

## **Clifton Park Town Board Meeting Minutes**

**October 1, 2001**

The regular meeting of the Town Board of the Town of Clifton Park was held in the Town Office Building at 7:00 p.m., Supervisor Barrett presiding.

### **PLEDGE OF ALLEGIANCE TO THE FLAG**

Present: Councilman Paolucci  
Councilman Speckhard  
Councilman Roth  
Councilwoman Walowit  
Supervisor Barrett  
Town Clerk O'Donnell

Also Present: Town Attorney Trainor  
Louis Gerard, Superintendent of Highways  
Mark Heggen, Comptroller  
Michael Handerhan, Supervisor of Buildings & Grounds  
Barbara McHugh, Director of Community Development  
Michael Shahan, Town Administrator

MOTION by Councilwoman Walowit, seconded by Councilman Roth, to approve the minutes of the September 4, 10 and 17, 2001 meetings as presented.

Councilman Paolucci asked that the minutes of September 4, 2001 be amended to better clarify his comments during the discussion of Resolution No. 240 of 2001 Northcrest Park (Executive Woods)PUD, page 229. Town Clerk said she would review the tape and the minutes could be amended and approved at the September 9, 2001 Town Board meeting.

MOTION by Councilman Paolucci, seconded by Councilman Roth to amend the motion to approve the minutes of September 10 and 17, 2001 only.

### **ROLL CALL VOTE ON AMENDMENT**

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

### **MOTION CARRIED**

### **ROLL CALL VOTE ON APPROVAL OF SEPTEMBER 10 AND 17, 2001 MINUTES**

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

## MOTION CARRIED

## ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett expressed appreciation to all involved in the Candlelight Vigil held on September 23, 2001, including Boy Scouts Color Guard, Clifton Park Community Chorus, firefighter, police and emergency personnel, and Rev. John Cairns.

Supervisor Barrett expressed appreciation to Steven Bulger, volunteer Director of Economic Development Retail Revitalization, for his efforts regarding Target locating at the Builders Square site.

Supervisor Barrett introduced Barbara McHugh, Director of Community Development, stating she will be working on Emergency Services Recruitment and Retention, with [cliftonpark.org](http://cliftonpark.org), education on tax bills, and to act as a go between for military personnel residents called to active duty and their families and town government.

Town Clerk O'Donnell submitted the 2002 Tentative Budget to the Town Board. Supervisor Barrett said there is a 2.5 percent increase in spending in the tentative budget, noting the commitment to tax reduction with surplus dollars and increase in commitment to community organizations, such as CAPTAIN and Shenendehowa.

Councilman Roth reviewed the success of the Special Collection Day, reporting 282 participants from Clifton Park, 49 from Malta, 16 from Halfmoon and 16 from the Farmer community. He thanked the vendors for their donations, namely McDonalds, Price Chopper and Mama's Pizza.

## REPORTS

Reports for September from the Office of Animal Control, and for July and August from the Department of Parks, Recreation and Community Affairs were filed with the Town Clerk.

Resolution No. 257 of 2001, a resolution honoring Daniel G. Kuba for attaining the rank of Eagle Scout

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

WHEREAS, Daniel G. Kuba, 98 Algonquin Road, Clifton Park of Boy Scout Troop 30, has attained the rank of Eagle Scout, and

WHEREAS, the Town of Clifton Park Town Board wishes to acknowledge and honor Daniel G. Kuba's achievements, particularly his project entailing compiling an oral history of the USS Slater from World War II and Korean War Veterans; now, therefore, be it

RESOLVED, that Daniel G. Kuba, 98 Algonquin Road, Clifton Park of Boy Scout Troop 30, is hereby recognized and honored for having attained the rank of Eagle Scout.

#### ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth  
Councilwoman Walowit, Supervisor Barrett

Noes: None

#### DECLARED ADOPTED

Supervisor Barrett introduced Eagle Scout Dan Kuba, who reviewed his service project.

PUBLIC HEARING, 7:10 PM  
TO CONSIDER A LOCAL LAW TO BE KNOWN AS THE  
"TOWN OF CLIFTON PARK SEWER USE LAW"

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on September 20, 2001. .

