

October 21, 2013

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 Whalen  
Councilwoman Standaert  
Councilman Romano  
Councilwoman Walowit  
Supervisor Barrett  
Town Clerk O'Donnell

Also Present: Town Attorney McCarthy  
Richard Kukuk, Superintendent of Highways  
Mark Heggen, Comptroller  
Steven Myers, Director of Building and Zoning  
Louis Pasquarell, Director of Safety and Security  
John Scavo, Director of Planning

MOTION BY Councilman Romano, seconded by Councilwoman Walowit, to approve the minutes of the October 7, 2013 meeting as presented.

**ROLL CALL VOTE**

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano,  
Councilman Walowit, Supervisor Barrett

Noes: None

**MOTION CARRIED**

**ANNOUNCEMENTS AND COMMUNICATIONS**

Supervisor Barrett reviewed the changes to the 2014 tentative budget following the budget workshops, attached.

Rick Barber, Christinamarie Drive, displayed the sign erected on Christinamarie Drive in honor and memory of Deanna Rivers, killed in a car accident on December 1, 2012, noting it is important that the Rivers family knows that people care. Mr. Barber said "Christinamarie Drive will always be Deanna's home". Supervisor Barrett thanked the Michaels Group, owner of Crescent Waste Sewer Company, for allowing electricity for the sign to be drawn from their nearby facility at no charge.

Jen Wood, Shenendehowa Community Coalition, reviewed the statistics in the coalition's partnership with town security in curbing underage drinking in town parks. She spoke of the success in this partnership, noting there has been a decrease each month over the summer of underage drinking in town parks and looks forward to continuing the affiliation. Ms. Wood said students will be surveyed again in November.

**PUBLIC PRIVILEGE ON RESOLUTIONS**

No one wished to be heard.

Resolution No. 230 of 2013, a resolution scheduling a public hearing to consider the 2014 Preliminary Budget.

Introduced by Councilman Whalen, who moved its adoption, seconded by Councilwoman Standaert.

WHEREAS, the Town Board wishes to obtain comment regarding the 2014 Preliminary Budget; now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled for Thursday, November 7, 2013 at 7:00 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York, to consider the 2014 Preliminary Budget; and be it further

RESOLVED, that the Town Clerk publish appropriate notice of same.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 231 of 2013, a resolution authorizing the Assessor to re-levy the expense of repairs or demolition against the land on which such building is located, as provided for in Section 77-10 of the Town Code.

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

WHEREAS, in February of 2012, the Town Board adopted Resolution No. 40 to respond to isolated incidents where the abandonment of properties or extended foreclosure process results in neglect to real property, and

WHEREAS, newly adopted Section 77-12 of the Town Code requires that records of costs and expenses incurred in providing such maintenance be reported to the Town Board no later than November 1<sup>st</sup> of each year, and

WHEREAS, the Code Enforcement Officer has reported the identification of nineteen vacant, abandoned or foreclosure properties meeting criteria outlined in Section 77-10, as amended, and

WHEREAS, maintenance performed by the Buildings and Grounds Department, pursuant to Section 77 of the Town Code, has been completed by the Department of Buildings and Grounds on all nineteen properties at a cost of \$12,187.50, per the attached exhibit, and

WHEREAS, the code requires that the Town Board authorize the assessor to re-levy the unpaid bills on affected properties for the 2014 tax roll to ensure re-payment to the town consistent with Resolution No. 40 of 2012; now, therefore, be it

RESOLVED, that the Town Board authorizes the Assessor to re-levy the unpaid bills on the respective properties as delineated on Attachment 1 to this resolution for the 2014 Town and County Tax bills; and be it further

RESOLVED, that all proceeds be returned in February to the Town of Clifton Park.

Supervisor Barrett reported there are 19 homes involved. He said Director of Building and Zoning Myers has been tracking these homes on a weekly basis and Buildings and Grounds have been mowing and securing doors and windows.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 232 of 2013, a resolution accepting a quote from The PlayPro for the purchase of three sets of bleachers for the Clifton Common.

Introduced by Councilwoman Standaert, who moved its adoption, seconded by Councilman Whalen.

