

Clifton Park Town Board Meeting Minutes

November 19, 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
Barbara McHugh, Director of Community Development
Michael O'Brien, Environmental Specialist
Michael Shahan, Town Administrator

MOTION by Councilman Paolucci, seconded by Councilman Roth, to approve the minutes of the November 5, 2001 meeting as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett announced informational meetings will be held at 7:00 p.m. on November 26th at the West Crescent Firehouse and November 27th at the Vischer Ferry Fire House, Riverview Road, with regard the Mohawk Towpath Scenic Byway.

Councilwoman Walowit said she has withdrawn the resolution regarding the Time Warner Cable Franchise Agreement in order to get Board input regarding the franchise fee and asked if another public hearing will be required. She said with regard to the

proposed reverse feed line to the Wood Room offered by Time Warner at no cost, \$30,000 for the equipment to present programs was to be taken from the franchise fees but this has been removed from the budget.

Councilman Paolucci reviewed a tentative schedule regarding adult entertainment with a public forum planned for December 3rd and a public hearing on December 10th. He noted the adult entertainment moratorium expires December 31st.

REPORTS

Reports for October from the Transfer Station, Sheriff's Department and Parks, Recreation and Community Affairs were filed with the Town Clerk.

REPORTS TO THE BOARD

Michael Bianchino, Clough, Harbour & Associates, gave an update on the Moe Road construction project and reviewed the timeline in preparation of closing the project down for the winter months. It is anticipated the project will begin in the spring as soon as weather permits and be completed in June 2002. Supervisor Barrett asked how the town can ensure the contractor will start as soon as possible in the spring. Mr. Bianchino said he will be in contact with the contractor throughout the winter and as the weather starts to break, set up meetings for the final phase of the project. Supervisor Barrett said his main concerns at this point are the driveways along Moe Road and signal poles at the intersection of Clifton Park Center and Moe Road. Mr. Bianchino said the pole work should be completed the first week in December. Supervisor Barrett said he feels there should be more stringent restrictions and guidelines on the contractor, particularly while working in a residential area. He asked to meet with Mr. Bianchino in the near future to work out details before the project starts up in the spring. Mr. Bianchino said the poles will be done before the project is closed down for the year. With regard to the roadways into the developments, Councilman Roth asked that there be no areas left where ice can build up. Mr. Bianchino noted the road striping would also be done.

Town Administrator Shahan reviewed status of various projects. He asked that the bids for sandblasting at the Locust Lane and Barney Road pools and, though not as critical, the roof for the Burning Bush building be awarded this evening due to time restraints. He reviewed changes in the 2002 Budget, noting employee benefits have gone up by \$97,600 - state retirement fund by \$22,600 and hospital/medical insurance by \$75,000. Mr. Shahan reviewed various budget changes as a result of the public hearing including Job Connection increased to \$33,000, additional laborer at the Transfer Station at a salary of \$22,203 and at the same time reducing the overtime line by \$2000 and removing summer help at \$2500, additional \$450,000 to Tax Stabilization to reduce Highway Tax, new code enforcement officer at \$36,582, new line item under Community Development entitled "Purchase of Land" at \$30,000. Mr. Shahan said the budget is \$9,642,428, noting \$1,450,000 is to lower highway taxes and an additional \$1 million to go back to the county to lower property taxes leaving \$7,192,000. Comptroller Heggen reported approximately \$6.3 million in sales tax revenue is anticipated for fiscal 2001. Mr. Shahan

asked if the direction from the Board is to take the \$450,000 in revenue from unappropriated fund balance for prior year and put it into sales tax at \$6.8 million. Supervisor Barrett responded yes.

Town Comptroller Heggen reviewed the October financial report, reporting for the calendar year 2001, \$4,863,000 sales tax is anticipated, renewed Olde Nott Farm BAN, and issued Route 9 Fire Road BAN coming due August 2002. Mr. Heggen said the goal is to have all water and sewer debt combined into a long-term issue by August of next year. He reported health insurance is increasing and mentioned possible ways of bringing the monthly premium down. Mr. Heggen said a Health Benefits Fair for town employees is scheduled for November 28th. Supervisor Barrett asked Mr. Heggen to present, in the coming year, alternatives and to look for ways of containing costs in the future. Mr. Heggen noted the town budgeted \$6 million for sales tax for 2001 and anticipates \$6.3 million will be received.