Town Engineer John McDonald of John M. McDonald Engineering, summarized the proposed local law explaining this is related to sanitary sewer systems owned by the town. He said the Department of Environmental Conservation requires that the town have rules and regulations for town-owned systems regarding the operation of the system. Mr. McDonald said the proposed law is in conformance with the standards that exist currently for the Saratoga County Sewer District, as well as rates and rate settings, inspections, and new users. It does not apply to currently privately owned systems. He said part of the proposed law is generated from federal regulations as the town has two wastewater treatment plants, Olde Nott Farm and Riverview Landing. Mr. McDonald said this legislation has been reviewed by Town and Water Authority officials. With regard to outside users, Mr. McDonald explained this applies to properties within a town defined sewer district but if a property is outside the sewer district the owner would have to apply to the Town for a permit or an extension to the sewer district and referred to Article 11 - Charges of the proposed legislation. He noted the legislation is set on one fee with no variety among districts. Councilman Paolucci asked if the sewer districts are eventually taken over by the county, would this legislation carry over or would county legislation cover it. Mr. McDonald said everything that is being done is consistent with county

standards. Town Attorney Trainor said once the county takes over the systems their policy would prevail. Mr. McDonald reported the county has reviewed this legislation.

The public hearing was opened for comments from the audience at 7:30 p.m.

Jan Lemon, Esopus Drive, asked why the town wouldn't just expand the lines of the sewer district rather than have outside users.

Mr. McDonald explained the sewer district is a legal boundary and when these transportation corporations were inherited, the Town Board went through the Article 12 proceedings so the boundaries are defined.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 7:35 p.m.

**PUBLIC HEARING, 7:20 PM  
TO CONSIDER A LOCAL LAW EXTENDING THE MORATORIUM  
ON THE REVIEW/APPROVAL AND ISSUANCE OF PERMITS FOR  
BILLBOARDS FOR AN ADDITIONAL NINETY DAYS**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on September 20, 2001.

Supervisor Barrett said this is a protection and much time won't be needed until the legislation is completed.

The public hearing was opened for comments from the audience at 7:35 p.m.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 7:36 p.m.

Regarding the billboard litigation, Supervisor Barrett said discussions have been held with the company and the town is working with the courts on not only rewriting the law but also settling the dispute.

**PUBLIC HEARING, 7:30 PM  
TO CONSIDER A LOCAL LAW REGARDING REFUSE COLLECTION  
ACTIVITIES**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on September 24, 2001.

Supervisor Barrett said this public hearing is in response to complaints from residents who live close to a commercial area where there is refuse pickup in the early morning.

The public hearing was opened for comments from the audience at 7:40 p.m.

Town Attorney Trainor reviewed the current penalties.

Supervisor Barrett said this would disallow any garbage pickup from any spot within five hundred feet of a residence in the Town of Clifton Park before 7:00 a.m. He said owners of businesses or plazas will be notified upon adoption of this law. Councilman Speckhard said he supports the legislation. He asked if any businesses or refuse companies were notified and what can be implied by the absence of anyone speaking against this legislation. Supervisor Barrett said there has been a gentlemen's agreement that trash wouldn't be picked up before 7:00 a.m. but early pick up continues. He said he has not called any companies directly regarding the public hearing. Highway Superintendent Gerard recommended including industrial/construction equipment except in the case of an emergency. Supervisor Barrett said Director of Planning Kemper will put hours of operation in any plans to regulate industrial/construction equipment in order not to have construction going on before 7:00 a.m.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 7:48 p.m.

PUBLIC HEARING, 7:40 PM

TO CONSIDER THE EXPENDITURE OF AN ADDITIONAL \$40,000  
IN CONNECTION WITH THE WOODLAND HILLS SEWER DISTRICT

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on September 21, 2001.

Supervisor Barrett explained this was a private sewer district that was abandoned to the town.