WHEREAS, quotes were received for the purchase of three sets of bleachers for use at the Clifton Common, and

WHEREAS, The PlayPro, 5 Krey Boulevard, Rensselaer, New York, submitted the lowest quote in the amount of \$6,694 for the purchase of the three bleachers, and

WHEREAS, Michael Handerhan, Supervisor of Buildings and Grounds, has reviewed the quotes and recommends accepting the quote of The PlayPro as the lowest responsible vendor; now, therefore, be it

RESOLVED, that the Town Board accepts the quote of The PlayPro for the purchase of three sets of bleachers in an amount of \$6,694, to be paid from A7112-200 (Clifton Common).

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 233 of 2013, a resolution authorizing the Town Supervisor to sign a grant application on behalf of the Justice Court for the purchase of equipment for the Justice Court.

Introduced by Councilwoman Walowit, who moved its adoption, seconded by Councilwoman Standaert.

WHEREAS, the 2013 Justice Court Assistance Program provides state funding for local courts to purchase necessary equipment, and

WHEREAS, Judge Robert A. Rybak and Judge James F. Hughes would like to file an application to purchase a variety of equipment, office furniture and supplies, and

WHEREAS, such equipment will enable the Justice Court to better serve the needs of the public; now, therefore, be it

RESOLVED, that the Clifton Park Town Board supports the submission of a grant application to purchase a variety of equipment, office furniture and supplies; and be it further

RESOLVED, that the Town Supervisor is authorized to sign a grant application on behalf of the Justice Court for the purchase of equipment for the Justice Court.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

RESOLUTION NO. 234 of 2013, A BOND RESOLUTION DATED OCTOBER 21, 2013 OF THE TOWN OF CLIFTON PARK, NEW YORK, AUTHORIZING IMPROVEMENTS TO WATER DISTRIBUTION FACILITIES BENEFITTING THE REXFORD WATER DISTRICT NO. 2, EXTENSION NO. 2, AT A MAXIMUM ESTIMATED COST OF \$66,000 AND AUTHORIZING THE ISSUANCE OF \$66,000 SERIAL BONDS TO PAY THE COST THEREOF.

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

Section 1. The Town of Clifton Park, New York (the "Town") is hereby authorized to construct improvements to the Rexford Water District No. 2, Extension No. 2 necessary and incidental to construction of water distribution facilities and other improvements in connection therewith, at an estimated maximum cost of \$66,000 and to issue an aggregate \$66,000 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 \$66,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$66,000 in serial bonds (the "Bonds") of the Town authorized to be issued pursuant to this resolution.

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(3) (1) 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.

This project, located on Madison Avenue in Rexford, is in the construction phase.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 235 of 2013, a resolution authorizing the Supervisor to sign Change Order No. 1, Contract No. 2, Electrical, with Capital District Electric, Inc. for Sanitary Sewer Replacement Bid.

Introduced by Councilman Romano, who moved its adoption, seconded by Councilwoman Standaert.

WHEREAS, Resolution No. 200 of 2012 authorized a contract with Capital District Electric, Inc. for the electrical contract associated with the Sanitary Sewer Replacement Bid project, and

WHEREAS, a change order was prepared by McDonald Engineering which provides the breakdown of individual item costs, and

WHEREAS, the change order results in a decrease of \$6,000 in contract price and 167 day increase in contract times, to arrive at a new contract amount of \$39,500 and a new contract substantial completion date of May 16, 2013; now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to sign Change Order No. 1, Contract No. 2, with Capital District Electric, Inc., dated June 17, 2013, for a decrease of \$6,000 and 167 day increase in contract times; and be it further

RESOLVED, that the decreased contract amount of \$6,000 is to be released from encumbrance from G7-8111-200(Clifton Park Sewer District No. 1-Equipment).

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

TOWN CENTER PLAN UPDATE

Director of Planning Scavo reviewed the timeframe for the Town Center Plan, noting the consultant is drawing up the draft document, after which the Citizens Advisory Council will meet to review for completeness, as will the Town Board. There will be a 30-45 day public comment period to look at potential rezoning for the area. Supervisor Barrett said this should be ready for implementation by the end of the year or early 2014. He noted a common vision has been reached with the stakeholders.

PUBLIC PRIVILEGE

No one wished to be heard.

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

Motion carried at 7:50 p.m.

Patricia O'Donnell  
Town Clerk