Town Environmental Specialist O'Brien presented the "Shoreline Report", attached. He asked for town support of the shoreline, noting upkeep is key to the waterfront. Councilman Speckhard asked Mr. O'Brien to put budget figures together regarding suggestions in the report. Mr. O'Brien feels the focus at this point should be on manpower at the Preserve and along the waterfront. He said the recently purchased Jacobson property is the only town focal point on the waterfront. Supervisor Barrett asked Mr. O'Brien to keep the silting problem in the forefront of the minds of the people at the Canal Corporation.

Supervisor Barrett noted an additional resolution will be on the agenda regarding accepting outside user agreements for the Route 9 Fire Road Water District.

Councilman Paolucci recommended adding the sandblasting and roofing bid award resolutions to the agenda due to time restraints.

PUBLIC PRIVILEGE ON RESOLUTIONS

Mr. Shahan questioned the word "owned" in the resolutions regarding the Corporate Commerce water and sewer as he thought the districts weren't turned over until they were paid for. Mr. Trainor said he believes the water system itself is owned by the Water Authority and once the sewer is constructed it will become part of the overall county district.

Resolution No. 320 of 2001, a resolution honoring Matthew Lahoff for attaining the rank of Eagle Scout.

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

WHEREAS, Matthew Lahoff, 17 Appletree Lane, Clifton Park, of Boy Scout Troop 45, has attained the rank of Eagle Scout, and

WHEREAS, the Town of Clifton Park Town Board wishes to acknowledge and honor Matthew Lahoff's achievements, particularly his project entailing building and completing sections of post and rail fencing for the Gowana Middle School Courtyard; now, therefore, be it

RESOLVED, that Matthew Lahoff, 17 Appletree Lane of Boy Scout Troop 45, 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

Resolution No. 321 of 2001, a resolution authorizing the inclusion of a street light into the Town of Clifton Park Lighting District No. 1.

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

WHEREAS, the Green Meadows subdivision was previously approved by the Town of Clifton Park Planning Board, and a street light at its intersection with New York State Route 146 was installed at the developer's expense, and

WHEREAS, streetlights throughout the Town are uniformly included in the Town's Lighting District to pay for it's continued operation and maintenance; now, therefore, be it

RESOLVED, that authorization is hereby granted for the inclusion of an existing street light at the entrance to the Green Meadows subdivision at the New York State Route 146 intersection, into the Clifton Park Lighting District No. 1; 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. 322 of 2001, a resolution approving a standard outside user agreement for hookups to the Route 9-Fire Road Water District No. 1.

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

WHEREAS, the Route 9-Fire Road Water District No. 1 has been approved by the NYS Department of Audit and Control, and

WHEREAS, a standard agreement for outside user hookups is preferred; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Water District, hereby approves the proposed standard outside user agreement for the Route 9-Fire Road Water District No. 1 for future hookups to the district's water system; and be it further

RESOLVED, that each individual outside user hookup agreement shall be separately reviewed and approved by the Town Board as Commissioners of the District.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 323 of 2001, a resolution approving an outside user hook-up to the Route 9-Fire Road Water District No. 1.

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

WHEREAS, the Route 9-Fire Road Water District No. 1 has been approved by the New York State Comptroller's Department of Audit and Control, and

WHEREAS, a request has been received by the Town Board as Commissioners of the Water District to approve an outside user hook-up per the attached agreement; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Route 9-Fire Road Water District No. 1, hereby approves an outside user hook-up to the District's facilities

by Giffy's Bar-B-Q pursuant to the attached agreement and authorizes the Supervisor to sign the agreement on behalf of the Water District.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 324 of 2001, a resolution adopting Local Law No. 16 of 2001 regarding inspection permit fees for agricultural buildings.

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

WHEREAS, a Public Hearing was held on November 5, 2001 to consider lowering inspection permit fees on agricultural buildings, and

WHEREAS, the comments from the public were generally in favor of the changes; now, therefore, be it

RESOLVED, that Local Law No. 16 of 2001, a local law amending Chapter 103-16 and Local Law No. 15 of 1988 of the Town Code, Building Permit fees and amended by Local Law No. 23 of 1988, No. 14 of 1996, and No. 2 of 1998 is hereby adopted; and be it further

RESOLVED, that the Town Clerk is directed to file notice of its adoption with the Department of State as appropriate.

Supervisor Barrett noted this reduces fees for agriculture buildings by half.

Local Law No. 16, 2001

Section 103-16 Building Permit Fees

Permit Fee

Agricultural Buildings

Per 100 square feet or any portion thereof \$ 5.00

Minimum charge \$ 45.00

Remodeling or renovation to an Agricultural Building

Per 100 square feet or any portion thereof \$ 5.00

Minimum charge \$ 45.00

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 325 of 2001, a resolution adopting the Preliminary Budget for 2002.