Town Engineer, Jack McDonald explained when the sewer system was built in the late 1960s and early 1970s it had its own collection system and treatment plant and its own discharge system. When Saratoga County Sewer District came in the private system abandoned its own treatment plant and ran pipe from the treatment plant to the sewer system. When abandoned to the town in March 2000 the plan was to replace the pump station on Wheeler Drive but it was later discovered that the pump station could be eliminated and a gravity sewer run from the low spot to connect into the county trunk sewer. The original estimate in March 2000 was \$70,000 to replace the pump station. Mr. McDonald said the public hearing is being held on the extra funds needed to cover the elimination of the pump station and installation of more gravity sewer requiring an increase of \$40,000. It was noted there would be a reduction in operation and maintenance costs.

The public hearing was opened for comments from the audience.

In response to Anthony LaFleche's question, Mr. McDonald said he has met with Pam Young, owner of property where the connection to the county sewer system is located, and her wishes have been accommodated. Supervisor Barrett said she has given her full consent. Supervisor Barrett said there is a good chance the entire amount of money may not be needed but the money will be there in an emergency situation. He emphasized this is a quality of life and property value issue.

Town Comptroller Heggen reported the additional \$40,000 increase over twenty years for a home assessed at \$125,000 will amount to an additional cost of approximately \$11.00 per year.

Everyone was given an opportunity to speak in favor of or against the proposed increase and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 8:00 p.m.

**PUBLIC HEARING, 7:50 PM  
TO CONSIDER THE EXPENDITURE OF AN ADDITIONAL \$35,000  
IN CONNECTION WITH THE DUTCH MEADOWS SEWER DISTRICT**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on September 21, 2001.

Supervisor Barrett explained this was a private sewer district that was abandoned to the town and is now in need of substantial amount of work with one of the main issues being odor control.

Mr. McDonald explained there are three pump stations in Dutch Meadows which pump through CK Sanitary System at Willowbrook Lane and then to the County Sewer District. This project was originally estimated at \$350,000 but based on the bids is now estimated at \$385,000 which is the reason the bonding authorization is for an additional \$35,000. Mr. McDonald said the odor control equipment is in conformance with the Saratoga County Sewer District's standards for odor control. Supervisor Barrett said the systems would be brought up to County standards. Mr. Heggen said with the original change, \$130 was going to be added for debt payments for all users and, with a favorable interest rate, will most likely stay the same.

The public hearing was opened for comments from the audience at 8:05 p.m.

Mr. McDonald said the work to be done on the system will make the system much more reliable.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 8:06 p.m.

MOTION by Councilman Paolucci, seconded by Councilman Speckhard to remove Resolution No. 253 of 2001 from the table.

ROLL CALL VOTE ON MOTION

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth  
Councilwoman Walowit, Supervisor Barrett

Noes: None

MOTION APPROVED

Resolution No. 253 of 2001, a resolution accepting a conveyance of the following street.

Introduced by Councilman Paolucci, who moved its adoption, second by Councilwoman Walowit.

WHEREAS, Thomas Nelson of 18 Robinson Street, Rexford wishes to transfer a portion of Sunset Street to the Town of Clifton Park; now, therefore, be it

RESOLVED, that the Town Board accepts the conveyance of the following street, briefly described as follows and by the attached survey description:

Street Name of Owner  
Sunset Street Thomas F. Nelson

and be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt of an approval by the Town Attorney, Highway Superintendent and Town Engineer of all necessary documents and upon payment of all taxes and assessments, and be it further

RESOLVED, that there be appended to the within resolution a copy of the recorded conveyance after it has been returned from the Saratoga County Clerk; and be it further

RESOLVED, that in accordance with the provision of Section 171 of the Highway Law of the State of New York, consent be and the same hereby is given to the Superintendent of Highways of the Town of Clifton Park make an Order laying out the aforescribed Town Highways, said Town Highways to consist of the lands described in the aforesaid deed(s).

Highway Superintendent Gerard stated the town has owned the road "by use" for probably 50 years, and has maintained it as well, but the property owner, Thomas Nelson, now wants to develop part of his land and in order to do so has to give up the property which is now a public road.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE ON RESOLUTIONS

In response to a question from the floor as to what prompted the resolution on idling and large machinery, Supervisor Barrett explained this is in response to a problem with trains being left idling in town for long periods of time.

