

TOWN OF CLIFTON PARK TOWN BOARD MEETING

December 21, 2020

I. Call to Order/7:00 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

- Recognition of George Peterson
- Recognition of James Whalen
- Public Hearing – Proposed Building Permit Fee Changes 7:05 PM
- 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. Written comments may be emailed by 4:00pm on 12/21/2020 to TBrobston@cliftonpark.org. Residents who would like to speak during the public hearing may do so via Zoom Meeting ID: 898 0670 9060 Passcode: 283109

VIII. Adjournment

TOWN OF CLIFTON PARK
COUNTY OF SARATOGA
STATE OF NEW YORK

NOTICE OF PUBLIC HEARING REGARDING
PROPOSED AMENDMENT TO THE CHAPTER SECTION 103-16 TOWN CODE
RELATIVE TO BUILDING PERMIT FEES

Please take notice that the Town Board of the Town of Clifton Park will conduct a public hearing on December 21, 2020, at 7:05 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 the Town's code relative Building Permit Fees.

Copies of the proposed local law are posted at <https://cliftonpark.org/government/legal-notices.html>, and are available for review in the Town Clerk's office during normal business hours.

NOTICE OF TOWN BOARD MEETING UPDATE
MEETING TO BE HELD BY ZOOM
Meeting ID: 898 0670 9060
Passcode: 283109

TOWN OF CLIFTON PARK
COUNTY OF SARATOGA
STATE OF NEW YORK

Because the Clifton Park Town Hall is currently closed to the public and is on an appointment-only basis, the regularly scheduled Town Board meeting to be held on Monday, December 21, 2020, will be held as a ZOOM meeting.

Logistics and online access information for attending the meeting will be found on www.cliftonpark.org, and the meeting can also be viewed immediately upon the close of the meeting at www.cliftonpark.org. Select Government from the drop-down menu, select Town Board, select Meeting Video Archive.

Written comments may be emailed by 4:00pm on 12/21/2020 to TBrobston@cliftonpark.org. Residents who would like to speak during the public hearing may do so via Zoom

The meeting will take place as scheduled, at 7:00 P.M.

§ 103-16 Permit fees.

[Amended 9-15-1988 by L.L. No. 15-1988; 10-17-1988 by L.L. No. 23-1988; 12-16-1996 by L.L. No. 14-1996; 4-6-1998 by L.L. No. 2-1998; 11-19-2001 by L.L. No. 16-2001; 10-6-2003 by L.L. No. 5-2003; 10-10-2006 by L.L. No. 9-2006; 2-7-2011 by L.L. No. 1-2011; 2-13-2013 by L.L. No. 3-2012; 10-20-2014 by L.L. No. 8-2014; 10-13-2015 by L.L. No. 10-2015; 11-16-2015 by L.L. No. 13-2015; 7-5-2016 by L.L. No. 4-2016]

Except as set forth hereinabove, the Building Inspector shall collect, at the time of a building permit application, a building permit fee pursuant to the following schedule:

Permit	Current Fee	Proposed New Fee <u>Changes Only</u>
Residential permits:		
New structures or additions to existing structures:		
Per 100 square feet of floor area or portion thereof	[\$20]	<u>\$25</u>
Minimum charge	\$75	
Residential remodeling or renovations, i.e., conversions of nonhabitable to habitable space (garage to living space); any structural change to the building; any structural change to the foundations; door and window changes		
Per 100 square feet of floor area or portion thereof	\$20	
Minimum charge	\$75	
Toolsheds, storage buildings and garages, either metal or wood, regardless of whether they are permanent or portable. (No permit is required for a structure less than 144 square feet in floor area. However, it must adhere to side line and rear line setbacks.)		
Per 100 square feet of floor area or portion thereof	\$15	
Minimum charge	\$75	
Tents or inflatable structures (special events)	\$50	
Reroofing:		
Residential	[\$60]	<u>\$65</u>
Commercial	[\$250]	<u>\$275</u>
Siding:		
Residential	[\$60]	<u>\$65</u>
Commercial	[\$250]	<u>\$275</u>
Patios and decks:		
Residential	[\$60]	<u>\$65</u>
Commercial	[\$250]	<u>\$275</u>
Swimming pools (in-ground or aboveground)		