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

WHEREAS, a public hearing was held on the Preliminary Budget on November 8, 2001 where comments were received from the public regarding the proposal, and

WHEREAS, the comments of the public have been incorporated into the proposed budget; now, therefore, be it

RESOLVED, that the Preliminary Budget for 2002 is hereby adopted as the Town's Budget for the Year 2002.

Supervisor Barrett noted the 2002 budget has \$2.450 million surplus money being used for tax reduction, as well as additional funding for CAPTAIN and Seniors and other organizations. The ice arena line is reduced by \$40,000 and debt costs are greatly reduced due to debt retirement. He reported increases in health insurance and state retirement system. Councilman Speckhard's recommendation of using the interest on the \$1 million tax stabilization fund for strategic land purchases was also noted. Councilwoman Walowit recommended in the future waiting until after the budget workshops are held to make changes in the line items and stressed the importance of communications when changes are proposed. Supervisor Barrett stated all the changes are clearly laid out in each document.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 326 of 2001, a resolution accepting a conveyance of the following street and easements.

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

WHEREAS, as a condition of subdivision approval of the Applegarth subdivision, the Town of Clifton Park Planning Board required that the developer convey a road and certain easements to the Town of Clifton Park, and

WHEREAS, a Bond has been provided to the Town Planning Department as security for the contractor to complete all remaining punch list items; now, therefore, be it

RESOLVED, that the Town Board accepts the conveyance of the following streets, briefly described as follows:

Street Name of Owner

Tintagel Way Masullo Brothers Builders, Inc.
Excalibur Court
Drainage easement

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,
provisions of a title report which is acceptable to the Town Attorney, and upon payment of all (levied and to be levied) 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 provisions 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 deeds(s); and be it further

RESOLVED, that the Town Superintendent of Highways be and he is hereby authorized to post a thirty (30) miles per hour speed limit for the herein described highway(s) together with all necessary regulatory signs.

Councilman Speckhard said some taxes get attached to the land after it is turned over and it would be best if the party that is turning it over pay all the taxes, those that have been levied and those that will be obligated for the remainder of the year, instead of the town having to pay those additional taxes. Town Attorney Trainor said the Title Report should identify any outstanding taxes as well as taxes due. Councilman Speckhard said this

would be for taxes not as yet levied for the calendar year.

MOTION by Councilman Speckhard, seconded by Councilman Paolucci to amend the resolution by adding "levied and to be levied" to the second Resolve.

ROLL CALL VOTE ON MOTION

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

Noes: None

MOTION CARRIED

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 327 of 2001, a resolution accepting a conveyance of the following street and easements.

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

WHEREAS, as a condition of subdivision approval of the Oakhurst subdivision, the Town of Clifton Park Planning Board required that the developer convey a road and certain easements to the Town of Clifton Park, and

WHEREAS, a Bond has been provided to the Town Planning Department as security for the contractor to complete all remaining punch list items; now, therefore, be it

RESOLVED, that the Town Board accepts the conveyance of the following streets, briefly described as follows:

Street Name of Owner

Oakhurst Court Masullo Brothers Builders, Inc.
Storm Water Management Area
Multi-Use Path

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,
provisions of a title report which is acceptable to the Town Attorney, and upon payment of all (levied and to be levied) 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 provisions 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 deeds(s), and be it further

RESOLVED, that the Town Superintendent of Highways be and he is hereby authorized to post a thirty (30) miles per hour speed limit for the herein described highway(s) together with all necessary regulatory signs; and be it further

RESOLVED, that the Town Board hereby authorizes the installation of a stop sign on Oakhurst Court at its southerly intersection of Gloucester Street as required by the Planning Board and Town Highway Superintendent for proper traffic control.

Councilman Speckhard said some taxes get attached to the land after it is turned over and it would be best if the party that is turning it over pay all the taxes, those that have been levied and those that will be obligated for the remainder of the year, instead of the town having to pay those additional taxes. Town Attorney Trainor said the Title Report should identify any outstanding taxes as well as taxes due. Councilman Speckhard said this would be for taxes not as yet levied for the calendar year.

MOTION by Councilman Speckhard, seconded by Councilman Paolucci to amend the resolution by adding "levied and to be levied" to the second Resolve.

ROLL CALL VOTE ON MOTION

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

Noes: None

MOTION CARRIED

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth

Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 328 of 2001, a resolution accepting a conveyance of the following streets and easements.

