

December 3, 2018

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.

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

Absent: Councilman Romano

Also Present: Town Attorney McCarthy
Dahn Bull, Superintendent of Highways
Mark Heggen, Comptroller
Daniel Clemens, Supervisor of Buildings & Grounds
Michael O'Brien, Collection System Manager
John Scavo, Director of Planning

MOTION BY Councilwoman Walowit, seconded by Councilman Whalen, to approve the minutes of the November 13 and 19, 2018 meetings as presented.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Romano

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett has the following announcements: Grooms Tavern Open House on December 8th from 1 to 4 pm; Blood Drive will be held December 12th from noon to 6 pm; the Clifton Park Chorus Concert will be held December 16th at 3 pm at Shenendehowa United Methodist Church and Letters to Santa can be mailed or dropped off at the Clifton Park Town Hall.

PRESENTATION

Patricia Lawrence, Sugar Hill Road, was presented the following resolution, adopted September 10, 2018, when recognized by the Capital District Senior Issues Forum.

Resolution No. 213 of 2018, a resolution recognizing the lifetime achievements and contributions of the 17th Annual Senior Lifetime Achievement Award Honoree from Clifton Park, Patricia Lawrence.

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

WHEREAS, Patricia Lawrence, born in Dannemora, NY in 1928, has been a longtime resident of Clifton Park, who settled in the area with her late husband, Howard, raising their three sons, and

WHEREAS, since 1959, Mrs. Lawrence has served the community by playing piano and organ, and organizing choirs at facilities such as St. Mary's Church in Crescent, St. Edward the

Confessor Church, the Shenendehowa Central School District and Schuyler Ridge Skilled Nursing Center, and

WHEREAS, Patricia Lawrence has also served on the PTA, been a church school teacher, and has personally provided care for at least 14 aged relatives and friends, and

WHEREAS, Mrs. Lawrence was awarded the Volunteer of the Year Award in 1996 for her work at Schuyler Ridge where she has continued to play the piano during weekly church services and for memorial services for the past 28 years, and

WHEREAS, Mrs. Lawrence is an inspiration to all who know and meet her, with her deep faith and willingness to volunteer her time and talents to help those in need, and

WHEREAS, Mrs. Lawrence is also being recognized as a 2018 Senior Lifetime Award Recipient by the Capital District Senior Issues Forum that each year recognizes 40 honorees who represent the very best of their generation and demonstrate that a growing number of older adults are living active and fruitful lives at an advanced age, and

WHEREAS, the Town Board wishes to recognize Patricia Lawrence as one who has given of her time as a devoted and active volunteer throughout her lifetime; now, therefore, be it

RESOLVED, that Patricia Lawrence is gratefully recognized by the Clifton Park Town Board, on behalf of all citizens of the town, for her service to her community.

DECLARED ADOPTED

Mrs. Lawrence expressed appreciation for the recognition, noting this award can be given to a deserving individual over the age of 85. She encouraged people to submit the names of deserving people to the Capital District Senior Issues Forum.

PUBLIC HEARING, 7:00 PM (7:20 pm)
TO CONSIDER THE RE-ESTABLISHMENT OF THE
BALLSTON LAKE SEWER DISTRICT NO 1

Kim Kotkoskie, Project Manager, noted there are about 100 parcels in the town of Clifton Park in the sewer district. The project will place a sewer around Ballston Lake which is has been declared an impaired body due to phosphorous by DEC, making it an environmental need. She noted a vote was held for this project in 2015 and since that time the project received a \$2.5 million dollar grant from Environmental Facilities Corporation due to the environmental need, plus there is additional project information that has changed since 2015. Ms. Kotkoskie said the anticipated cost for construction will be higher. This is a project update to do parcel ids, costs and inclusion of the grant. It is necessary to reestablish the tax district and though the numbers will change, the grant will offset any increase. The overall maximum amount will be \$12.7 million and in 2015 was \$10.2 million. Phosphorus is one cause due to failing septic.

Supervisor Barrett said the people who will receive the public benefit voted in favor of the project. He noted 13.26 percent of the overall project is in the town of Clifton Park with the remainder in town of Ballston and this project has been moving forward for years.

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on November 11, 2018.

The public hearing was opened for comments from the audience at 7:25 p.m.

