

October 19, 2015

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  
Mark Heggen, Comptroller  
Michael O'Brien, Collection Systems Manager

MOTION BY Councilman Romano, seconded by Councilwoman Walowit, to approve the minutes of the October 5, 2015 meeting as presented.

**ROLL CALL VOTE**

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

Noes: None

**MOTION CARRIED**

**ANNOUNCEMENTS AND COMMUNICATIONS**

Supervisor Barrett reviewed the 2016 Preliminary Budget noting it is the same as the Tentative Budget with a couple of minor adjustments resulting in a decrease of approximately \$11,000. The town is continuing to fund CAPTAIN and the Senior Center. The Supervisor announced Bulk Pickup is in the 2016 budget and will be held the end of April through May.

Supervisor Barrett attended the Rexford Bridge informational meeting regarding the construction of the new bridge. He thanked DOT for making some fairly significant changes to the project by taking the town's and residents' concerns very seriously. He reported there will be a multiuse path with low level lighting from the bridge to Riverview Road. The town will assume responsibility for the trail.

**PUBLIC PRIVILEGE ON RESOLUTIONS**

No one wished to be heard.

Resolution No. 224 of 2015, a resolution authorizing the sale of equipment declared surplus by the Town Board and authorizing the Clifton Park Sewer District No. 1 to sell the surplus equipment at public auction.

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

WHEREAS, Michael O'Brien, Collection System Manager, has identified the 2000 Ford 150 van used by the Town of Clifton Park Sewer District No. 1, as surplus property, and

WHEREAS, based upon the recommendation of Mr. O'Brien, the Town Board declares the 2000 Ford 150 van used by the Clifton Park Sewer District No. 1 as surplus; now, therefore, be it

RESOLVED, that the Town Board authorizes the Sewer District to sell the surplus equipment, as is, through an upcoming online public auction.

Mr. O'Brien explained the 2000 van belonged to CK Sanitary Sewer Company and has been in use in the town for the last eleven years and will be part of the Highway equipment public auction. He reported the Sewer Department has refurbished an older senior van and now accommodates necessary sewer equipment.

Supervisor Barrett noted the Highway Department will now take over all town vehicle repairs that can be done in house.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 225 of 2015, a resolution scheduling a public hearing to consider the 2016 Preliminary Budget.

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

WHEREAS, the Town Board wishes to obtain comment regarding the 2016 Preliminary Budget; now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled for Thursday, November 5, 2015 at 7:00 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York to consider the 2016 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. 226 of 2015, a resolution to increase the Riverview Park District budget by \$16,981.

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

WHEREAS, the Riverview Park District has had additional expenditures in 2015 for installation of picnic tables, bike racks and cutting down of trees to upgrade the parks; now, therefore, be it

RESOLVED, that the comptroller is authorized to increase the budget by \$16,981, with a transfer from the Assigned Fund Balance; be it further

RESOLVED that the transfers on the attached schedule are hereby approved.

Supervisor Barrett commended the members of the Riverview Park District for stepping forward to improve parks in the district.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 227 of 2015, a resolution establishing the Ballston Lake Sewer District No. 1 following receipt of election results on a proposition submitted to eligible voters pursuant to New York State Town Law Section 94.

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

WHEREAS, in response to studies resulting in the addition of Ballston Lake to New York State's list of priority water bodies as an impaired lake, the Town of Ballston initiated engineering studies and sought public opinion concerning the establishment of a sewer district in the area surrounding the Ballston Lake Watershed, and

WHEREAS, the Town Board of Clifton Park was approached by residents regarding the establishment of a similar sewer district within Clifton Park to finance and construct sewer improvements within the Clifton Park portion of the Ballston Lake Watershed, and

WHEREAS, the project was designed and engineered as a joint project, to be financed through the issuance of bonds by the Town of Ballston, with Clifton Park assessing properties within Clifton Park which benefit from the project to contribute toward a debt service on the bonds used to finance the project, and