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

WHEREAS, as a condition of approval of the Summerhill Subdivision, the Town of Clifton Park Planning Board required that the developer convey to the Town of Clifton Park roads and certain easements, and

WHEREAS, a Bond has been provided to the Town Planning Department as security for the contractor to complete all remaining punch list items; now, therefore, be it

RESOLVED, that the Town Board accepts the conveyance of the following streets and easements briefly described as follows:

Street Name of Owner
Avery Place The Michaels Group, L.L.C.
Fairhill Road (Phase I)
Heather Drive
Mayfield Drive
Roseland Court
Sheridan Court
Summerlin Drive (Phase I)
Waverly Place
Drainage Easement A, B, C, D, E,
F, G, O, and P

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,
provisions of a title report which is acceptable to the Town Attorney, and upon payment of all (levied and to be levied) 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 provisions 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 deeds(s), and be it further

RESOLVED, that the Town Superintendent of Highways be and he is hereby authorized to post a thirty (30) miles per hour speed limit for the herein described highway(s) together with all necessary regulatory signs; and be it further

RESOLVED, that the Town Board hereby authorizes the installation of a stop sign on Fairhill Road at its southerly intersection of Summerhill Drive, on Heather Drive at its southerly intersection of Summerlin Drive, on Mayfield Drive at its westerly intersection of Summerlin Drive, on Mayfield Drive at its northerly intersection of Summerlin Drive, on Summerlin Drive at its southerly intersection of Summerlin Drive, on Summerlin Drive at its northerly intersection of Summerlin Drive, on Summerlin Drive at its westerly intersection of Fairhill Road, on Waverly Place at its southerly intersection of Fairhill Road, and on Waverly Place at its easterly intersection of Summerlin Drive, as required by the Planning Board and Town Highway Superintendent for proper traffic control.

Councilman Speckhard said some taxes get attached to the land after it is turned over and it would be best if the party that is turning it over pay all the taxes, those that have been levied and those that will be obligated for the remainder of the year, instead of the town having to pay those additional taxes. Town Attorney Trainor said the Title Report should identify any outstanding taxes as well as taxes due. Councilman Speckhard said this would be for taxes not as yet levied for the calendar year.

MOTION by Councilman Paolucci, seconded by Councilwoman Walowit to amend the resolution by adding "levied and to be levied" to the first Resolve.

ROLL CALL VOTE ON MOTION

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

Noes: None

MOTION CARRIED

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 329 of 2001, a resolution re-conveying the following portion of a street, easement, open space, or parkland, as the case may be to Robert Marini Builders, Inc.

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

WHEREAS, on December 1, 1987 the Town Board accepted the conveyance of the following street, easement, open space or parkland, briefly described as follows:

Street Name of Owner Subdivision

Portion of Michelangelo Drive Town of Clifton Park Renaissance II, Phase IV
in front of Lot No. 2

and;

WHEREAS, said parcel is described by Gilbert VanGuilder & Associates as on the attached suggested description, and

WHEREAS, as a contingency of subdivision approval of Renaissance II, Phase IV was that the above street be conveyed to the Town of Clifton Park, and

WHEREAS, the subdivision was subsequently changed and re-approved by the Planning Board in 1994 after the acceptance of the conveyance of Michelangelo Drive pursuant to the original subdivision plan, and

WHEREAS, Robert Marini Builders Inc. now would like to build on Lot 2 Michelangelo Drive which is considered nonconforming due to lack of frontage it contains. Based upon the re-approved subdivision plan, the portion of the street in question now needs to be re-conveyed to the developer, and

WHEREAS, the re-conveyance would allow Robert Marini Builders, Inc. to make an application before the Zoning Board of Appeals of the Town of Clifton Park for lots with variances in order to receive the necessary building permits, and

WHEREAS, that this re-conveyance is expressly conditioned upon receipt of an approval by the Town Attorney of all necessary documents; now, therefore, be it

RESOLVED, that the above portion of a street, easement, open space, or parkland, as the case may be is hereby re-conveyed back to Robert Marini Builders, Inc.

Councilman Speckhard said there is an identical resolution regarding property in Country Knolls that has been tabled and asked, if we accept this, are we obligating ourselves to accept the other. Mr. Trainor said each one has some different circumstances involved with it.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 330 of 2001, a resolution scheduling a public hearing regarding the establishment of Corporate Commerce Zone Water District No. 1.