Resolution No. 258 of 2001, a resolution extending the Transfer Station hours for Fall Cleanup.

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilman Roth.

WHEREAS, the Transfer Station Supervisor has requested that the Transfer Station be open on Sundays, October 21, 28, November 4 and 18, 2001 for Fall Cleanup of leaves and brush; and

WHEREAS, the Transfer Station Supervisor has proposed the attached schedule to support the extended hours of operation; now, therefore, be it

RESOLVED, that the Transfer Station be open for extended hours on Sundays between October 21 through November 18, 2001 (weather permitting) for Fall Cleanup of leaves and brush and that the Comptroller is authorized to expend funds for the same per the attached schedule from budget line item A-8160-074 (Convenience Transfer Station Overtime)

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 259 of 2001, a resolution to set a public hearing on the Time Warner Cable Franchise Agreement.

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

WHEREAS, it is appropriate and necessary to periodically reconsider the Town's franchise for cable services to its residents, and

WHEREAS, the proposed agreement with Time Warner Cable is attached hereto; now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled for 7:10 p.m. on October 15, 2001 in the Wood Memorial Room at Clifton Park Town Hall, 1 Town Hall Plaza, Clifton Park to consider the approval of the proposed agreement regarding the Town's franchise for cable services with Time Warner Cable.

#### ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth  
Councilwoman Walowit, Supervisor Barrett

Noes: None

#### DECLARED ADOPTED

Resolution No. 260 of 2001, a resolution authorizing the purchase of the Jacobson property located in the Vischer Ferry Preserve for back taxes.

Introduced by Councilman Speckhard, who moved its adoption, seconded by Councilman Roth.

WHEREAS, the Jacobson property is located within the Vischer Ferry Nature Preserve is available for purchase from the County, and

WHEREAS, acquisition of the parcel will protect the future integrity of the Preserve and enhance the Town's preservation of desirable open space for its residents; now, therefore, be it

RESOLVED, that the purchase of the Jacobson property, Tax ID No. 293.-2-1 from the County for the amount of back taxes of approximately \$8985.89 is hereby approved and the Comptroller is authorized to expend funds from the 1999 County surplus.

MOTION by Councilman Speckhard, seconded by Councilman Paolucci to amend the resolution to read "WHEREAS, the Jacobson property is located within the Vischer Ferry Nature Preserve and is available for purchase from the County, and WHEREAS, acquisition of the parcel will protect the future integrity of the Preserve and will enhance the Town's preservation of desirable open space for its residents;

ROLL CALL VOTE AS AMENDED

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Supervisor Barrett stated this is a strategic environmental purchase. Councilman Roth noted a five percent penalty is listed in the "Statements for Town and County Delinquent Taxes" and requested Mr. Heggen or Mr. Smead to see if the penalties can be waived.

Resolution No. 261 of 2001, a resolution appointing Millicent Miller as secretary to the Emergency Services Advisory Board.

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilman Roth.

WHEREAS, the Town of Clifton Park Emergency Services Advisory Board is without a secretary at this time, and

WHEREAS, Millicent Miller, 15 Burning Bush Boulevard, Ballston Lake, has been recommended to fill this position; now, therefore, be it

RESOLVED, that Millicent Miller, 15 Burning Bush Boulevard, Ballston Lake, is hereby appointed secretary to the Town of Clifton Park Emergency Services Advisory Board at Grade 1, Step 1, to be budgeted from A-3989-E2200 (ESAB Secretary)

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 262 of 2001, a resolution authorizing the installation of a street light at the entrance to the Summerhill subdivision.

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

WHEREAS, the Summerhill subdivision was previously approved by the Town of Clifton Park Planning Board, and

WHEREAS, the installation of a street light has been recommended by the Director of Planning and is warranted at this time; now, therefore, be it

RESOLVED, that authorization is hereby granted for the installation of a street light at the entrance to the Summerhill subdivision at the Summerlin Drive and Vischer Ferry Road intersection, said subdivision being located on the west side of Vischer Ferry Road (County Road 90) in the Town of Clifton Park; and be it further

RESOLVED, that said street light shall be charged to the Town of Clifton Park Lighting District No. 1 and a copy of this authorization shall be forwarded to the Niagara Mohawk Power Corporation.

#### ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth  
Councilwoman Walowit, Supervisor Barrett

Noes: None

#### DECLARED ADOPTED

Resolution No. 263 of 2001, a resolution authorizing the Highway Superintendent to replace a yield sign at the intersection of Rioux Court and Boyack Road with a stop sign.

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilman Speckhard.

WHEREAS, a study of the intersection of Rioux Court and Boyack Road has been conducted by McDonald Engineering, and

WHEREAS, McDonald Engineering has recommended that the yield sign at the intersection of Rioux Court and Boyack Road be replaced by a stop sign, and

WHEREAS, the Highway Superintendent agrees with McDonald Engineering's recommendation; now, therefore, be it

RESOLVED, that the Highway Superintendent is hereby authorized to replace the yield sign at the intersection of Rioux Court and Boyack Road with a stop sign.

#### ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 264 of 2001, a resolution authorizing the amendment of Resolution No. 145 of 2001, a contract for the services of Art Luke for mowing at the Vischer Ferry Preserve.

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilman Roth.

WHEREAS, quotes were received by the Department of Buildings and Grounds for lawn mowing services at the Vischer Ferry Preserve, and

WHEREAS, the lowest conforming quote was submitted by Art Luke in the amount of \$30.00 per hour; now, therefore, be it

RESOLVED, that Resolution No. 145 of 2001 is hereby amended and that authorization is given to Michael Handerman, Supervisor of Buildings and Grounds to contract for the services of Art Luke to mow the Vischer Ferry Preserve at an hourly rate of \$30.00, to be budgeted from A-7114-24 (Parks-Repair & Maintenance) up to \$3195, with work to be performed on an "as needed basis".

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 265 of 2001, a resolution authorizing the sale of equipment declared surplus in the Buildings and Grounds Department.

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

WHEREAS, the Town Administrator has declared the equipment on the attached Exhibit A as surplus property, and

WHEREAS, the Town Administrator has recommended that such be advertised and sold by means of sealed bid, "as is", subject to New York State sales tax, with the Town of Clifton Park reserving the right to reject any bid and all bids; now, therefore, be it

RESOLVED, that the Town Clerk of the Town of Clifton Park is hereby authorized to advertise said equipment listed on the attached list determined to be surplus by the Town Board by sealed bid, with such sealed bids to be opened on October 15, 2001 at 3:00 p.m., at the Town Hall of the Town of Clifton Park.

(Clerk's note: sales tax is collected by Department of Motor Vehicles)

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 266 of 2001, a resolution authorizing the Comptroller to attend the NYS-GFOA Conference October 2 - 3, 2001.

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilman Roth.

WHEREAS, the New York State Government Finance Officers Association (NYS-GFOA) Conference will be held in Bolton Landing, New York, October 2 - 3, 2001, and

WHEREAS, Mark Heggen, Comptroller for the Town of Clifton Park has requested authorization to attend this conference, and

WHEREAS, Mr. Heggen's attendance at this conference will confer a benefit upon the Town of Clifton Park; now, therefore, be it

RESOLVED, that Mark Heggen, Comptroller for the Town of Clifton Park, is hereby authorized to attend the NYS-GFOA Conference in Bolton Landing, New York, October 2 - 3, 2001, at a cost not to exceed \$150.00 to be paid from A-1315-1 (Comptroller-Travel and Conference).

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 267 of 2001, a resolution authorizing Michael O'Brien, Environmental

Specialist for the Town of Clifton Park to attend the New York State Waterfront Rediscovery Conference 2001 on October 2 - 3, 2001 in Albany, New York.

Introduced by Councilman Roth, who moved its adoption, seconded by Councilman Paolucci.

WHEREAS, the New York State Waterfront Rediscovery Conference 2001 will be held on October 2-3, 2001, and

WHEREAS, Mr. O'Brien's attendance at this Conference will provide a benefit to the Town of Clifton Park; now, therefore, be it

RESOLVED, that Michael O'Brien, Environmental Specialist for the Town of Clifton Park is hereby authorized to attend the New York State Waterfront Rediscovery Conference 2001 at a cost of \$55.00 to be paid from A-8989-001 (Community Development-Training & Conferences).

#### ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth  
Councilwoman Walowit, Supervisor Barrett

Noes: None

#### DECLARED ADOPTED

Resolution No. 268 of 2001, a resolution setting a public hearing to consider Local Law No. \_\_ of 2001, a local law Prohibiting Unattended or Idling Large Machinery and Equipment in the Town of Clifton Park.

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilman Roth.

WHEREAS, a public safety concern has arisen from the unattended idling of large vehicles, machines and equipment within the Town, and

WHEREAS, the Town Board wishes to solicit comments from the public regarding the proposed enactment of the attached local law; now, therefore, be it

RESOLVED, that a public hearing be set for October 15, 2001 at 7:20 p.m. at the Town Hall, in the Wood Memorial Room, to consider the adoption of Local Law No. \_\_\_ of 2001, a local law Prohibiting Unattended or Idling Large Machinery and Equipment in the Town of Clifton Park and that the Town Clerk is directed to publish notice of same.

#### ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth  
Councilwoman Walowit, Supervisor Barrett

Noes: None

**DECLARED ADOPTED**

Resolution No. 269 of 2001, a resolution determining that the acquisition, construction and installation of sewer system improvements in Dutch Meadows Sewer District No. 1 will not have a significant effect on the environment.

Introduced by Councilman Speckhard, who moved its adoption, seconded by Councilman Roth.

WHEREAS, the Town Board of the Town of Clifton Park, Saratoga County, New York (the "Town") is considering undertaking the acquisition, construction and installation of certain improvements to the Dutch Meadows Sewer District No. 1 sewer system, consisting of replacement of pump stations and installation of odor control equipment, including acquisition and installation of equipment, machinery or apparatus required in connection therewith, all as more particularly described in the engineer's map and plan on file with the Town Clerk (the "Project"), and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-b of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (the "DEC"), being 6 NYCRR Part 617, as amended (the "Regulations"), the Town desires to determine whether approving the acquisition, construction and funding of the Project may have a significant effect on the environment and therefore require the preparation of an environmental impact statement, and

WHEREAS, the Town Environmental Specialist has prepared a short environmental assessment form for the Project (the "EAF"), a copy of which was presented to and reviewed by the Town at this meeting and a copy of which is on file in the office of the Town Clerk, and

WHEREAS, pursuant to the Regulations, the Town has examined the EAF in order to make a determination as to the potential environmental significance of the Project, and

WHEREAS, the Project does not appear to constitute a "Type I Action" (as defined by the Regulations);

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN BOARD OF THE TOWN OF CLIFTON PARK, NEW YORK, AS FOLLOWS:**

1. Based on an examination of the EAF and based further upon the Town Board's knowledge of the area surrounding the Project and such further investigation of the

Project and its environmental effects as the Town Board has deemed appropriate, the Town Board makes the following findings with respect to the Project:

(a) The Project is described in the EAF;

(b) The Project constitutes an "unlisted action" (as defined in the Regulations);

(c) No potentially significant effect on the environment is noted in the EAF for the Project, and none are known to the Town Board; and

(d) The Project will not have a significant effect on the environment; and the Town Board will not require the preparation of an environmental impact statement with respect to the Project, and

2. This resolution shall take effect immediately.

#### ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth  
Councilwoman Walowit, Supervisor Barrett

Noes: None

#### DECLARED ADOPTED

Resolution No. 270 of 2001, a resolution authorizing the expenditure of an additional \$35,000 for the acquisition, construction and installation of the Dutch Meadows Sewer District No. 1 sewer system improvements.

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilman Speckhard.