WHEREAS, on September 8, 2015, the Town Board accepted a Map, Plan and Report prepared by an John M. McDonald Engineering describing the boundaries of the proposed Ballston Lake Sewer District No. 1 (hereinafter "District" or "Proposed District"), a general plan of improvement and description of facilities including construction of a sewer collection and conveyance system that will connect to sewer improvements being made within the Town of Ballston for ultimate conveyance to the Saratoga County Sewer District #1 interceptor sewer in the vicinity of Shenentaha Park that directs wastewater to the SCSD #1 wastewater treatment plant, the maximum amount to be expended, regulatory review requirements, the cost of connection fees, if any, the cost to the typical property, and method of financing the project, and a statement of benefit assessment, and

WHEREAS, the Town has made the Map, Plan and Report available for public inspection at the offices of the Town Clerks of the Town of Clifton Park and the Town of Ballston during regular Town Hall business hours, and

WHEREAS, the Town Board held a Public Hearing on September 8, 2015, to receive public comment on the proposed sewer district, and

WHEREAS, notice of the Public Hearing was provided to residents in accordance with New York State Law, and

WHEREAS, the Town Board adopted a resolution at its meeting of September 8, 2015 identifying its findings with respect to the proposed Ballston Lake Sewer District No. 1 ("Proposed District") as follows: (i) that the Notice of Public Hearing was published and posted as required by law, and was otherwise sufficient; (ii) that all of the properties and property owners within the proposed district are benefitted thereby; (iii) that all of the properties and

property owners benefitted by the proposed sewer collection system are included within the limits of the proposed district; and (iv) the establishment of the proposed district is in the public interest, and

WHEREAS, based on its findings, the Town Board approved the establishment of the proposed district as the boundaries shall be finally determined and approved the construction of the sewer collection system within the district as set forth in the Map, Plan and Report adopted on September 8, 2015, to referendum of eligible voters pursuant to NYSTL § 94, and

WHEREAS, the Town Board, upon its own motion in accordance with Town Law § 94 and Town Law § 209-e(3), submitted to eligible voters within the district, a proposition to be voted on at a special election as follows:

1. Shall Town Board Resolution No. 192 of 2015, approved by the Clifton Park Town Board on September 8, 2015, authorizing the establishment of the Ballston Lake Sewer District No. 1, which encompasses a sewer collection system in the Town of Clifton Park, in conjunction with a similar system within the Town of Ballston, in accordance with a Map, Plan and Report adopted by the Town Board on September 8, 2015, with properties benefitted generally described as beginning at the southern end at the boundary line between Clifton Park and the Town of Ballston near the intersection of Schauber Road and Ballston Lake Road, including four parcels with frontage on Ballston Lake Road and/or Mill Road (SBL # 257-1-24;SBL 257-1-3;SBL 257-1-30; and SBL 257-1-6.1), at an estimated maximum cost of \$1,450,000, which is to be financed by the issuance of Bonds of the Town of Ballston to secure a 30 year loan from the New York State Clean Water State Revolving Fund, with properties within the Clifton Park District assessed costs on a benefit basis and with the estimated cost of the district to the typical property, a single family home, being \$910.00 per year, and which sewer district is dependent upon an affirmative referendum vote in the Town of Ballston and ultimately will require the review and approval of the New York State Office of the State Comptroller, Be Approved.

WHEREAS, Resolution No. 193 of 2015, adopted on September 8, 2015, established that the special election for purposes of voting on the proposition would be held on October 14, 2015 at the Ballston Lake Fire House, 1125 Ballston Lake Road, Ballston Lake, NY, Town of Clifton Park, from noon until 8:00 p.m., and

WHEREAS, the Town Clerk published notice of the special election in accordance with Town Law § 82, and

WHEREAS, the special election was held on October 14, 2015 in accordance with the Town Board's resolution of September 8, 2015, and

WHEREAS, in accordance with Town Law § 209-e(4)(b), the Town Clerk has prepared a certificate certifying the vote on the proposition submitted as follows: 55 in favor, 27 opposed, and

WHEREAS, a copy of the Town Clerk's Certificate is attached hereto and made a part hereof as "**Exhibit A**", and

WHEREAS, the eligible voters voting at the special election have approved the creation of the Ballston Lake Sewer District No. 1 as a joint project with sewer district improvements being financed and constructed within the project area as set forth in the Map, Plan and Report, and