Nancy Bellamy, 147 Eastside Drive, asked if anyone has been down Eastside Drive to see the rocks that are being taken out of the new foundations as it might be interesting for anyone bidding on the project to see soil conditions. She questioned the life of a grinder pump and noted there is concern about the cost.

Ed Hernandez, Adirondack Mountain Engineering, said the life of a grinder pump is approximately 10-15 years. He reported bidders will be notified as to the rock and soil conditions.

He said arrangements can be made for “pump and haul” if septic tanks are failing before the sewers are put in.

Supervisor Barrett explained being part of a special district the property owner is assessed each year the cost of installation of the infrastructure that will provide public utility to the property. The town of Clifton Park does not require property owner to hook into the pipe immediately, giving the property owner time to decide when is the right time is right to hook into the pipe that has been installed in front of the house; however, the property owner would be responsible for his share of the debt service annually until the bond payment is paid off which can be 20 years or more. It is anticipated bids will go out in December, construction started in Spring 2019 and up to two years to complete.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 7:37 pm .

PUBLIC HEARING, 7:05 PM (7:45 PM)
REGARDING THE CONDEMNATION OF CERTAIN PROPERTY INTERESTS WITHIN THE
TOWN OF CLIFTON PARK IN SUPPORT OF THE BALLSTON LAKE SEWER DISTRICT
CONSTRUCTION PROJECT

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on November 12,13,14,15,16, 2018.

SEE ATTACHED PROCEEDINGS IN THE MATTER OF THE EMINENT DOMAIN
PROCEDURE LAW

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 8:15 pm.

PUBLIC HEARING, 7:10 PM (8:17 PM)
TO CONSIDER A LOCAL LAW AMENDING CHAPTER 208
THE ZONING CODE OF THE TOWN OF CLIFTON PARK

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on November 21, 2018.

Director of Planning Scavo explained currently there are four zones, R1, R3, HR and CR, that allow duplexes through the special use permit process and it is important to note that R1 and R3 are single family homes. He said the Planning Board had some concerns with various projects before it where duplexes were being reviewed under Special Use Permit requirements and there were some inconsistencies with interpretation of the Code where applicants could be provided better guidance. In the current definitions the Code does not make distinction toward base density calculation from single family versus duplex. Mr. Scavo reported the Planning Board recommends increasing the bulk density requirement and classifying duplex as two-unit property containing two-family units so density increases, noting this would double density requirements in each of the four zones where allowed by special use permit. He continued no changes being made to Hamlet Mixed Use as that is addressed in the Western Clifton Park GEIS as a permitted use. Form based code also allows duplexes as a right and speaks to bulk density requirements. This legislation is limited to the four zones. The Planning Board also has suggested definition for in-law apartment for family members. Memo from Planning Board attached.

The public hearing was opened for comments from the audience at 8:22 p.m.

Susan Burton, representing Friends of Clifton Park Open Space, read comments from Friends of Clifton Park Open Space, attached.

Ryan McEvoy, Hiawatha Dr., said this legislation will help clarify what seems to be a gray area in the code and will help avoid unnecessary over population and unexpected types of development.

Ed Abele, Woodland Drive, representing Abele Builders, read his letter to the Town Supervisor and Town Board dated November 19, 2018, attached. If there is any action on this legislation, he asked that the Abele pending project be exempted.

Supervisor Barrett said projects for that parcel in the Exit 8 area have been going on for about three years.

Mr. Scavo, speaking of the “gray area in the code” that has been mentioned, said the current language, even in the Western GEIS, is silent to the impacts of duplexes relative to the CR zone and doesn’t think it was contemplated in 2003-2005 to where we are today with the potential desire for duplexes with seniors out pacing the younger population. He said often residents in R1 and R3 zones single family homes are not aware that with a Special Use Permit duplexes may be allowed.

Supervisor Barrett said there is diversified housing in town for people at all price points and needs.

Ralph Reale, 13 Hiawatha Drive, said when he purchased his house he checked that the property behind him was zoned R1 and felt that was single family housing. He urged the Town Board to adopt the proposed legislation. He noted the town Comprehensive Plan said that “existing house with single family detached units is the predominant type and should continue”.

Bill Koebbeman, Riverview Road, stated he is happy with the Western Clifton Park GEIS and urged the Town Board to “stay the course” with the GEIS. He noted there is some ambiguity regarding duplexes and would like to see them as each one dwelling unit with all the requirements of a single family house.