Permit	Current Fee	Proposed New Fee Changes Only
Residential	[\$60]	<u>\$65</u>
Commercial	[\$250]	<u>\$275</u>
Chimneys, fireplaces and inserts, wood stoves, HVAC and water heaters		
Residential	[\$60]	<u>\$65</u>
Commercial	[\$250]	<u>\$275</u>
Septic systems (new or replaced)		
Residential	[\$60]	<u>\$65</u>
Commercial	[\$250]	<u>\$275</u>
Sewer and water utility lines, to include lateral connections		
Residential	[\$60]	<u>\$65</u>
Commercial	[\$250]	<u>\$275</u>
Demolition		
Residential	[\$60]	<u>\$65</u>
Commercial	[\$250]	<u>\$275</u>
Utility lines other than laterals (sewer, water, etc.)	[\$200]	<u>\$250</u>
Commercial/nonresidential permits:		
New structures, additions or alterations to existing structures:		
Per 100 square feet of floor area or portion thereof	[\$30]	<u>\$40</u>
Minimum charge	\$350	
Toolsheds, storage buildings and garages, either metal or wood, regardless of whether they are permanent or portable		
Per 100 square feet of floor area or portion thereof	[\$30]	<u>\$40</u>
Minimum charge	\$350	
Change of tenancy (no construction activity)	[\$200]	<u>\$225</u>
Tents or inflatable structures (special events)	[\$200]	<u>\$225</u>
Special use permit		
Application only (site plan review fees apply separately)	\$300	
Variances		
Single-lot residence	\$150	
All others, including logging	\$300	
Signs		
Per square foot	[\$5]	<u>\$6</u>
Minimum	\$125	
Banner		
A new business may display a grand opening banner, as permitted in Chapter 171, Signs,		

Permit	Current Fee	Proposed New Fee <u>Changes Only</u>
herein, once for a thirty-day period without incurring a permit fee.		
Plan review (unless included in the permit fee)	1/2 of the permit fee (or minimum)	
Residential minimum	\$100	
Commercial minimum	\$300	
Soil-disturbing activity (SDA)	[\$200 minimum plus \$50 per acre for each acre or partial acre exceeding 1 acre of soil-disturbing activity]	<u>\$225 minimum plus \$50 per acre for each acre or partial acre exceeding 1 acre of soil-disturbing activity</u>
Any additional plan review (changes, revision or additions to original permit)		
Residential, per 100 square feet of floor area or portion thereof	\$15	
Residential minimum	\$75	
Commercial, per 100 square feet of floor area or portion thereof	\$30	
Commercial minimum (Note: The original permit fee covers the initial plan review and one re-review, if required. Projects requiring a third or more review will be charged an additional fee equal to 5% of the overall permit cost.)	[\$250]	<u>\$300</u>
Renewal of permit		
Residential	\$75	
Commercial	\$300	
Permit extension after two-year limit (6 months maximum)		
Residential	\$150	
Commercial	\$500	
Timber harvesting	[\$200]	<u>\$300</u>
Agricultural buildings		
Per 100 square feet or any portion thereof	\$5	
Minimum charge	\$50	
Remodeling or renovation to an agricultural building		
Per 100 square feet or any portion thereof	\$5	
Minimum charge	\$50	
Fireworks permits for individuals or vendors	\$100 per event	
Surcharge for inspections before or after normal business hours or for special events (not including fireworks) <u>3 hour minimum</u>	[\$50/hour]	<u>\$75/hour</u>

Resolutions for Consideration
Clifton Park Town Board Meeting
December 21, 2020

<u>SOURCE</u>	<u>RESOLUTION</u>	<u>CONTACT</u>
1. Supervisor	Recognition of George Peterson for 30 years of dedicated service to the expansion of public water service in Clifton Park	P. Barrett
2. Supervisor	Recognition of James Whalen upon his retirement from the Town Board effective December 31, 2020	P. Barrett
3. Comptroller	Adopt end of year budget changes for 2020	P. Barrett
4. Comptroller	Authorize the Supervisor to sign all documents related to a lease purchase agreement with KeyBank for the Transfer Station	P. Barrett
5. Comptroller	Adopt a refunding bond resolution to be performed by Bond, Schoeneck & King	P. Barrett
6. Supervisor	Authorize the signing of an Agreement with the County of Saratoga for transportation services provided to senior residents	P. Barrett
7. Planning	Authorize the Comptroller to pay Environmental Design Partnership for supplemental engineering services related to the completion of the Dwaas Kill Nature Preserve parking and trailhead improvements	P. Barrett
8. Supervisor	Accept dedication of the road system, drainage easements, park area, and open space within the Heritage Pointe subdivision	P. Barrett
9. Supervisor	Authorize the Supervisor to sign a Memorandum of Agreement with CSEA relative to the creation and reclassification of positions within the Buildings & Grounds Department	P. Barrett
10. Buildings & Grounds	Declare an emergency under General Municipal Law 104 at Grooms Tavern and authorize repairs to the heating system	P. Barrett

11. Supervisor Authorize the Supervisor to sign a PILOT Agreement with Hubbs Road Solar, LLC for property at 413 Schauber Road P. Barrett
12. Supervisor Schedule the 2021 Organizational Meeting and the first Town Board Meeting of 2021 P. Barrett

Resolution No. _____ of 2020, a resolution honoring George Peterson for over 30 years of service to the cause and expansion of public water in Clifton Park

Introduced by Supervisor Barrett, who moved its adoption, seconded by the entire Town Board.