WHEREAS, eligible voters within the Town of Ballston have also approved a referendum forming a sewer district within the Town of Ballston for the purpose of financing and constructing sewer improvements within the Town of Ballston, which sewer district is subject to approval of the NYSD Department of Audit and Control, (the state comptroller);

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Town Board acknowledges receipt of the certificate from the Town Clerk certifying the vote on the proposition submitted with respect to the district and based

on the results set forth therein, the Town Board hereby re-affirms its establishment of the Ballston Lake Sewer District No. 1, described generally to include the following: properties benefitted are generally described as beginning at the southern end at the boundary line between the Town of Clifton Park and the Town of Ballston near the intersection of Schauber Road and Ballston Lake Road, including four parcels with frontage on Ballston Lake Road and/or Mill Road (SBL # 257-1-24;SBL 257-1-3;SBL 257-1-30; and SBL 257-1-6.1),

2. The improvements in said district as specified in the Map Plan & Report shall be constructed upon the required funds being made available or provided for the district.
3. The proposed improvements shall be financed as set forth in the Map Plan & Report.
4. The Town Clerk be and she hereby is authorized and directed to file a certified copy of this resolution, in duplicate, in the office of the State Department of Audit and Control, Albany, New York.
5. The Town Supervisor be and he hereby is authorized and directed to execute said application on behalf of the Town.
6. The Town Clerk be and she hereby is authorized to file the certificate attached hereto as "Exhibit A" in the Office of the Saratoga County Clerk and the State Department of Audit and Control, at Albany, New York, in accordance with [Town Law § 209-e](#).
7. This resolution shall take effect upon approval of the State Comptroller for the Town of Ballston Sewer District, resulting in Comptroller approval for the joint sewer improvement project as set forth in Resolution Nos. 181 and 192 of 2015.

Supervisor Barrett reported the vote in both towns was two to one. He stated the Town of Ballston will continue to be lead on this project and will be submitting for Comptroller approval in the near future.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 228 of 2015, a resolution approving an intermunicipal agreement between the Town of Ballston and the Town of Clifton Park for the Ballston Lake Sewer District No. 1.

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

WHEREAS, by authority of Section 119-O of General Municipal Law of the State of New York, the parties hereto are enabled to enter into binding agreements for the cooperative performance of various municipal projects, contracts and functions, and

WHEREAS, the Town has approved the establishment of the Ballston Lake Sewer District No. 1, after referendum, and

WHEREAS the Town of Ballston has approved the establishment of a sewer district within the Ballston Lake Watershed area, and has caused engineering reports to be prepared in advance of the construction of sewer improvements within both towns, and

WHEREAS, the Town Board wishes to memorialize and document its understandings and agreements with the Town of Ballston regarding the Town's assessments and payments of

this proportionate share of the costs of the sewer improvements within the Town; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign the attached intermunicipal agreement with the Town of Ballston regarding the construction and financing of the sewer system improvements.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 229 of 2015, a resolution authorizing the hiring of Melinda Acker as Senior Typist to the Planning Department.

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

WHEREAS, an opening exists for the position of Senior Typist in the Planning Department, and

WHEREAS, the Planning Department interviewed eligible candidates from the Senior Typist candidates list maintained by the Saratoga County Department of Personnel, and

WHEREAS, after interviewing Melinda Acker, 15 Forest Drive, Ballston Lake, and reviewing her qualifications, John Scavo, Director of Planning, has recommended that Mrs. Acker be hired to fill the position; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby authorizes the hiring of Melinda Acker to fill the position of Senior Typist, at Grade 5, Step 1, (\$43,172) per year (\$23.63) per hour, effective immediately, and be it further

RESOLVED, the amount of \$8,800 needed for the balance of 2015, to be paid with a transfer per the attached schedule to A-8021-Exxx (General Fund–Planning Department–Melinda Acker); and be it further

RESOLVED, that Melinda Acker shall commence employment on October 19, 2015, with the Town of Clifton Park.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Pam Marshall, Fairlawn Court, speaking with regard to the Rexford Bridge replacement questioned where parking spaces will be located for people using the bike trail. It was noted parking will be on the Niskayuna side of the bridge.

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 7:53 p.m.

Patricia O'Donnell, Town Clerk