Kathleen Kennett, 15 Hiawatha Drive, she will be affected by development in the land behind her property. The cluster subdivision being proposed allows for double the density and she anticipates this could potentially quadruple the density.

Judy Morley, 8 Wheeler Drive, asked how this proposed amendment restricts the granting of variances and the change of zoning as has happened in the past.

Town Attorney McCarthy said the change would affect the amount of area that is required for a duplex and under NYS law there is a statutory ability for individual to ask for area variance.

Mr. Scavo replied that area is not affected by changes but changes double density and is more restricted than current legislation.

Question from floor about people renting houses. Supervisor Barrett said there is a limit of three to four non-family members in one home.

Frank Berlin, Main Street, said duplexes are also for young people not just for downsizing.

Councilwoman Walowit asked Mr. Scavo is a special use permit needed for a single family home with in-law apartment and will this change and how is it defined by the town. Mr. Scavo replied currently the code does not make a distinction between in-law apartments and two-family so all in-law apartments are treated as two-family dwellings as conditions of the special use permit; the trigger being a separate kitchen facility or second ingress and egress.

Councilman Whalen said with the Special Use Permit applications before the Planning Board there’s been a perception by the Planning Board that there is a lack of clarity regarding density and appreciates their concerns to follow precise wording of the law. He has heard complaints that the way the Code currently written is allowing developers to double the density. Councilman Whalen stated the request to exempt applications currently before the Planning Board doesn’t seem fair to the town as a whole, to residents or other applicants with other projects and is very clearly designed for one project and one builder.

Mr. Abele asked if there is a zoning code by itself that allows duplexes, or does it have to be part of the PDD. He noted duplexes are very popular and sought after in the marketplace and should be considered as part of a “healthy mix”.

Mr. Scavo replied there are zones within the Town Center that allow duplexes as a right and also in a certain business district.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 9:05 pm.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 275 of 2018, a resolution scheduling the 2019 Organizational Meeting and the first 2019 Town Board Meeting for the Town of Clifton Park.

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

WHEREAS, the Town Board wishes to schedule the 2019 Organizational Meeting and the first 2019 Town Board Meeting; now, therefore, be it

RESOLVED, that the 2019 Organizational Meeting for the Town of Clifton Park shall be held on Wednesday, January 2, 2019 at 7:00 p.m. in the Wood Memorial Meeting Room, One Town Hall Plaza, Clifton Park, New York; and be it further

RESOLVED, that the first Town Board Meeting of 2019 will be held on Wednesday, January 2, 2019 immediately following the Organizational Meeting, in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 276 of 2018, a resolution authorizing budget transfers for calendar year 2018 as specified in Exhibit A.

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

WHEREAS, the Comptroller has recommended that certain budget adjustments contained in Exhibit A be made to address the needs of all funds, as well as other miscellaneous expenditures as set forth in Exhibit A; now, therefore, be it

RESOLVED, that the budget transfers specified in Exhibit A be adopted per the Comptroller’s recommendations.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 277 of 2018, a resolution authorizing the renewal of a Memorandum of Agreement with Shenendehowa Nordic Ski Club.

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

WHEREAS, the town owns Kinns Road Park and Garnsey Park as park properties which are popular with hikers, runners and cross country (Nordic) skiers during winter seasons, and

WHEREAS, the town acquired Garnsey Park in 2005-2007, and dedicated the land as public parkland by Resolution No. 249 of 2007, and

WHEREAS, the Shenendehowa Nordic Club has acquired specialized equipment including a snow mobile, sled, groomer and trailer to transport equipment for the purpose of grooming cross-country ski trails without conflict with other uses, and

WHEREAS, the club utilized their equipment and manpower during the 2017-2018 winter season to expand trail grooming to Garnsey Park as well as Kinns Road Park to provide additional opportunities for cross-country skiers, ski teams, snowshoers, and walkers, alike, pursuant to an agreement approved by Resolution No. 18 of 2018, and

WHEREAS, the Town Board supports the Shenendehowa Nordic Club's volunteer efforts and activities which provide additional opportunities for outdoor recreation at Garnsey Park and Kinns Road Park and wishes to re-new the agreement with the club for a three-year term; now, therefore, be it

RESOLVED, that the Supervisor is authorized to execute the attached Memorandum of Agreement with the Shenendehowa Nordic Club for trail grooming services for ski seasons through March 2021.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 278 of 2018, a resolution authorizing Change Order #1 and #2 to the contract for replacement of the door at the Clifton Park Senior Community Center.