WHEREAS, George Peterson began his advocacy for the expansion of public water service in Western Clifton Park in 1989, as a founding member of the Rexford Water District Advisory Committee, and

WHEREAS, George served as the Commissioner of the Rexford Water District beginning in 1990, and served in that capacity until the Clifton Park Water Authority assumed responsibility for the operation and maintenance of the District's infrastructure in 2006, and

WHEREAS, this Board honored George with a Key to the Town in 2006, and appointed him to the Board of the Clifton Park Water Authority in 2011, where his intricate knowledge of the Rexford System was invaluable to the Authority, and

WHEREAS, during his tenure on its Board of Directors, the Water Authority expanded the quality and quantity of water available throughout the Town, including support for projects such as the refurbishment of the Boyack Water Treatment Plant Storage Tank, additional treatment facilities at the Plank road Pumping facility, the Boyack Treatment Plant, and a major capital project to refurbish the Knolltop Water storage tank, and

WHEREAS, George also supported the recent construction of pump station facilities to improve the Authority's capacity to process water from the Saratoga County Water Authority, and

WHEREAS, throughout his tenure with the water Authority, George served as a board representative for all collective bargaining negotiations since the initiation of employee representation at the Authority in 2013; now therefore be it

RESOLVED that, on behalf of the people of Clifton Park, the Town Board expresses its appreciation to one of our most dedicated volunteer public servants, and recognizes George Peterson's outstanding contributions to public health, safety and welfare through the expansion of the widespread availability and affordability of quality public water to our residents, not only in Western Clifton Park and Rexford, but throughout the Town as well.

Resolution No. _____ of 2020, a resolution recognizing James Whalen upon the occasion of his retirement from the Town Board.

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

WHEREAS, James Whalen graduated from the Bronx High School of Science and received his B.A. from SUNY Albany and his law degree from Albany Law School; and

WHEREAS, James remained in the Capital Region after graduation working for the New York State Governor's Office of Regulatory Reform; and

WHEREAS, James earned the rank of Captain during 13 years in the U.S. Army Reserve; and

WHEREAS, James Whalen and his wife of 19 years, Karen, have lived in Clifton Park since 2004, during which time their two children were born: and

WHEREAS, James Whalen has been a volunteer in the community for many years, serving as both a leader and mentor to volunteer members on numerous Town committees and community organizations including the Clifton Park Environmental Conservation Commission, the Town Zoning Board of Appeals, and the Troy Boys & Girls Club; and

WHEREAS, in his first run for elected office in 2011, James Whalen was successfully elected as a member of the Clifton Park Town Board, and re-elected in 2015 and 2019; and

WHEREAS, while serving on the Town Board, Mr. Whalen was a liaison to the Historic Preservation Committee, Community Arts and Culture, Open Space, Trails and Riverfront Committee, and co-liaison to the Department of Parks and Recreation, and

WHEREAS, during his tenure as a Board Member James Whalen also worked in the private sector as an Associate Counsel, Compliance & CRA Officer at Pioneer Bank, and more recently as an Assistant Counsel at the Center for Internet Security ; and

WHEREAS, Councilman Whalen's contributions to Clifton Park are numerous and the positive results of his hard work will continue to benefit the Town for future years; and

WHEREAS, the entire Town Board wishes to award James Whalen with the Key to the Town; now, therefore be it

RESOLVED, that I, Town Supervisor Phil Barrett and the entire Town Board wish James, his wife Karen, and their entire family, the very best of everything in the future and thank James for his years of service to the Town of Clifton Park; and be it further

RESOLVED, that I, Town Supervisor Phil Barrett and the entire Town Board on behalf of the Town of Clifton Park do hereby recognize James Whalen, our esteemed friend and colleague, for his service to the Town of Clifton Park. We are honored to have him in our

community and declare December 31, 2020 to be James Whalen Day in the Town of Clifton Park on the occasion of his retirement from public service.

(2)

Resolution No. _____ of 2020, a resolution authorizing budget transfers for calendar year 2020 as specified in Exhibit A.

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

WHEREAS, the Comptroller has recommended that certain budget adjustments contained in Exhibit A be made to address the needs of all funds as well as other miscellaneous expenditures as set forth in Exhibit A; now, therefore be it

RESOLVED, that the budget transfers specified in Exhibit A be adopted per the Comptroller's recommendations.

Resolution No. _____ of 2020, a resolution authorizing the Supervisor to sign a lease agreement with Key Government Financing, Inc. for leasing of General Fund and Highway Fund Vehicles.

