

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

**September 8, 2003**

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 Speckhard  
Councilwoman Walowit  
Supervisor Barrett  
Town Clerk O'Donnell

Absent: Councilman Paolucci  
Councilman Roth

Also Present: Town Attorney Trainor  
Louis Gerard, Superintendent of Highways  
Michael Shahen, Town Administrator

MOTION by Councilman Speckhard, seconded by Councilwoman Walowit, to approve the minutes of the August 18, 2003 meeting as presented.

### **ROLL CALL VOTE**

Ayes: Councilman Speckhard, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Roth

### **MOTION CARRIED**

### **REPORT TO THE BOARD**

Ed Vopelak, C.T. Male, spoke with regard to a proposed water district between the Town of Ballston and the Town of Clifton Park. The parcels in Clifton Park are isolated from the rest of the town by three sets of railroad tracks and it would be very expensive to bring water from the Rexford Water District across the tracks. C.T. Male evaluated the costs based on interest of people in both towns. The project cost is estimated at \$192,000; 6 occupied parcels and 2 vacant parcels in the Town of Ballston and 7 occupied residential and 4 vacant parcels in the Town of Clifton Park. Mr. Vopelak reported petitions were circulated in both towns and more than 50 percent of property owners and

50 percent of the assessed valuation in both towns want this to be pursued. It was determined the most practical way would be to set up two water districts. Because it is in the Town of Clifton Park and outside the Rexford Water District, the Clifton Park Water Authority has given permission to allow the project to be served by the Town of Ballston. An agreement between the two towns notes that the Town of Ballston would administer the district. The costs to residents will be the same for both towns and assessment rates would be equalized. Billing will be handled by the Town of Ballston but there will be an agreement if a water bill is not paid it will be levied on the tax bill in Clifton Park. Mr. Vopelak stated the water problems in the area are very severe. The cost to the average household in the Town of Ballston is \$850 and in Clifton Park \$793. The districts will have to be approved by the State Comptroller's Office. The water for this district will come from the Town of Glenville, through the Town of Ballston. The Town of Ballston needs approval from the Town of Glenville for the expansion of its district and also needs approval to serve the Town of Clifton Park properties. The rate will be \$3.20 per thousand, the same rate currently charged by the Town of Ballston Burnt Hills/Ballston Lake Water District No. 2. Supervisor Barrett asked the percentage of property owners in Clifton Park that are in favor of the district. Mr. Vopelak responded there were 5 yeses on the petition. Most of the people that voted yes are people with structures on the properties and the impact on people with vacant land is small. It was noted there is an opportunity for a permissive referendum. Mr. Vopelak said the Town Board of Clifton Park would be the Commissioners of the water district in the Town of Clifton Park but the Town of Ballston will operate the district. Mr. Vopelak said there will be one agreement between the Town of Glenville and Town of Ballston to serve both the Town of Clifton Park District and the Town of Ballston District. In response to Councilwoman Walowit's question regarding why the properties in Clifton Park can't be outside users, Mr. Vopelak explained someone has to pay for the pipe coming into Clifton Park and the only way to apportion the cost of the pipe is to set up a water district so the property owners will be paying for that piece of pipe on their tax bill.

## PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 230 of 2003, a resolution determining that action to organize Miller Road South Water District No. 1 and acquire, construct and install improvements to the water system will not have a significant effect on the environment.

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

WHEREAS, the Town Board of the Town of Clifton Park, Saratoga County, New York (the "Town") proposes to establish a water district in the Town to be known as the Miller Road South Water District No. 1 (the "District") and also proposes to acquire, construct and install a water supply and distribution system in the District, including (a) construction and installation of water transmission mains and lines and related facilities, (b) acquisition of furnishings, equipment, machinery or apparatus required in connection

therewith, and (c) acquisition of land or rights in land, all as more particularly described in the report of John M. McDonald Engineering, P.C. which is on file in the office of the Town Clerk, 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, being 6 NYCRR Part 617, as amended (the "Regulations"), the Town Board desires to determine whether the Project may have a "significant effect on the environment" (as said quoted term is defined in the SEQR Act and the Regulations) and therefore require the preparation of an environmental impact statement, and

WHEREAS, to aid the Town Board in determining whether the Project may have a significant effect upon the environment, an environmental assessment form (the "EAF") has been presented to and reviewed by the Town Board, copies of which EAF are on file in the office of the Town Clerk, and

WHEREAS, pursuant to the Regulations, the Town Board 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 said quoted term is defined in the Regulations);

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

(1) Based upon an examination of the EAF, and based further upon the Town Board's knowledge of the area surrounding the proposed District 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 consists of the organization of the District and the acquisition, construction and installation of a new water system in the District, including (i) construction and installation of water transmission mains and lines and related facilities, (ii) acquisition of furnishings, equipment, machinery or apparatus required in connection therewith, and (iii) acquisition of land or rights in land, all as more particularly described in the report of John M. McDonald Engineering, P.C. which is on file in the office of the Town Clerk.

