of \$ 2,355,000.

The proposed method of financing the cost of the improvements consists of the issuance of serial bonds and bond anticipation notes of the Town of Ballston, to mature in annual installments, payable in the first instance from assessments levied on benefited real property in the proposed sewer district, with the Clifton Park district paying its proportionate share of the debt service to the Town of Ballston annually.

The cost of acquiring, constructing and installing the improvements will be assessed by the Town Board in proportion as nearly as may be to the benefit which each lot or parcel in the district will derive therefrom.

The cost of the proposed extension to the typical property in the extension is estimated to be \$910 per year, which consists of debt service payments estimated not to exceed \$700, and operation and maintenance charges through the Saratoga County Sewer District at published rates.

The estimated cost of the hook-up fees to the typical property as part of the extension is \$500, which consists of an Inspection fee payable to the Saratoga County Sewer District, which will accept the flow generated from the sewer facilities.

The estimated cost of connecting each property to the system is estimated at \$8,000 to \$10,000 on average, and includes the cost of residential grinder pumps necessary for compatibility with pressure sewer facilities, and the connection of lateral sewer service pipes installed from each property line into the home or structure.

The proposed method of financing the total cost of the joint project includes the following, with approximately 13.26% of all expenditures allocated to Clifton Park properties benefitting from the joint project:

- A. New York State Clean Water Fund Grant of \$2,550,932.
- B. Issuance of bonds and/or bond anticipation notes by the Town of Ballston to New York State Clean Water State Revolving Fund to secure short term financing in the amount of \$10,203,729.
- C. New York State Water Quality Improvement Grant of up to \$5,000,000.

The Map, Plan and Report on which the proposed district is based may be viewed during regular business hours at the Town Clerk's office, or viewed/downloaded from the Sewer Department page from the Town's website www.cliftonpark.org.

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 subject to spacing and attendance maximums within the hearing room. Residents and members of the public who wish to view the meeting remotely can go to www.cliftonpark.org and scroll down to select VIEW MEETINGS. Written questions or comments should be emailed to tbrobston@cliftonpark.org with subject Re: Public Hearing, up to 4PM on June 15, 2020.

Clifton Park Town Clerk Teresa Brobston

TOWN OF CLIFTON PARK
COUNTY OF SARATOGA
STATE OF NEW YORK

NOTICE OF PUBLIC HEARING REGARDING ESTABLISHMENT OF THE
CLIFTON PARK SEWER DISTRICT NO 2

Please take notice that the Town Board of the Town of Clifton Park will conduct a public hearing on Monday, June 15, 2020, at 7:20 p.m. at the **Clifton Park Senior Community Center, 6 Clifton Common**, Town of Clifton Park, County of Saratoga, State of New York, regarding the establishment of the Clifton Park Sewer District No. 2 in the southern part of the town. The establishment of the sewer district is being proposed to own, maintain, and operate the facilities, conduits, pumps, and real property interests that are being abandoned to the town by the Crescent Waste Treatment Corporation. The boundaries of the new district are generally described as:

ALL THAT TRACT, PIECE OR PARCEL OF LAND situate in the Town of Clifton Park, Saratoga County as generally being bounded by Huntwood Drive on the north, Westchester Drive and Grissom Drive on the south, Bonneau Road and Foxwood Drive to the west and Interstate 87 to the east, being more particularly described as follows:

Being designated as the previously privately owned and serviced Crescent Waste Treatment Corporation encompassing approximately 1.9 square miles and 2,500 parcels as shown on the attached map entitled "Crescent Waste Treatment Corp. Existing Sanitary Sewer Existing Conditions Plat" dated February 18, 2009.

The total amount to be expended is estimated at \$5,900 for engineering and design services associated with the formation and planned operation and maintenance of the facilities.

The annual cost of the proposed extension to the typical property in the sewer district will consist of a \$175 annual sewer use charge to Clifton Park Sewer District No. 2, and a \$255.50 sewer charge payable to the Saratoga County Sewer District pursuant to published rates, for a total estimated annual cost to the typical property of \$430.50.

The Map, Plan and Report on which the proposed district is based may be viewed during regular business hours at the Town Clerk's office, or viewed/downloaded from the Sewer Department page from the town's website www.cliftonpark.org.