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

WHEREAS, the Corporate Commerce Zone was created in the late 1980's and expanded in the mid-1990's by the Town Board of the Town of Clifton Park (the "Town") as a special zoning district, and consists of approximately 280 acres of land located on Route 146, approximately 5,000 feet west of Route 146A intersection, and

WHEREAS, the Town Board proposes to establish a water district in the Corporate Commerce Zone to be known as the Corporate Commerce Zone Water District No. 1 (the "District"), and

WHEREAS, a map, plan and report (the "Maps and Plans") have been prepared in a manner and detail as determined by the Town Board regarding the proposed establishment of the District, and

WHEREAS, the Maps and Plans have been filed in the Town Clerk's Office and are available for public inspection during regular business hours, and

WHEREAS, the boundaries of the proposed District are as described in Exhibit A to this Resolution, and

WHEREAS, the water system improvements proposed to be constructed in the District (the "Improvements") consist of the construction and acquisition of water transmission and distribution mains including ductile iron water mains, service connections and hydrants, and all appurtenances and incidental equipment including the acquisition of rights-of-way, if necessary, in accordance with the Maps and Plans, and

WHEREAS, the Improvements will include water facilities in excess of those required for the proposed District, including the use of larger water mains and associated appurtenances, valves and spacing of hydrants to provide excess capacity (the "Excess Facilities"), which will be reserved for future water districts or extensions in the Town, and

WHEREAS, the estimated maximum amount to be expended for the Improvements, including design, construction and administrative costs, is \$580,000, of which (1) \$250,000 is attributable to the Excess Facilities and shall be a general Town charge to be initially advanced from the Town's general fund and subsequently reimbursed from any future water district or extension that uses the excess facilities, and (2) \$330,000 shall be a charge against the District to be paid from assessments levied on real property in the District, and

WHEREAS, the proposed method of financing the costs of the Improvements (other than the Excess Facilities) consists of the issuance of serial bonds and bond anticipation notes of the Town, payable in the first instance from assessments levied on benefited real property in the District. The proposed method of financing the Excess Facilities consists of the advance of \$250,000 from the Town's general fund, to be reimbursed by any future water district or extension that uses the Excess Facilities, from assessments levied against any such future district or extension, and

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

WHEREAS, the cost of the proposed District to the properties in the District is a combined total of debt service cost and operation and maintenance charges and is estimated to be as follows:

A. Debt Service Cost:

<u>Parcel ID No.</u>	<u>Annual Estimated Debt Service Cost</u>
270.-2-3.121	\$2,537.07
270.-2-1	\$2,996.87
270.-2-3.11	\$1,392.11
270.-1-23.1	\$1,567.71
270.-1-20.111	\$4,713.93
270.-2-2	\$5,341.95
270.-1-20.112	\$872.78
270.-2-3.122	\$1,068.82
264.-30-56.2	\$1,125.74
270.-1-20.113	\$1,783.02

B. Operation and Maintenance Charges: The water system, once constructed, will be owned and operated by the Clifton Park Water Authority. The following are the estimated operation and maintenance costs that will apply to existing properties in the District:

1. Residential Users:

Hook-up Fee	\$600 per lot
Water Line to Curb Stop	\$500 per lot

Water Line from Curb to House	\$10 per linear foot
Meter	\$150 per unit
Water Usage (2001 Rate)	\$3.24 per 1,000 gallons of water used
(Typical Single Family Usage is 75,000 gallons per year or \$243.00)	

2. Commercial Users:

Hook-up Fee	\$600 per building unit
Water Line to Curb Stop	Varies based on size of building
Water Usage (2001 Rate)	\$3.24 per 1,000 gallons of water used

NOW, THEREFORE, BE IT RESOLVED that the Town Board will hold a public hearing to hear all persons interested in the establishment of the District and the proposed water system improvements, which public hearing shall be held in the Wood Memorial Room, Town Hall, One Town Hall Plaza, in the Town of Clifton Park on December 10, 2001 at 7:30 p.m.; and be it further

RESOLVED, and ordered that the Town Clerk give notice of such hearing by publishing in the official Town newspaper a copy of this resolution and by posting a copy of this resolution on the Town's official sign-board not less than ten nor more than twenty days before such hearing.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 331 of 2001, a resolution scheduling a public hearing regarding the establishment of Corporate Commerce Zone Sewer District No. 1.