(B) No potentially significant impacts on the environment are noted in the EAF, and none are known to the Town Board.

(2) Based upon the foregoing investigation of the potential environmental impacts of the Project and considering both the magnitude and importance of each environmental impact therein indicated, the Town Board makes the following findings and

determinations with respect to the Project:

(A) The Project constitutes an "Unlisted Action" (as said quoted term is defined in the Regulations);

(B) The Project will result in no major impacts and, therefore, is one which will not cause significant damage to the environment. Therefore, the Town Board hereby determines that 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

(C) As a consequence of the foregoing, the Town Board has prepared a negative declaration with respect to the Project.

(3) The Town Supervisor is hereby directed to file with the Town Clerk a negative declaration with respect to the Project, which shall be available for public inspection during regular business hours.

(4) This resolution shall take effect immediately.

#### ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Roth

#### DECLARED ADOPTED

Resolution No. 231 of 2003, a resolution scheduling a public hearing regarding the establishment of Miller Road South Water District No. 1.

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

WHEREAS, the Town Board of the Town of Clifton Park, Saratoga County, New York (the "Town") has caused a map, plan and report (the "Maps and Plans") to be prepared in a manner and detail as determined by the Town Board in connection with the proposed establishment and improvement of a water district in the Town to be known as Miller Road South Water District No. 1 (the "District"), and

WHEREAS, the boundaries of the proposed District are set forth on Exhibit A attached hereto, and

WHEREAS, the Town proposes to acquire, construct and install a water supply and

distribution system and related facilities in the District (the "Improvements"), including (a) construction and installation of water transmission mains and lines and related facilities, (b) acquisition of furnishings, equipment, machinery or apparatus required in connection therewith, and (c) acquisition of land or rights in land, all as more particularly described in the Maps and Plans, and

WHEREAS, the maximum amount proposed to be expended for the Improvements is \$192,000.00, and

WHEREAS, the cost of the proposed District to the typical property in the District is estimated to be approximately \$1,090.00 per year, and

WHEREAS, the proposed method of financing the costs of the Improvements consists of the issuance of serial bonds and bond anticipation notes of the Town to mature in annual installments over a period not exceeding 25 years, payable in the first instance from assessments levied on real property in the proposed District, and

WHEREAS, the cost of acquiring, constructing and installing the District Improvements will be assessed among the properties in the District in proportion to the assessed value of each property, and

WHEREAS, usage, operation and maintenance fees will be charged in accordance with the Clifton Park Water Authority standard fee schedule, and

WHEREAS, the Maps and Plans describing the foregoing, including a detailed explanation of how the estimated cost of the District to the typical property was computed, have been filed in the Town Clerk's office and are available for public inspection during regular business hours;

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 October 6, 2003 at 7:10 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 Speckhard, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Roth

DECLARED ADOPTED

Resolution No. 232 of 2003, a resolution setting a public hearing to consider adoption of Local Law No. \_\_\_\_ of 2003, a local law amending Chapter 103, Article II, Section 103-16, Building permit fees of the Town Code.

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

WHEREAS, the Building Department has recommended that the Town Board consider amending Section 103-16, Building permit fees to enact changes to the fees charged by the Building Department, and

WHEREAS, the Town Board wishes to solicit the comments of the Town's citizens regarding the proposed changing fees; now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled for September 15, 2003 at 7:20 PM in the Wood Memorial Room, One Town Hall Plaza, Clifton Park to consider the adoption of Local Law No. \_\_\_\_\_ of 2003, a local law amending Chapter 103, Article II, Section 103-16, Building permit fees, as per the attached Exhibit A and the Town Clerk is directed to publish notice of the same.

It was noted this needs to be redone as the public hearing notice was not published.

ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Roth

DECLARED ADOPTED

Resolution No. 233 of 2003, a resolution authorizing the hiring of a Camera Man to tape the Clifton Park Town Board Meetings.