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

WHEREAS, the comptroller's office received responses to a request for quotes to local banks for financing rates through a master lease for municipal vehicles, and

WHEREAS, KeyBank submitted the lowest financing rate proposal, and

WHEREAS, the Town Board determines that financing recently approved acquisitions of vehicles for municipal use is best accomplished through a Master Lease Agreement with Key Government Financing, Inc. at competitive lease financing rates; now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to enter into a lease agreement with Key Government Financing, Inc., for the lease/purchase of new vehicles throughout Town, for five years, at a total cost not to exceed \$158,568.00, or \$33,739.23/year to be paid starting in 2021

RESOLUTION NO.: _____ OF 2020

REFUNDING BOND RESOLUTION OF THE TOWN OF CLIFTON PARK, SARATOGA COUNTY, NEW YORK ADOPTED ON DECEMBER 21, 2020, AUTHORIZING THE ISSUANCE OF REFUNDING BONDS OF THE TOWN IN A PRINCIPAL AMOUNT NOT TO EXCEED \$6,000,000 TO REFUND CERTAIN OUTSTANDING SERIAL BONDS OF THE TOWN, AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

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

RESOLVED, by the Town Board of the Town of Clifton Park, Saratoga County, New York, (the "Town"), as follows:

WHEREAS, the Town is considering refunding the outstanding amount of its \$1,358,300 original principal amount Public Improvement (Serial) Bonds, 2011 maturing on or after September 1, 2021 (the "2011 Bonds") and the outstanding amount of its \$8,035,000 original principal amount Public Improvement (Refunding) Bonds, 2013 maturing on or after February 15, 2022 (the "2013 Bonds") (collectively referred to as the "Outstanding Bonds" and each as a "Respective Series") more particularly described on Exhibit A and Exhibit B attached hereto; and

WHEREAS, the 2011 Bonds maturing on or after September 1, 2021 are now outstanding in the aggregate principal amount of \$910,000 and the 2013 Bonds maturing on or after February 15, 2022 are now outstanding in the aggregate principal amount of \$4,620,000, and the Outstanding Bonds mature on such dates each year in the principal amounts, and bear interest payable on such dates in each year, as set forth in Exhibit A and Exhibit B attached hereto; and

WHEREAS, Section 90.10(b)(2) of the Local Finance Law permits the Town to refund the outstanding unredeemed maturities of the Outstanding Bonds by the issuance of new bonds, the issuance of which will result in present value savings for the Town; and

WHEREAS, the Town Board of the Town deems it in the public interest to refund the Outstanding Bonds by the issuance of refunding bonds pursuant to the Local Finance Law, and now desires to authorize the issuance of refunding bonds to refund the Outstanding Bonds.

NOW, THEREFORE, BE IT ORDAINED BY THE AFFIRMATIVE VOTE OF NOT LESS THAN TWO-THIRDS OF THE TOTAL VOTING STRENGTH OF THE TOWN BOARD OF THE TOWN OF CLIFTON PARK, SARATOGA COUNTY, NEW YORK, AS FOLLOWS:

Section 1. The Town Board of the Town hereby authorizes to be issued refunding bonds of the Town in an aggregate principal amount not to exceed \$6,000,000 (the "Refunding Bonds") pursuant to Section 90.10 of the Local Finance Law, it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$4,950,000 as provided in Section

6 hereof. The Refunding Bonds shall be designated "PUBLIC IMPROVEMENT (REFUNDING) BONDS, 2020". The Refunding Bonds may be issued to refund all, or any portion, of the Outstanding Bonds and may be issued as serial bonds and/or term bonds, and the authority to determine whether serial bonds or term bonds, or a combination of serial bonds and term bonds shall be issued is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town.

Section 2. The plan of financing the refunding of the Outstanding Bonds includes the issuance of the Refunding Bonds and the levy and collection of a tax upon all the taxable real property within the Town to pay the principal of and interest on the Refunding Bonds as the same shall become due and payable. The proposed financial plan for the refunding in the form attached hereto as Exhibit C (the "Refunding Financial Plan") is hereby accepted and approved. The Chief Fiscal Officer of the Town is hereby authorized to approve all details of the Refunding Financial Plan not contained herein. The Refunding Financial Plan includes (1) the deposit of all the proceeds of the Refunding Bonds with an escrow holder pursuant to an escrow contract as authorized in Section 13 hereof, (2) the payment of all costs incurred by the Town in connection with the refunding, and (3) the investment of a portion of such proceeds by the escrow holder in certain obligations, the principal of and interest thereon, together with the balance of such proceeds to be held uninvested, shall be sufficient to pay (a) the principal of and interest on the Outstanding Bonds becoming due and payable on and prior to the redemption date of the Refunded Bonds as described on Exhibit A and Exhibit B (each such date being referred to as a "Redemption Date" and all such dates being collectively referred to as the "Redemption Dates") and (b) the principal of, premium if any, and interest on the Outstanding Bonds becoming due and payable on the Redemption Date.