WHEREAS, by resolution adopted by the Town Board of the Town of Clifton Park, Saratoga County, New York (the "Town") on March 6, 2000, the Town Board authorized a public hearing regarding the establishment of Dutch Meadows Sewer District No. 1 (the "District") and the construction of sewer system improvements at an estimated maximum cost of \$350,000, and

WHEREAS, on March 20, 2000, the Town Board conducted a public hearing regarding the formation of the District and construction of the sewer system improvements; and

WHEREAS, on April 3, 2000, the Town Board adopted a resolution, subject to permissive referendum, authorizing the formation of the District and construction of the sewer system improvements; and

WHEREAS, as set forth in the Town Clerk's Certificate of No Petition for Referendum dated May 8, 2000, no petition for referendum was received with respect to the formation of the District and construction of the sewer system improvements, and

WHEREAS, in September, 2001, the Town Board determined that the total estimated cost of the proposed sewer system improvements in the District will be \$385,000, representing a \$35,000 increase over the original estimated cost of the sewer system improvements, and

WHEREAS, the proposed sewer system improvements consist of the replacement of pump stations and installation of odor control equipment, including acquisition and installation of equipment, machinery or apparatus required in connection therewith (the "Improvements"), all as more particularly described in the engineer's map and plan on file with the Town Clerk, and

WHEREAS, on October 1, 2001, prior to adoption of this resolution, the Town Board held a public hearing regarding the additional \$35,000 to be expended for the Improvements, and the matter was fully discussed and all interested persons were heard, and

WHEREAS, the cost of the District to the typical property in the District, including the additional \$35,000 to be authorized herein, is less than the threshold amount for approval of the District by the New York State Comptroller's Office, and

WHEREAS, the Town Board now desires to authorize the expenditure of an additional \$35,000 for costs of the Improvements;

NOW, THEREFORE, the Town Board of the Town of Clifton Park hereby resolves and determines that it is in the public interest to expend an additional \$35,000 to acquire, construct and install the Improvements, increasing the total estimated cost to \$385,000; and

IT IS FURTHER RESOLVED AND DETERMINED that the Town Board approves the expenditure of \$385,000 to pay costs of acquiring, constructing and installing the Improvements, and this cost shall be financed by the issuance of serial bonds and bond anticipation notes of the Town containing such terms as may be determined by the Town Board, and such costs shall be assessed by the Town Board in as close a proportion to the benefit to which each lot or parcel will derive from the Improvements as is possible; and

IT IS FURTHER RESOLVED AND DETERMINED that this resolution is subject to permissive referendum as provided in Town Law Section 209-h, in the manner provided in Article VII of the Town Law.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth

Councilwoman Walowit, Supervisor Barrett

Noes: None

**DECLARED ADOPTED**

Resolution No. 271 of 2001, a resolution determining that the acquisition, construction and installation of sewer system improvements in Woodland Hills Sewer District No. 1 will not have a significant effect on the environment.

Introduced by Councilman Speckhard, who moved its adoption, seconded by Councilman Paolucci.

WHEREAS, the Town Board of the Town of Clifton Park, Saratoga County, New York (the "Town") is considering undertaking the acquisition, construction and installation of certain improvements to the Woodland Hills Sewer District No. 1 sewer system, consisting of elimination of the existing Wheeler Drive Pump Station and connection of the sewer system to the Saratoga County Sewer District trunk sewer, including acquisition and installation of equipment, machinery or apparatus required in connection therewith, all as more particularly described in the map and plan on file with the Town Clerk (the "Project"), and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-b of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (the "DEC"), being 6 NYCRR Part 617, as amended (the "Regulations"), the Town desires to determine whether approving the acquisition, construction and funding of the Project may have a significant effect on the environment and therefore require the preparation of an environmental impact statement, and

WHEREAS, the Town Environmental Specialist has prepared a short environmental assessment form for the Project (the "EAF"), a copy of which was presented to and reviewed by the Town at this meeting and a copy of which is on file in the office of the Town Clerk, and

WHEREAS, pursuant to the Regulations, the Town has examined the EAF in order to make a determination as to the potential environmental significance of the Project, and

WHEREAS, the Project does not appear to constitute a "Type I Action" (as defined by the Regulations);

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN BOARD OF THE TOWN OF CLIFTON PARK, NEW YORK AS FOLLOWS:**

1. Based on an examination of the EAF and based further upon the Town Board's knowledge of the area surrounding the Project and such further investigation of the

Project and its environmental effects as the Town Board has deemed appropriate, the Town Board makes the following findings with respect to the Project:

- (a) The Project is described in the EAF;
- (b) The Project constitutes an "unlisted action" (as defined in the Regulations);
- (c) No potentially significant effect on the environment is noted in the EAF for the Project, and none are known to the Town Board; and
- (d) The Project will not have a significant effect on the environment; and the Town Board will not require the preparation of an environmental impact statement with respect to the Project, and

2. This resolution shall take effect immediately.

#### ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 272 of 2001, a resolution authorizing the expenditure of an additional \$40,000 for the acquisition, construction and installation of the Woodland Hills Sewer District No. 1 sewer system improvements.

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

WHEREAS, by resolution adopted by the Town Board of the Town of Clifton Park, Saratoga County, New York (the "Town") on March 6, 2000, the Town Board authorized a public hearing regarding the establishment of Woodland Hills Sewer District No. 1 (the "District") and the construction of sewer system improvements at an estimated maximum cost of \$70,000, and

WHEREAS, on March 20, 2000, the Town Board conducted a public hearing regarding the formation of the District and construction of the sewer system improvements; and

WHEREAS, on April 3, 2000, the Town Board adopted a resolution, subject to permissive referendum, authorizing the formation of the District and construction of the sewer system improvements; and

WHEREAS, as set forth in the Town Clerk's Certificate of No Petition for Referendum dated May 8, 2000, no petition for referendum was received with respect to the formation of the District and construction of the sewer system improvements, and

WHEREAS, in September, 2001, the Town Board determined that the total estimated cost of the proposed sewer system improvements in the District will be \$110,000, representing a \$40,000 increase over the original estimated cost of the sewer system improvements, and

WHEREAS, the proposed sewer system improvements (the "Improvements") consist of the elimination of the existing Wheeler Drive Pump Station and connection of the sewer system to the Saratoga County Sewer District trunk sewer, including acquisition and installation of equipment, machinery or apparatus required in connection therewith, all as more particularly described in the map and plan on file with the Town Clerk, and

WHEREAS, on October 1, 2001, prior to adoption of this resolution, the Town Board held a public hearing regarding the additional \$40,000 to be expended for the Improvements, and the matter was fully discussed and all interested persons were heard, and

WHEREAS, the cost of the District to the typical property in the District, including the additional \$40,000 to be authorized herein, is less than the threshold amount for approval of the District by the New York State Comptroller's Office, and

WHEREAS, the Town Board now desires to authorize the expenditure of an additional \$40,000 for costs of the Improvements;

NOW, THEREFORE, the Town Board of the Town of Clifton Park hereby resolves and determines that it is in the public interest to expend an additional \$40,000 to acquire, construct and install the Improvements, increasing the total estimated cost to \$110,000; and

IT IS FURTHER RESOLVED AND DETERMINED that the Town Board approves the expenditure of \$110,000 to pay costs of acquiring, constructing and installing the Improvements, and this cost shall be financed by the issuance of serial bonds and bond anticipation notes of the Town containing such terms as may be determined by the Town Board, and such costs shall be assessed by the Town Board in as close a proportion to the benefit to which each lot or parcel will derive from the Improvements as is possible; and

IT IS FURTHER RESOLVED AND DETERMINED that this resolution is subject to permissive referendum as provided in Town Law Section 209-h, in the manner provided in Article VII of the Town Law.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

John Crowley, Settlers Lane, expressed concern with the noise in his development from motorcross bikers and ATV's riders who are using town roads to get to a 10-acre privately owned lot. Councilman Roth said Mr. Shahen has investigated and will talk with Mr. Gerard to see if the town has a barrier to prevent access.

Beverly Czub, Miller Road, said she finds people trespassing on her land and there is a problem in town with people not respecting other people's property.

Councilman Paolucci acknowledged receipt of an historic conservation easement application and recommended sending it to Historic Preservation Commission and Planning Board to start the process.

MOTION by Councilman Roth, seconded by Councilman Paolucci, to adjourn the meeting to the next regular meeting or any other meeting necessary for the conduct of Town business.

Motion carried at 8:56 p.m.

Patricia O'Donnell  
Town Clerk