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

WHEREAS, a need exists to hire a Camera Man to tape Town Board Meetings, and

WHEREAS, Michael Shahan, Town Administrator, has recommended that Daniel Ensel, 6 Rolling Brook Court, Clifton Park, be hired to fill this position; now, therefore, be it

RESOLVED, that authorization is hereby given to Michael Shahan to hire Daniel Ensel, 6 Rolling Brook Court, Clifton Park, as a Camera Man for the Town of Clifton Park, at \$25.00 for the first two hours, and \$10.00 per hour thereafter, to be budgeted from A1010-015, Town Board Contractual, effective immediately.

ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Roth

DECLARED ADOPTED

Resolution No. 234 of 2003, final resolution establishing Corporate Commerce Zone Water District No. 1.

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

WHEREAS, the Town Board of the Town of Clifton Park, Saratoga County, New York (the "Town") previously authorized the formation of Corporate Commerce Zone Water District No. 1 (the "District") by resolution adopted by the Town Board on March 17, 2003, subject to approval of the New York State Comptroller, and

WHEREAS, on May 12, 2003, the Town Board submitted an application to the New York State Office of the State Comptroller requesting approval of the formation of the District and construction of improvements to the water system in the District (the "Improvements") consisting 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, all as more particularly described in the maps and plans prepared by John M. McDonald Engineering, P.C. (the "Maps and Plans") which are on file in the office of the Town Clerk, and

WHEREAS, by order dated September 3, 2003, the New York State Comptroller approved the establishment of the District;

NOW, THEREFORE, be it

RESOLVED, that Corporate Commerce Zone Water District No. 1 in the Town of Clifton Park, Saratoga County, New York, is hereby established in accordance with the Maps and Plans, and the District shall be bounded and described as set forth on Exhibit A attached hereto.

RESOLVED, the construction of the Improvements is hereby authorized at a maximum estimated cost of \$521,000.

RESOLVED, that the Town Clerk is hereby authorized and directed to cause a certified copy of this resolution to be recorded in the office of the Saratoga County Clerk and filed in the office of the State Department of Audit and Control in Albany, in accordance with the provisions of Town Law Section 195.

#### ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilwoman Walowit, Supervisor Barrett

Absent: Councilman Paolucci, Councilman Roth

Noes: None

#### DECLARED ADOPTED

Resolution No. 235 of 2003, final resolution establishing Corporate Commerce Zone Sewer District No. 1.

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

WHEREAS, the Town Board of the Town of Clifton Park, Saratoga County, New York (the "Town") previously authorized the formation of Corporate Commerce Zone Sewer District No. 1 (the "District") by resolution adopted by the Town Board on March 17, 2003, subject to approval of the New York State Comptroller, and

WHEREAS, on May 12, 2003, the Town Board submitted an application to the New York State Office of the State Comptroller requesting approval of the formation of the District and construction of improvements to the sewer system in the District (the "Improvements") consisting 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, all as more particularly described in the maps and plans prepared by John M. McDonald Engineering, P.C. (the "Maps and Plans") which are on file in the office of the Town Clerk,

WHEREAS, by order dated September 3, 2003, the New York State Comptroller approved the establishment of the District;

NOW, THEREFORE, be it

RESOLVED, that Corporate Commerce Zone Sewer District No. 1 in the Town of

Clifton Park, Saratoga County, New York, is hereby established in accordance with the Maps and Plans, and the District shall be bounded and described as set forth on Exhibit A attached hereto.

RESOLVED, the construction of the Improvements is hereby authorized at a maximum estimated cost of \$530,000.

RESOLVED, that the Town Clerk is hereby authorized and directed to cause a certified copy of this resolution to be recorded in the office of the Saratoga County Clerk and filed in the office of the State Department of Audit and Control in Albany, in accordance with the provisions of Town Law Section 195.

Councilman Speckhard stated there is no intention or plan to extend the sewer district into the western part of town.

#### ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Roth

#### DECLARED ADOPTED

RESOLUTION NO. 236 of 2003, A BOND RESOLUTION DATED SEPTEMBER 8, 2003 OF THE TOWN OF CLIFTON PARK, NEW YORK, AUTHORIZING THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF A WATER SUPPLY AND DISTRIBUTION SYSTEM AND RELATED EQUIPMENT, MACHINERY AND APPARATUS IN CORPORATE COMMERCE ZONE WATER DISTRICT NO. 1, AT A MAXIMUM ESTIMATED COST OF \$521,000 AND AUTHORIZING THE ISSUANCE OF \$271,000 SERIAL BONDS TO PAY THE COST THEREOF.