Section 3. The principal amount of the Refunding Bonds will not exceed the principal amount of the Outstanding Bonds plus the aggregate amount of unmatured interest payable on the Outstanding Bonds to and including the applicable Redemption Date of the Refunded Bonds, plus redemption premiums payable on the applicable Refunded Bonds as of such Redemption Date, plus costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the Refunding Financial Plan, and of executing and performing the terms and conditions of the Escrow Contract and all fees and charges of the Escrow Holder as referred to in Section 13 hereof.

Section 4. The maximum period of probable usefulness ("PPU") permitted pursuant to Section 11.00 of the Local Finance Law at the time of issuance of the Outstanding Bonds is set forth in Exhibit A and Exhibit B. The Refunding Bonds will mature not later than the expiration of the PPU of each of the objects or purposes, or classes of objects or purposes, for which the Outstanding Bonds were issued, in accordance with the Local Finance Law.

Section 5. It is hereby determined that:

(a) The maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;

(b) The maximum PPU permitted by the Local Finance Law at the time of the issuance of the Outstanding Bonds, for each of the objects or purposes, or classes of objects or purposes, for which the Outstanding Bonds were issued is as shown upon Exhibit A and Exhibit B;

(c) The last installment of the Refunding Bonds will mature not later than the expiration of the PPU of each of the objects or purposes, or classes of objects or purposes, for which the Outstanding Bonds were issued in accordance with the provisions of subdivision 1 of paragraph c of Section 90.10 of the Local Finance Law; and

(d) The estimated present value of the total debt service savings anticipated as a result of issuance of the Refunding Bonds, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, with regard to each of the Respective Series of the Outstanding Bonds, is as shown in the Refunding Financial Plan.

Section 6. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the aggregate principal amount of \$4,950,000, in a single series, to refund all of the Outstanding Bonds, will mature, be of such terms, and bear such interest, all as set forth therein. The Town Board of the Town recognizes that the Refunding Bonds may be issued in multiple series, and for only one or more of the Outstanding Bonds, or portions thereof, that the principal amount of the Refunding Bonds, the provisions, if any, for the redemption thereof prior to maturity, and the resulting present value savings, may vary from that attached as Exhibit C. The Chief Fiscal Officer is hereby authorized and directed to determine the amount of Refunding Bonds to be issued, which of the Outstanding Bonds will be refunded and at what time, the date of such Refunding Bonds and the date of issue, maturity and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, if any, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph (e) of Section 57.00 of the Local Finance Law, and the other matters relating to the Refunding Bonds referred to in Section 9 of this resolution.

Section 7. (a) The Refunding Bonds shall be sold at private sale, and the Chief Fiscal Officer of the Town, is hereby authorized to execute a purchase contract on behalf of the Town for the sale of the Refunding Bonds, provided (1) the terms and conditions of such sale shall be approved by the State Comptroller, and (2) not later than ten (10) days after delivery of the Refunding Bonds the Chief Fiscal Officer shall file with the Town Board of the Town a certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan; (b) the Town hereby authorizes the preparation of an Official Statement and approves its use in connection with the sale of the Refunding Bonds, and further authorizes the distribution of a Preliminary Official Statement before the Official Statement is executed and available for distribution; and (c) the Chief Fiscal Officer and his or her designees are hereby authorized and directed to take any and all actions necessary to accomplish the refunding, and the Chief Fiscal Officer is hereby authorized to execute any contracts and agreements for the purchase of and payment for services rendered or to be rendered to the Town in connection with the refunding.

Section 8. The Refunding Bonds authorized by this resolution shall contain the recital required by Section 90.10(j)(4) of the Local Finance Law and the recital of validity prescribed by

Section 52.00 of the Local Finance Law, and the Refunding Bonds shall be general obligations of the Town payable as to both principal and interest by a general tax upon all the taxable real property within the Town without 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 Refunding Bonds and provision shall be made annually in the budget of the Town for (a) the amortization and redemption of the Refunding Bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 9. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 of the Local Finance Law with respect to the issuance of bonds having substantially level or declining annual debt service, and Sections 50.00, 56.00 to 60.00, 90.10 and 168.00 of the Local Finance Law, the Town Board of the Town hereby delegates to the Chief Fiscal Officer, as Chief Fiscal Officer of the Town, (1) the power to prescribe the terms, form and content of the Refunding Bonds and the final Refunding Financial Plan, (2) the power to sell and deliver the Refunding Bonds, (3) the power to issue the Refunding Bonds providing for substantially level or declining annual debt service, (4) the power to enter into any agreements for bond insurance or credit enhancements for the Refunding Bonds, (5) the power to enter into an agreement or agreements with one or more banks or trust companies to act as the fiscal agent for the Town in connection with the Refunding Bonds, (6) the power to execute on behalf of the Town the Escrow Contract described in Section 13 and the Official Statement referred to in Section 7, and (7) the authority to take such other actions, and to execute and deliver on behalf of the Town such instruments, agreements and other documents, as the Town Board of the Town, in his or her discretion, deems necessary or appropriate to carry out the refunding of the Outstanding Bonds in accordance with the intent of this resolution.