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 subject to spacing and attendance maximums within the hearing room. Residents and members of the public who wish to view the meeting remotely can go to www.cliftonpark.org and scroll down to select VIEW MEETINGS. Written questions or comments can be emailed to tbrobston@cliftonpark.org with subject Re: Public Hearing, up to 4PM on June 15, 2020.

Resolutions for Consideration
Clifton Park Town Board Meeting
June 15, 2020

<u>SOURCE</u>	<u>RESOLUTION</u>	<u>CONTACT</u>
1. Supervisor	Authorize the re-establishment of Ballston Lake Sewer District #1	P. Barrett
2. Supervisor	Schedule a referendum on the establishment of Ballston Lake Sewer District #1 for August 17, 2020	P. Barrett
3. Supervisor	Classify the establishment of the Clifton Park Sewer District #2 according to the State Environmental Quality Review Act and issue a negative declaration	P. Barrett
4. Supervisor	Authorize the establishment of the Clifton Park Sewer District #2	P. Barrett
5. Planning	Accept an offer for dedication of land to be transferred to the Town for permanent protection, and expansion of the Woodcock Preserve habitat	P. Barrett

Resolution No. ___ of 2020, a resolution establishing the Ballston Lake Sewer District No. 1 and authorizing the acquisition and construction of improvements to the sewer district subject to Referendum and, upon its own Motion, Scheduling a Special Town Election on August 17, 2020, pursuant to New York State Town Law § 94 et seq. to allow owners of taxable real property within the proposed District to consider whether the Town Board should establish the proposed sewer district.

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

WHEREAS the Town Board of the Town of Clifton Park proposes to establish the Ballston Lake Sewer District No. 1 (the District) in the Town of Clifton Park, New York (the "Town"), pursuant to Article 12-A of the Town Law; and

WHEREAS, The Town of Ballston has adopted a Map, Plan and Report by Delaware Engineering dated July 9, 2015, which provides the engineering and cost information relative to the establishment of a Sewer District within the Town of Ballston near the Town line with Clifton Park and generally within the vicinity of Ballston Lake, and has established a Sewer District, subject to Referendum, and

WHEREAS a map, plan and report relating the establishment of the proposed District within the Town of Clifton Park, near the Town line with the Town of Ballston and also generally within the vicinity of Ballston Lake has been prepared by John J. McDonald Engineering, P.C., a competent engineer 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, the Town Board established the District initially by resolution 192 of 2015, and re-established the District by Resolution 284 of 2018, to reflect the addition of \$2,550,932 in Grant funding made available to the project by the State Clean Water Fund, and

WHEREAS, following appropriate advertising and solicitation pursuant to Section 103 of the New York State General Municipal law, on October 8, 2019, bids were opened, with the low bids exceeding previous engineers estimates for the construction phase of the project, and

WHEREAS, on January 3, 2020, the Town of Ballston was advised by The Commissioner of the Department of Environmental Conservation that the project had been awarded up to an additional \$5,000,000 from the State's Water Quality Improvement Fund to assist the Towns in the elimination of inadequate on-site septic systems within the project area, and to offset additional costs of the Project per bid opening, and

WHEREAS on June 1, 2020, resolution No.107 of 2020 was adopted by the Town Board reciting the initial filing of the map, plan and report, the boundaries of the proposed District, the improvements proposed, and the procedural history of the project, including the additional funding sources as outlined above, including the estimated expense of these improvements, the

proposed method of financing, the cost of the District to the properties in the District, and 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 establishment of Sewer Districts within the Town of Clifton Park and the Town of Ballston are both necessary for the financing and construction of a joint project for sewer improvements in the project areas which generally surround the Ballston Lake Watershed in response to environmental studies which show decreasing water quality within the Lake, and

WHEREAS, the Town Board of the Town of Ballston has declared itself Lead Agency, and has caused an Environmental Assessment Form to be prepared, and has issued a Negative Declaration under SEQRA, which are on file in the Town Clerk's Office and is available for review during normal business hours, and

WHEREAS, The Environmental Assessment Form and Negative Declaration remain in full force and effect, and the increase in the maximum amount proposed to be expended, and the funding sources used to offset those expenses, are within the conditions, limitations and thresholds of the negative declaration issued for the joint project by the Town of Ballston on August 28, 2015, and

WHEREAS Resolution No. 107 of 2020 called a public hearing to be held on June 15, 2020 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 June 15, 2020, beginning at 7:05 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 District 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 McDonald Engineering dated August 17, 2015 be adopted, and,