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

Section 1. The Town of Clifton Park, New York (the "Town") is hereby authorized to acquire, construct and install a water supply and distribution system in Corporate Commerce Zone Water District No. 1 (the "District"), including buildings, land or rights in land, and equipment, machinery and apparatus required in connection therewith, at an estimated maximum cost of \$521,000 and to issue an aggregate \$271,000 in serial bonds pursuant to the provisions of the Local Finance Law to finance the costs of the aforesaid object or purpose.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$521,000, said amount is hereby appropriated therefore and

the plan for the financing thereof shall consist of the issuance of \$271,000 in serial bonds (the "Bonds") of the Town authorized to be issued pursuant to this resolution, and the expenditure of \$250,000 from the Town's general fund which is hereby authorized.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty (40) years pursuant to paragraph 1 of Section 11.00(a) of the Local Finance Law. The proposed maturity of the obligations authorized by this resolution will be in excess of five (5) years.

Section 4. Pursuant to Section 107.00(d)(9) of the Local Finance Law, no down payment is required prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any Bond Anticipation Notes issued in an anticipation of the Bonds shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any Bond Anticipation Notes issued in anticipation of the Bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds and any Bond Anticipation Notes issued in anticipation of the Bonds. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be apportioned and assessed upon the several lots and parcels of land within the District, which the Town Board shall determine to be especially benefited by the improvements, an amount sufficient to pay the principal of and interest on such obligations as the same become due and payable, but if not paid from such source, all the taxable real property in the Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal and interest on such obligations when due.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00, inclusive, of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to issue bonds providing for level or substantially level or declining annual debt service, is hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 8. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Town's General Fund. It is intended that the Town shall then reimburse such expenditures with the proceeds of the Bonds and bond anticipation notes authorized by this resolution and that the interest payable on the Bonds and any bond anticipation notes issued in anticipation of the Bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by this resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Regulation Section 1.150-2.

Section 9. The Serial Bonds and Bond Anticipation Notes authorized to be issued by this Resolution are hereby authorized to be consolidated, at the option of the Town Supervisor, the chief fiscal officer of the Town, with the serial bonds and bond anticipation notes authorized by other bond resolutions adopted by the Town Board for purposes of sale in one or more bond or note issues aggregating an amount not to exceed the amount authorized in such resolution. All matters relating to the sale of the Bonds, including the date of the Bonds, the consolidation of the Bonds and Bond Anticipation Notes with other issues of the Town, and the serial maturity of the Bonds, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 10. The validity of the Bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of this resolution or a summary hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 11. The Town Supervisor, as chief fiscal officer of the Town, is hereby authorized to enter into an undertaking for the benefit of holders of the Bonds from time to time, and any bond anticipation notes issues in anticipation of the sale of the Bonds, requiring the Town to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15(c)2-12.

Section 12. This resolution, or a summary of this resolution, shall be published in the official newspapers of the Town for such purpose, together with a notice of the Clerk of the Town in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 13. The Town Board hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 14. This resolution shall take effect immediately upon its adoption.

#### ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Roth

#### DECLARED ADOPTED

Councilman Speckhard explained 12 inch water pipes rather than eight inch are being used so that the water can be extended to the western part of town and ultimately to the Rexford Water District. The Corporate Commerce Zone Water District cannot be charge for the extra four inches so that will come out of the general fund and be repaid from future users. He noted this money has already been set aside.

The Board waived the reading of Resolution No. 237 for all but the first two paragraphs as it is the same as Resolution No. 236.

RESOLUTION NO. 237 of 2003, A BOND RESOLUTION DATED SEPTEMBER 8, 2003 OF THE TOWN OF CLIFTON PARK, NEW YORK, AUTHORIZING THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF A SEWER SYSTEM AND RELATED EQUIPMENT, MACHINERY AND APPARATUS IN CORPORATE COMMERCE ZONE SEWER DISTRICT NO. 1, AT A MAXIMUM ESTIMATED COST OF \$530,000 AND AUTHORIZING THE ISSUANCE OF \$280,000 SERIAL BONDS TO PAY THE COST THEREOF.