Section 10. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the Chief Fiscal Officer shall prescribe, which terms shall be in compliance with the requirements of Section 53.00(b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular Refunding Bonds of such maturity to be redeemed shall be selected by the Town by lot in any customary manner of selection as determined by the Chief Fiscal Officer. Notice of such call for redemption shall be given by mailing such notice to the registered owners not less than thirty (30) days prior to such date and as otherwise provided in Securities and Exchange Commission Release No. 34-23856, as the same may be amended from time to time. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the date for redemption date set forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

The Refunding Bonds shall be issued in registered form and shall not be registerable to bearer or convertible into bearer coupon form. In the event the Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the Refunding Bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the Town shall terminate its participation in such

Book-Entry-Only system, such Refunding Bonds shall thereafter be issued in certificated form in the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to The Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the Chief Fiscal Officer acting as Fiscal Agent as hereinafter provided).

In the event the Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent to the registered owners of the Refunding Bonds as shown on the registration books of the Town maintained by the Fiscal Agent, as of the close of business on the fifteenth day of the calendar month or first business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the Chief Fiscal Officer providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the Chief Fiscal Officer as fiscal agent of the Town for the Refunding Bonds (collectively the "Fiscal Agent").

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount.

Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The Chief Fiscal Officer of the Town, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he or she shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for the Town, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the Town, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the Chief Fiscal Officer is also hereby authorized to name the Chief Fiscal Officer as the Fiscal Agent in connection with the Refunding Bonds if the Refunding Bonds are issued in non-certificated form.

The Refunding Bonds shall be executed in the name of the Town by the manual or facsimile signature of the Chief Fiscal Officer, and a facsimile of its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent.

It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 11. The Refunding Bonds shall be sold at private sale to D.A. Davidson & Co. (the "Underwriter") for purchase prices to be determined by the Chief Fiscal Officer, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds. Subject to the approval of the terms and conditions of such private sale by the State Comptroller as required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, the Chief Fiscal Officer, is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the Town providing the terms and conditions for the sale and delivery of the Refunding Bonds to the Underwriter. After the Refunding Bonds have been duly executed, they shall be delivered by the Chief Fiscal Officer to the Underwriter in accordance with said purchase contract upon the receipt by the Town of said purchase price, including accrued interest.

Section 12. The validity of the Refunding Bonds authorized by this resolution 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 such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) Such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 13. Before the Refunding Bonds are issued, the Town shall enter into an escrow contract (the "Escrow Contract") with a bank or trust company located and authorized to do business in this state (the "Escrow Holder"), for the purpose of having such bank or trust company act as the escrow holder of the proceeds of the Refunding Bonds, including any premium from the sale of the Refunding Bonds, together with all income derived from the investment of such proceeds. The Escrow Contract shall contain such terms and conditions as shall be necessary in order to accomplish the Refunding Financial Plan, including provisions authorizing the Escrow Holder, without further authorization or direction from the Town, except as otherwise provided therein, (a) to make all required payments of principal, interest and redemption premiums to the paying agent for the Outstanding Bonds, (b) to pay costs and expenses incidental to the issuance of the Refunding Bonds, and of executing and performing the terms and conditions of the Escrow Contract and all of the fees and charges of the Escrow Holder, (c) at the appropriate time or times to cause to be given on behalf of the Town the notice of redemption authorized to be given pursuant to Section 16 hereof, and (d) to invest the monies

held by it consistent with the provisions of the Refunding Financial Plan. The Escrow Contract shall be irrevocable and shall constitute a covenant with the holders of the Refunding Bonds.

Section 14. The proceeds, including any premium, from the sale of the Refunding Bonds, immediately upon receipt, shall be placed in escrow by the Town with the Escrow Holder in accordance with the Escrow Contract. All moneys held by the Escrow Holder shall be invested only in direct obligations of the United States of America or in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates when such moneys will be required to make payments in accordance with the Refunding Financial Plan. Any such moneys remaining in the custody of the Escrow Holder after the full execution of the provisions of the Escrow Contract shall be returned to the Town and shall be applied by the Town only to the payment of the principal of or interest on the Refunding Bonds then outstanding.

Section 15. That portion of such proceeds from the sale of the Refunding Bonds, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Outstanding Bonds, including any redemption premiums, in accordance with the Refunding Financial Plan, shall be irrevocably committed and pledged to such purpose and the holders of the Outstanding Bonds shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. All interest earned from the investment of such moneys not required for such payments on the Outstanding Bonds shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunding Bonds, or such portion thereof as shall be required by the Refunding Financial Plan, and the holders of such Refunding Bonds shall have a lien upon such moneys held by the Escrow Holder. The pledges and liens provided for herein shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act. Such pledges and liens shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice thereof. Neither this resolution, the Escrow Contract, nor any other instrument relating to such pledges and liens, need be filed or recorded.