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

WHEREAS, the Corporate Commerce Zone was created in the late 1980's and expanded in the mid-1990's by the Town Board of the Town of Clifton Park (the "Town") as a special zoning district, and consists of approximately 280 acres of land located on Route 146 approximately 5,000 feet west of Route 146A intersection, and

WHEREAS, the Town Board proposes to establish a sewer district in the Corporate Commerce Zone to be known as the Corporate Commerce Zone Sewer District No. 1 (the "District"), and

WHEREAS, a map, plan and report (the "Maps and Plans") have been prepared in a manner and detail as determined by the Town Board regarding the proposed establishment of the District, and

WHEREAS, the Maps and Plans have been filed in the Town Clerk's Office and are available for public inspection during regular business hours, and

WHEREAS, the boundaries of the proposed District are as described in Exhibit A to this Resolution, and

WHEREAS, the sewer system improvements proposed to be constructed in the District (the "Improvements") consist of the construction and acquisition of a sanitary sewage collection system, including acquisition of land or rights in land, and furnishings, machinery, equipment or apparatus required in connection therewith, and

WHEREAS, the estimated maximum amount to be expended for the Improvements, including design, construction and administrative costs, is \$530,000, and

WHEREAS, the proposed method of financing the cost of the Improvements consists of (1) the receipt of a \$250,000 New York State grant to fund a portion of the costs, and (2) the issuance of serial bonds and bond anticipation notes of the Town, payable in the first instance from assessments levied on benefited real property in the District, to fund the remaining \$280,000 costs of the Improvements, and

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

WHEREAS, the cost of the proposed District to the properties in the District is a combined total of debt service cost, operation and maintenance charges and hook-up fees, and is estimated to be as follows:

A. Debt Service Cost:

<u>Parcel ID No.</u>	<u>Annual Estimated Debt Service Cost</u>
270.-2-3.121	\$2,486.94
270.-2-3.11	\$1,364.00
270.-1-23.1	\$1,576.73
270.-1-20.111	\$4,620.79
270.-2-2	\$5,236.40
270.-1-20.112	\$855.54
270.-2-3.122	\$1,047.70
264.-3-56.2	\$1,103.49
270.-1-20.113	\$1,747.79

B. Operation and Maintenance Charges: The sewer system, once constructed, will be owned and operated by the Saratoga County Sewer District No. 1 ("SCSD"). The costs of operation and maintenance will be based on the established SCSD Scale of Charges. Each parcel will be charged an allocated share of the annual cost of debt service, administration, operation and maintenance for the District's treatment facilities, interceptor sewer, and each major trunk sewer. An Equivalent Connection Unit (e.c.u.) will be determined for all users based on the type of use (commercial, single parcel, apartments, and various miscellaneous uses such as schools, food service, office building, warehouse, etc.) and the gallons per day of sewer discharge. The SCSD Scale of Charges is included as an Exhibit to the Maps and Plans on file in the Office of the Town Clerk of Clifton Park.

C. Hook-Up Fees: The estimated hook-up fees for connection to the sewer system are \$1,000 per lateral hook-up.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board will hold a public hearing to hear all persons interested in the establishment of the District and the proposed sewer system improvements, which public hearing shall be held in the Wood Memorial Room, One Town Hall Plaza, in the Town of Clifton Park on December 10, 2001 at 7:20 p.m.; and be it further

RESOLVED, and ordered that the Town Clerk give notice of such hearing by publishing in the official Town newspaper a copy of this resolution and by posting a copy of this resolution on the Town's official sign-board not less than ten nor more than twenty days before such hearing.

In response to Councilman Roth's question regarding less parcels in the sewer district, Mr. Shahan said one homeowner on Tanner Road has opted out of the sewer district.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 332 of 2001, a resolution awarding the bid for fencing at the Clifton Common.

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

WHEREAS, quotes were solicited for fencing at the Clifton Common, and

WHEREAS, the lowest conforming quote was received from AFSCO in the amount of \$7,830; now, therefore, be it

RESOLVED, that the bid is hereby awarded to AFSCO in the amount of \$7,830 to be budgeted from the 2001 County Tax Stabilization Refund, with a transfer to A-7112-200 (Clifton Common - Equipment).

Supervisor Barrett reported this would be short fencing along Vischer Ferry Road between the soccer fields and the road.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 333 of 2001, a resolution regarding Park District Sign Ownership and Maintenance.

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

WHEREAS, questions are being raised regarding park district ownership and maintenance of entrance signs for new subdivisions, which are generally small and attached to larger subdivisions within a single park district; now, therefore, be it

RESOLVED, that park districts are limited to the ownership and maintenance of two signs only, those to be located along a major town roadway, but all current park district supported signs would continue to be acceptable; and be it further

RESOLVED, that no other park district supported signs will be accepted, and if residents of smaller attached subdivisions want such a sign this can only be accomplished by either a Homeowners Association or at the Developers expense.