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

Section 1. The Town of Clifton Park, New York (the "Town") is hereby authorized to acquire, construct and install a sewer system in Corporate Commerce Zone Sewer District No. 1 (the "District"), including buildings, land or rights in land, and equipment, machinery and apparatus required in connection therewith, at an estimated maximum cost of \$530,000 and to issue an aggregate \$280,000 in serial bonds pursuant to the provisions of the Local Finance Law to finance the costs of the aforesaid object or purpose.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$530,000, said amount is hereby appropriated therefore and the plan for the financing thereof shall consist of the issuance of \$280,000 in serial bonds (the "Bonds") of the Town authorized to be issued pursuant to this resolution, and the expenditure of \$250,000 from a New York State grant which is hereby authorized.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty (40) years pursuant to paragraph 4 of Section 11.00(a) of the Local Finance Law. The proposed maturity of the obligations authorized by this resolution will be in excess of five (5) years.

Section 4. Pursuant to Section 107.00(d)(9) of the Local Finance Law, no down payment is required prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any Bond Anticipation Notes issued in an anticipation of the Bonds shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any Bond Anticipation Notes issued in anticipation of the Bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds and any Bond Anticipation Notes issued in anticipation of the Bonds. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be apportioned and assessed upon the several lots and parcels of land within the District, which the Town Board shall determine to be especially benefited by the improvements, an amount sufficient to pay the principal of and interest on such obligations as the same become due and payable, but if not paid from such source, all the taxable real property in the Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal and interest on such obligations when due.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00, inclusive, of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to issue bonds providing for level or substantially level or declining annual debt service, is hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 8. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Town's General Fund. It is intended that the Town shall then reimburse such expenditures with the proceeds of the Bonds and bond anticipation notes authorized by this resolution and that

the interest payable on the Bonds and any bond anticipation notes issued in anticipation of the Bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by this resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Regulation Section 1.150-2.

Section 9. The Serial Bonds and Bond Anticipation Notes authorized to be issued by this Resolution are hereby authorized to be consolidated, at the option of the Town Supervisor, the chief fiscal officer of the Town, with the serial bonds and bond anticipation notes authorized by other bond resolutions adopted by the Town Board for purposes of sale in one or more bond or note issues aggregating an amount not to exceed the amount authorized in such resolution. All matters relating to the sale of the Bonds, including the date of the Bonds, the consolidation of the Bonds and Bond Anticipation Notes with other issues of the Town, and the serial maturity of the Bonds, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 10. The validity of the Bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of this resolution or a summary hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 11. The Town Supervisor, as chief fiscal officer of the Town, is hereby authorized to enter into an undertaking for the benefit of holders of the Bonds from time to time, and any bond anticipation notes issues in anticipation of the sale of the Bonds, requiring the Town to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15(c)2-12.

Section 12. This resolution, or a summary of this resolution, shall be published in the official newspapers of the Town for such purpose, together with a notice of the Clerk of the Town in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 13. The Town Board hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 14. This resolution shall take effect immediately upon its adoption.

ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Roth

DECLARED ADOPTED

Resolution No. 238 of 2003, a resolution authorizing the commencement of the bidding process for Corporate Commerce Zone Water and Sewer District No. 1.

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

WHEREAS, the creation of the Corporate Commerce Zone Water and Sewer District No. 1 was previously approved by Resolution Nos. 234 and 235 of 2003, and has been approved by the NYS Comptroller's Office on September 3, 2003; now, therefore, be it

RESOLVED, that the Town Board as Commissioners of the Corporate Commerce Water and Sewer District No. 1 is hereby authorized to commence the bidding process for work to be performed in the construction of the Corporate Commerce Zone Water and Sewer District No. 1, and be it further

RESOLVED, that the cost of construction improvements not exceed a maximum authorized estimated cost of \$521,000 for the Corporate Commerce Zone Water District No.1, and \$530,000 for the Corporate Commerce Zone Sewer District No. 1; and be it further

RESOLVED, that authorization is granted to accept the lowest responsible bid for such work.

ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Roth

DECLARED ADOPTED

PUBLIC PRIVILEGE

Norman Goldman, London Square Drive, asked why Mr. Vopelak's presentation was given this evening since it wasn't on the agenda and the people effected not in attendance. Councilman Speckhard responded he and Councilman Paolucci had questions

and asked for more information and detail. Speaking with regard to the proposed library, Mr. Goldman hopes that the library will be visible from the road.

Jim Baisley, Barkwood Drive, asked if the area under consideration for a zoning change on Route 9 is part of the Empire Zone. Supervisor Barrett responded no, that only the land on Route 9 and Kinns Road is part of the Empire Zone.

MOTION by Councilwoman Walowit, 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 7:58 p.m.

Patricia O'Donnell  
Town Clerk