Section 16. In accordance with the provisions of Section 53.00 and of paragraph (h) of Section 90.10 of the Local Finance Law, the Town Board of the Town hereby elects to call in and redeem all the Outstanding Bonds which are subject to prior redemption according to their terms on their respective Redemption Date. The sum to be paid therefor on such Redemption Date shall be the par value thereof, the accrued interest to the Redemption Date and the redemption premiums. The Town is hereby authorized and directed to cause, or to cause the Escrow Holder to cause, a notice of such call for redemption to be given in the name of the Town by mailing such notice to the registered holders of the Outstanding Bonds which are subject to prior redemption at least thirty days prior to such Redemption Date. Upon the issuance of the Refunding Bonds, both (a) the election to call in and redeem the Outstanding Bonds subject to prior redemption, and (b) the direction to the Escrow Holder to cause notice thereof to be given as provided in this Section, shall become irrevocable and the provisions of this Section shall constitute a covenant with the holders, from time to time, of the Refunding Bonds, provided that this Section may be amended from time to time as may be necessary to comply with the

requirements of paragraph a of Section 53.00 of the Local Finance Law, as the same may be amended from time to time.

Section 17. This Refunding Bond Resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, or a summary thereof, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Local Finance Law in the official newspapers of the Town.

ROLL CALL VOTE

Ayes: Councilman _____, Councilwoman _____, Councilman _____,
Councilwoman _____, Supervisor Philip Barrett

Noes: _____

DECLARED ADOPTED:

December 21, 2020

Teresa J. Brobston, Town Clerk

Resolution No. _____ of 2020, a resolution authorizing the Supervisor to sign an Intermunicipal Agreement between the County of Saratoga and the Town of Clifton Park for the provision of transportation to medical appointments and/or shopping trips for senior residents.

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

WHEREAS, pursuant to Section 119-0 of the General Municipal Law of the State of New York, the parties are authorized to enter into binding agreements for the cooperative performance of various municipal projects, contracts and functions, and

WHEREAS, the County of Saratoga and the Town recognize the benefit to both municipalities that arise from the cooperative provision of service to their residents, and

WHEREAS, Saratoga County and Clifton Park wish to formalize an agreement whereby the Town will provide a minimum of 150 units of transportation per quarter to seniors age 60 and over; now therefore, be it

RESOLVED, that the Town Board approves extending the Intermunicipal Agreement between the County of Saratoga and the Town of Clifton Park for the provision of senior transportation services, per the attached agreement; and be it further

RESOLVED, that the Intermunicipal Agreement between the County of Saratoga and the Town of Clifton Park is hereby approved retroactively, October 1, 2020 through March 31, 2022.

Resolution No. _____ of 2020, a resolution authorizing the Comptroller to pay Environmental Design Partnership for supplemental engineering services related to the completion of the Dwaas Kill Nature Preserve parking and trailhead improvements project.

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

WHEREAS, by Resolution No. 276 of 2017, Environmental Design Partnership was awarded a \$14,000.00 contract for engineering and construction inspection services for the Dwaas Kill Nature Preserve parking and trailhead improvements to be performed by the Buildings and Grounds staff, and

WHEREAS, Resolution No. 127 of 2019 authorized an additional \$3,900.00 in such engineering design services relative to the Dwaas Kill project, and

WHEREAS, Environmental Design Partnership, Route 146, Clifton Park, has submitted a final invoice in the amount of \$1,350.00 upon completion of the parking and trailhead improvements at the Dwaas Kill Nature Preserve, now therefore, be it

RESOLVED, that the controller is authorized to pay Environmental Design Partnership the sum, not to exceed \$1,350.00 from A-8050 – 015 [Open Space – Other Contract] for the completed professional services per the Environmental Design Partnership final invoice.

Resolution No. _____ of 2020, a resolution accepting an offer of dedication of the road system, drainage easements, park area, and open space within the Heritage Pointe subdivision.

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

WHEREAS, pursuant to New York State Highway Law 171, the Town Board has the discretion to accept the dedication of Roads and Real Property for public use, and

WHEREAS, on May 27, 2014, the Planning Board approved the Heritage Pointe residential subdivision, and

WHEREAS, pursuant to the approved subdivision plans, developer Geoffrey Brooks offered to dedicate a road system including certain drainage facilities, along with easements over several approved lots for drainage purposes, as well as Open Space and park areas, and

WHEREAS, pursuant to the subdivision Mr. Brooks also offered to convey 3 separate parcels of land as open space, as well as a 1.54 acre area for park purposes, and

WHEREAS, the Town's determination to accept the road system was contingent upon the completion of the road construction, including topcoat, drainage facilities, as well as detailed items related to the approved subdivision plan, and

WHEREAS, Prime Engineering has completed inspections and reports that all punchlist items have been completed, and