Councilman Speckhard said two park districts have asked that this issue be clarified and to what extent would the park district be responsible for signage for smaller subdivisions within a subdivision. Supervisor Barrett said this is something that could be accomplished by the developer or homeowners' association. Councilman Speckhard said this could be part of the subdivision regulations and asked Mr. Trainor to review it.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 334 of 2001, a resolution authorizing the Town of Clifton Park Comptroller to return \$1 million dollars to Saratoga County in 2002 from sales tax receipts and for the Town Comptroller to file commitment documents with Saratoga County.

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

WHEREAS, the Town Board is committed to doing all it can to stabilize County tax payments by Town residents; now, therefore, be it

RESOLVED, that the Clifton Park Town Board hereby authorizes the Town Comptroller to return \$1 million dollars to Saratoga County in 2002 from sales tax receipts and hereby authorizes the Town Comptroller to file the appropriate documents of commitment with Saratoga County.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 335 of 2001, a resolution accepting a conveyance of the following streets and easements.

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

WHEREAS, as a condition of subdivision approval of the Knollwood Hollow Subdivision (Phase I and II) the Town of Clifton Park Planning Board required that the developer convey roads and certain easements to the Town of Clifton Park, and

WHEREAS, a Bond has been provided to the Town Planning Department as security for the contractor to complete all remaining punch list items; now, therefore, be it

RESOLVED, that the Town Board accepts the conveyance of the following streets and

easements briefly described as follows:

Street Name of Owner

Knollwood Drive Tra-Tom Development, Inc.
Hillstone Court Galusha Development LLC
Hilltop Hollow Drive D. Brooks Teele
Storm Water Management Area Timothy K. Mitchell
20-foot wide storm drainage easement
through a portion of Lot No. 2 and Lot No.4
Hilltop Hollow Drive
20-foot wide storm drainage easement through
a portion of Lot No. 1 and Lot No. 3
Knollwood Drive

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, provisions of a title report which is acceptable to the Town Attorney, and upon payment of all (levied and to be levied) 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 provisions 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 deeds(s), and be it further

RESOLVED, that the Town Superintendent of Highways be and he is hereby authorized to post a thirty (30) miles per hour speed limit for the herein described highway(s) together with all necessary regulatory signs; and be it further

RESOLVED, that the Town Board hereby authorizes the installation of a stop sign on Hilltop Hollow Drive at its southerly intersection of Ushers Road, on Knollwood Drive at its southerly intersection of Ushers Road, on Hilltop Hollow Drive at its northerly intersection of Knollwood Drive, on Knollwood Drive at its westerly intersection of Hilltop Hollow Drive, and on Hillstone Court at its easterly intersection of Knollwood Drive, as required by the Planning Board and Town Highway Superintendent for proper traffic control.

Councilman Speckhard said some taxes get attached to the land after it is turned over and it would be best if the party that is turning it over pay all the taxes, those that have been levied and those that will be obligated for the remainder of the year, instead of the town

having to pay those additional taxes. Town Attorney Trainor said the Title Report should identify any outstanding taxes as well as taxes due. Councilman Speckhard said this would be for taxes not as yet levied for the calendar year.

MOTION by Councilman Paolucci, seconded by Councilman Speckhard to amend the resolution by adding "levied and to be levied" to the first Resolve.

ROLL CALL VOTE ON MOTION

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

Noes: None

MOTION CARRIED

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 336 of 2001, a resolution accepting a conveyance of the following street and easements.

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

WHEREAS, as a condition of approval of the Oaks Subdivision (Single-Family Phase and Phase IV) the Town of Clifton Park Planning Board required that the developer convey roads, certain easements and parkland to the Town of Clifton Park, and

WHEREAS, a Bond has been provided to the Town Planning Department as security for the contractor to complete all remaining punch list items; now, therefore, be it

RESOLVED, that the Town Board accepts the conveyance of the following streets, easements and parklands briefly described as follows:

Street Name of Owner

Avenue of the Oaks - Site Road "B" and a DCG Family Limited
portion of Site Road "A" (North Entrance) Partnership
Portion of Avenue of the Oaks - Site Road "A"