IT IS FURTHER RESOLVED that the Town Board hereby approves the establishment of the Ballston Lake Sewer District No. 1, as the boundaries shall finally be determined, and approves of the construction of the sewer system improvements and facilities as set forth in the Map, Plan and Report, which improvements, including construction, acquisition of pipes, pumps and material, acquisition of lands and easements, legal and engineering fees, shall be publicly bid as a joint project with the Town of Ballston, with the Ballston Lake Sewer District No. 1 improvements to be financed by the issuance of serial bonds and bond anticipation notes of the Town of Ballston, with the Town of Clifton Park providing debt service payments to Ballston, in proportion to the to the property benefited within the each Town as a percentage of the joint project area, and according to the projected number of users and usage, such debt service charges 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 upon its own motion, the Town Board does hereby submit to all owners of taxable real property within the proposed district as eligible voters, pursuant to Town Law §94 at a special election to be held on August 17, 2020, a proposition as follows:

PROPOSITION No. 1

1. Shall Town Board Resolution No. ___ of 2020, approved by the Clifton Park Town Board on June 15, 2020, authorizing the establishment of the Ballston Lake Sewer District No. 1, which encompasses a sewer collection system in the Town of Clifton Park, in conjunction with a similar system within the Town of Ballston, in accordance with a Map, Plan and Report adopted by the Town Board on September 8, 2015, with properties benefitted generally described as beginning at the southern end at the boundary line between Clifton Park and the Town of Ballston near the intersection of Schauber Road and Ballston Lake Road, including four parcels with frontage on Ballston Lake Road and/or Mill Road (SBL # 257-1-24;SBL 257-1-3;SBL 257-1-30; and SBL 257-1-6.1), more particularly described on EXHIBIT A, attached, at an estimated maximum cost of \$2,355,000, which is to be financed a New York State Water Fund Grant, a New York State Water Quality Improvement Grant, and by the issuance of Bonds of the Town of Ballston to secure a 30 year loan from the New York State Clean Water State Revolving Fund, with properties within the Clifton Park District assessed costs on a benefit basis and with the estimated cost of the district to the typical property, a single family home, being \$910.00 per year, and which sewer district is dependent upon an affirmative referendum vote in the Town of Ballston approval of the New York State Office of the State Comptroller, Be Approved?

Resolution No. ____ of 2020, a resolution scheduling a referendum on the establishment of the Ballston Lake Sewer District No. 1

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

WHEREAS, by Resolution No. ____ of 2020, the Town Board approved the establishment of the Ballston Lake Sewer District, subject to a referendum on the proposition identified in such resolution by its own motion, and

WHEREAS, the Town Board wishes to schedule the referendum at a time and place convenient for qualified voters within the proposed District, and

WHEREAS, the District is proposed to be established in coordination with the establishment of a Sewer District within the Town of Ballston, which has scheduled its referendum for August 17, 2020, and

WHEREAS, the Town Board wishes to schedule the referendum on the proposition in coordination with the Town of Ballston; now, therefore, be it

RESOLVED, that the referendum on the establishment of the Ballston Lake Sewer District No. 1, is hereby scheduled to take place on August 17, 2020 at the Ballston Lake Fire House 1125 Ballston Lake Road, Ballston Lake NY 12019, between the hours of 12:00 Noon to 8 PM; and be it further,

RESOLVED, that all owners of real property, whose names appear on deeds to real property within the proposed District as shown upon the assessment roll of the Town which was completed on July 1, 2019 are eligible to vote in such referendum, on the following Proposition:

PROPOSITION No. 1

1. Shall Town Board Resolution No. ____ of 2020, approved by the Clifton Park Town Board on June 15, 2020, authorizing the establishment of the Ballston Lake Sewer District No. 1, which encompasses a sewer collection system in the Town of Clifton Park, in conjunction with a similar system within the Town of Ballston, in accordance with a Map, Plan and Report adopted by the Town Board on September 8, 2015, with properties benefitted generally described as beginning at the southern end at the boundary line between Clifton Park and the Town of Ballston near the intersection of Schauber Road and Ballston Lake Road, including four parcels with frontage on Ballston Lake Road and/or Mill Road (SBL # 257-1-24;SBL 257-1-3;SBL 257-1-30; and SBL 257-1-6.1), more particularly described on EXHIBIT A, attached, at an estimated maximum cost of \$2,355,000, which is to be financed a New York State Water Fund Grant, a New York State Water Quality Improvement Grant, and by the issuance of Bonds of the Town of Ballston to secure a 30 year loan from the New York State Clean Water State Revolving Fund, with properties within the Clifton Park District assessed costs on a benefit basis and with the estimated cost of the district to the typical property, a single family home, being \$910.00 per year, and

which sewer district is dependent upon an affirmative referendum vote in the Town of Ballston approval of the New York State Office of the State Comptroller, Be Approved?