WHEREAS, Highway Superintendent Dahn Bull concurs in the acceptance of the road system at this time; now therefore be it

RESOLVED that the Town Board accepts the offer of dedication of Heritage Pointe Drive, Balsam Way, Arthur Court, and Lorraine Court as depicted on the approved subdivision map and as more particularly described in the relevant deeds, as well as the dedication of three Open Space areas totaling 16.43 acres, and a 1.54 acre area for Park Purposes between Balsam Way and Heritage Pointe Drive, also as depicted and described, subject to the final approval of the Town Attorney of all real estate transfer documents, review of title and confirmation of the payment of appropriate taxes, and be it further

RESOLVED, that the area accepted for park purposes is hereby dedicated to park purpose in perpetuity.

Resolution No. _____ of 2020, a resolution authorizing the Supervisor to sign a Memorandum of Agreement with CSEA relative to the creation and reclassification of positions within the Buildings & Grounds Department

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

WHEREAS, by Resolution No. 220 of 2020, the Town Board established the Title of Transfer Station Manager, and effected promotions and salary adjustments for Daniel Clemens, Maintenance Supervisor Kieran Lynch, and Transfer Station Manager Donald McCune, and

WHEREAS, the Town Board wishes to enter a Memorandum of Agreement with CSEA acknowledging the title changes and promotions within the Department of Buildings & Grounds, as well as the flexibility for assignments for staff; now therefore, be it

RESOLVED that the attached Memorandum of Agreement with CSEA, Inc. acknowledging the consolidation of the Transfer Station within the Department of Buildings & Grounds is approved.

Resolution No. _____ of 2020, a resolution declaring a public emergency pursuant to General Municipal Law Section 103(4) for a heating repairs at the historic Grooms Tavern.

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

WHEREAS, a failure of the heating system at Grooms Tavern was identified by Town Security on December 12, 2020, and

WHEREAS, subsequent investigation revealed that there was a circulator pump failure and leaks in the hot water storage tank and coils, and

WHEREAS, Section 103(4) of the NYS General Municipal Law provides that in cases of an emergency situation arising from unforeseen circumstances affecting public buildings or the health or safety of the public, the Town Board may authorize the purchase of service, material and equipment without competitive bids, and

WHEREAS, Daniel Clemens, Director of Buildings, Parks, and Recreation was able to locate a contractor able to perform repairs to the heating system at Grooms Tavern on an emergency Basis, and

WHEREAS, Poestler & Jaeckle Corp., issued a quote on December 16, 2020 to perform repairs to the sewer main on an emergency basis; now, therefore, be it

RESOLVED, that the Town Board determines that the resulting damage to the heating system at Grooms Tavern as determined on December 12, 2020 constitutes an emergency for procurement purposes under Section 103(4) of General Municipal Law, and be it further

RESOLVED, that the Comptroller is authorized to pay \$6,369.00 from A-1627-200 [Community Historical – Grooms Tavern – Equipment] to allow payment to Postler & Jaeckle Corp. for the work associated with this repair.

Resolution No. _____ of 2020, a resolution approving an agreement for payment in lieu of taxes with Hubbs Road Solar LLC.

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

WHEREAS, Section 487 (9) of the New York State Real Property Tax law authorizes Municipalities to enter into Payment in Lieu of Tax Agreements (PILOT) with Solar Energy developers within each taxing jurisdiction, under certain circumstances, and

WHEREAS, Active Solar Development, LLC applied for Subdivision and Site Plan approval, and has been issued a Special Use Permit for the construction of a Solar Energy project at 413 Schaubert Road, totaling 5 MW capacity, and

WHEREAS, Active Solar has established Hubbs Road Solar LLC as an operating company to construct and hold the improvements related to the solar arrays and related equipment, accessories and improvements, and

WHEREAS, the Town Board wishes to enter into a PILOT Agreement with Hubbs Road Solar LLC pursuant to RPTL § 487(9) ; for the Lease area designated for the project, as described in Exhibit A of the agreement, now therefore be it

RESOLVED that the Supervisor is authorized to execute the attached PILOT Agreement in the amount of \$ \$25,000 annually, with 2% annual increases, for a 15-year Term, attached.

Resolution No. _____ of 2020, a resolution scheduling the 2021 Organizational Meeting, and the first 2021 Town Board Meeting for the Town of Clifton Park.

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

WHEREAS, the Town Board wishes to schedule the 2021 Organizational Meeting and the first 2021 Town Board Meeting; now therefore be it

RESOLVED, that the 2021 Organizational Meeting for the Town of Clifton Park shall be held on Monday, January 4, 2020, at 7:00 p.m. in the Wood Memorial Meeting Room, One Town Hall Plaza, Clifton Park, New York; and be it further

RESOLVED, that the first Town Board Meeting of 2021 will be held on January 4, 2021 immediately following the Organizational Meeting, in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York.