(Phase II to Single Family Section)
Portion of Avenue of the Oaks - Site Road "A"
Ebony Oaks
Sherman Oaks
Essex Circle
Brittany Oaks
Cheshire Ridge
Davenport Circle
20-foot wide Utility Easement
Two 30-foot wide Utility and Access Easements
Temporary Easement through Lot No. 5
Temporary Easement through Lot Nos. 4 & 6
60 foot wide Paper Stub Street
Storm Water Management Area
Class A Parkland (3 parcels)
Class B Open Space (2 parcels)

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,
provisions of a title report which is acceptable to the Town Attorney, and upon payment of all (levied and to be levied) 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 provisions 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 deeds(s), and be it further

RESOLVED, that the Town Superintendent of Highways be and he is hereby authorized to post a thirty (30) miles per hour speed limit for the herein described highway(s) together with all necessary regulatory signs; and be it further

RESOLVED, that the Town Board hereby authorizes the installation of a stop sign on Ebony Oaks at its northerly intersection of Avenue of the Oaks, on Sherman Oaks at its southerly intersection of Avenue of the Oaks, on Essex Circle at its southerly intersection of Avenue of the Oaks, on Brittany Oaks at its southerly intersection of Avenue of the Oaks, on Cheshire Ridge at its southerly intersection of Avenue of the Oaks, on Davenport Circle at its northerly intersection of Avenue of the Oaks, as required by the Planning Board and Town Highway Superintendent for proper traffic control.

Councilman Speckhard said some taxes get attached to the land after it is turned over and it would be best if the party that is turning it over pay all the taxes, those that have been levied and those that will be obligated for the remainder of the year, instead of the town having to pay those additional taxes. Town Attorney Trainor said the Title Report should identify any outstanding taxes as well as taxes due. Councilman Speckhard said this would be for taxes not as yet levied for the calendar year.

MOTION by Councilman Paolucci, seconded by Councilman Speckhard to amend the resolution by adding "levied and to be levied" to the first Resolve.

ROLL CALL VOTE ON MOTION

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

Noes: None

MOTION CARRIED

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 337 of 2001, a resolution awarding the bid for the Pool Sandblasting and Sidewalk Repairs.

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

WHEREAS, on November 16, 2001, bids were received for the above referenced contract, and

WHEREAS, the low bidder for this contract is J. F. Patterson Painting Co., Inc. in the amount of \$55,800, and

WHEREAS, McDonald Engineering has reviewed the bid and has recommended to the Town Supervisor that the bid of J. F. Patterson Co., Inc. be accepted; now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced bid to J. F. Patterson Painting Co., Inc. in the amount of \$55,800.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 338 of 2001, a resolution awarding the bid for the Country Knolls Pool Clubhouse Roof Replacement.

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

WHEREAS, on November 16, 2001, bids were received for the above referenced contract, and

WHEREAS, the low bidder for this contract is S & L Roofing & Sheetmetal, Inc. in the amount of \$54,269, and

WHEREAS, McDonald Engineering has reviewed the bid and has recommended to the Town Supervisor that the bid of S & L Roofing & Sheetmetal, Inc. be accepted; now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced bid to S & L Roofing & Sheetmetal, Inc. in the amount of \$54,269.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Norman Goldman, London Square Drive, said he has never been concerned about items being added to the agenda that are time sensitive but only about significant changes to the number of items on the agenda or in the nature of the items that were added. He noted in recent meetings the problem has been much improved. Mr. Goldman asked how increases are arrived at for the tentative budget. Mr. Shahan said, with regard to the non-profits, requests are discussed with the Town Board as well as Town Comptroller and County Treasurer

Gerry Pfeiffer, Huntwood Drive, speaking with regard to the stub street off of Wood Dale Drive, asked for an easement to run electricity to property off the stub street that goes to two keyhole lots. She said this is for a residence for a pastor at the Jonesville Methodist Church. Councilman Paolucci said the house is built and ready to move in and is concerned about the timing. Ms. Pfeiffer said apparently Country Club Acres has been working on this since August. She said the second lot is being developed for another house not related to the church. Councilman Paolucci said the tabled resolution is for a conveyance not an easement. Ms. Pfeiffer said land can either be deeded or an easement granted. Supervisor Barrett asked Ms. Pfeiffer to talk with Mr. Trainor.

Ed Dussault, Grooms Road, asked the town to verify that the mulching operation at 614 Grooms Road has or will cease and desist in accordance with Judge Hughes' decision and for a list of names of chemicals used in the operation. Mr. Shahan said he was at the site last week and didn't see any activity going on and didn't see any wood to be ground up. Mr. Dussault commended Mr. O'Brien on his shoreline presentation.

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

Motion carried at 9:55 p.m.

Patricia O'Donnell
Town Clerk