Resolution No. of 2020, a resolution determining that establishment of Clifton Park Sewer District No. 2 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 Clifton Park Sewer District No. 2 to operate, maintain, and administer sanitary sewer improvements and facilities being abandoned to the town by the Crescent Waste Treatment Corporation in the southern part of the Town, and

WHEREAS, MJ Engineering has prepared an Environmental Assessment Form to assess the impacts of the proposal, 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 Board adopts the Environmental Assessment Form prepared by MJ Engineering as consultants on the project, and
2. The Project constitutes an "Unlisted Action" under 6 NYCRR § 617.2(ak), as it constitutes a streamlined legislative procedure only.
3. This Resolution shall take effect immediately.

Resolution No. ___ of 2020, a resolution establishing the Clifton Park Sewer District No. 2 and authorizing the acceptance of improvements and other assets held by Crescent Waste Treatment Corporation to be abandoned to the Town pursuant to the New York State Transportation Corporation law.

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

WHEREAS, On April 20, 2020, The Crescent Waste Treatment Corporation, (CWTC) organized under the NYS Transportation Corporation Laws, advised the Town of it's intent to abandon all facilities and improvements to the Town of Clifton Park pursuant to NYSTCL 119 (3) and

WHEREAS the Town Board proposes to establish the Clifton Park Sewer District No. 2 (the District) in the service area formerly served by CWTC pursuant to Article 12-A of the Town Law for the purpose of the maintenance, operation and administration of the sanitary sewer systems within the area, and

WHEREAS a map, plan and report relating the establishment of the proposed District has been prepared by MJ Engineering, competent engineers 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.110 of 2020 called a public hearing to be held on June 15, 2020, at 7:20 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 June 15, 2020 beginning at 7:20 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 District 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 MJ Engineering and dated June 12, 2020 be adopted, and,

IT IS FURTHER RESOLVED that the Town Board hereby approves the establishment of the Clifton Park Sewer District No. 2, as the boundaries shall finally be determined, and approves of the acceptance of the sewer system improvements and facilities as set forth in the Map, Plan and Report, which improvements, including aquisition of pipes, pumps and material, acquisition of lands and easements, legal and engineering fees, shall be financed through the collection of sewer district assessments as detailed in Resolution No. ___ of 2020 and the map, Plan and Report,

Resolution No. _____ of 2020, a resolution authorizing acceptance of an offer of dedication for land to be transferred from private ownership to the Town of Clifton Park for permanent protection and expansion of the Woodcock Preserve habitat.

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

WHEREAS, the Town of Clifton Park Planning Board approved a 2-Lot Residential Subdivision for 13.07 acres of land adjacent to NYS Highway Rt. 146A on February 11, 2020, and

WHEREAS, said project was identified as Planning Board Project 2019-037, and

WHEREAS, Boni Builders, as applicant for the subdivision, has offered a donation of land adjacent to the Woodcock Preserve habitat to the Town as permanent open space, consistent with subdivision approvals for the project, and

WHEREAS, said 7.12 acres of land is identified as Tax Map Parcel ID# 264.-3-67, and

WHEREAS, on May 22, 2020 the Town of Clifton Park Acquisition Subcommittee of the Open Space, Trails & Riverfront Committee transmitted a positive recommendation for acceptance of said parcel of land, and

WHEREAS, the permanent protection of said parcel under Town Ownership would provide future options for a trail and trail connection to the adjacent Woodcock Preserve, owned and maintained by Saratoga Plan, and expansion of contiguous open space habitat for wildlife; now, therefore, be it

RESOLVED, that the Town of Board of Clifton Park authorizes the Town Supervisor to execute all necessary documentation required to transfer Tax Map Parcel ID# 264.-3-67 to the Town of Clifton Park from the current property owner of record.