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

WHEREAS, by Resolution No. 165 of 2018, the Town Board awarded Contract No. 2 – Door Replacement, to replace an entry door at the Clifton Park Senior Community Center to Bishop Beaudry Construction, LLC, in an amount not to exceed \$39,650, and

WHEREAS, Bishop Beaudry Construction has submitted a no cost time extension in Change Order #1 to extend the date of completion to September 28, 2018, and

WHEREAS, JME/KB Engineering, P.C. has deemed the project substantially complete in a letter addressed on November 19, 2018; now, therefore, be it

RESOLVED, that the Town Board authorizes Change Order #1, a no cost time extension for the installation of a replacement door at the Senior Community Center, and be it further

RESOLVED, that the Town Board authorizes Change Order #2 to release unused allowance amounts; and be it further

RESOLVED, that the Comptroller is authorized to pay invoice #2 for the remaining balance of \$1,920, to be paid from A-1624-200 (Senior Building-Equipment).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 279 of 2018, a resolution authorizing the hiring of a laborer for the Clifton Knolls Park District and Buildings and Grounds Department

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

WHEREAS, a position was created, and funds allocated for the retention of a laborer with the Buildings and Grounds Department to provide maintenance services for both the Clifton Knolls Park District and for services throughout the town, and

WHEREAS, the Supervisor and park district concur on the recommendation of Nicholas Arp, 628 Clifton Park Center Road, to fill the position; now, therefore, be it

RESOLVED, that Nicholas Arp be hired as a Laborer full-time effective January 2, 2019, within the Buildings and Grounds Department, with emphasis on Clifton Knolls Park District property and facilities during spring, summer and fall seasons; and be it further

RESOLVED, that Mr. Arp be compensated at \$37,688 Grade 3, Step 1, annually with 75% paid from SP 7131-Exxx, (Clifton Knolls-Employee) and 25% from A7110-Exxx (Buildings & Grounds-Employee).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 280 of 2018, a resolution awarding the contract for mold remediation at Town Hall to Service Master of Upstate NY.

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

WHEREAS, Daniel Clemens, Superintendent of Buildings & Grounds, received quotes for remediation of mold found in the Building Department of Town Hall, and

WHEREAS, the lowest conforming quote for the work to be done, which includes mold remediation at the site, was submitted by Service Master of Upstate NY in an amount not to exceed \$11,547.57; now, therefore, be it

RESOLVED, that the Town Board awards the contract to Service Master of Upstate NY, for mold remediation at Town Hall, at a cost not to exceed \$11,547.57, to be paid with a transfer from Undesignated Fund Balance to A-1620-200 (Town Hall-Equipment).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 281 of 2018, a resolution awarding the bid for mechanical equipment for the pools.

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

WHEREAS, on November 16, 2018, bids were received for the above referenced contract, and

WHEREAS, the Supervisor has recommended that the bid for pool equipment for the three town pools be awarded to Pool Supply World, www.poolsupplyworld.com, in an amount not to exceed \$11,231.64; now, therefore, be it

RESOLVED, that the Town of Clifton Park hereby accepts and awards the above referenced bid to Pool Supply World for \$11,231.64, to be paid as follows; \$6,681.98 from line A-7150-200 (Barney Road Pool – Equipment), \$3,996 from line A-7152-200 (Locust Lane Pool – Equipment) and \$553.66 from line SP5-7151-200 (Country Knolls Pool – Equipment), in accordance with the equipment used at each pool.

Supervisor Barrett explained one motor is for Locust Lane pool and the other stand by in case of emergency.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 282 of 2018, a resolution authorizing the Supervisor to submit grant applications to the Capital District Transportation Committee for the 2019-2024 funding grants under the Transportation Improvements Program (TIP).

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

WHEREAS, the New York State Department of Transportation administers the TIP program of federally funded locally administered transportation projects pursuant to federal statute, and

WHEREAS, the Town Board policy supports transportation improvements including those for the expansion of non-motorized transportation alternatives, as well as projects for enhanced driver safety and modernization whenever feasible, and

WHEREAS, eligibility criteria for the TIP program includes a commitment of 20% matching funds from local sponsors for each project awarded funding under the program, and

WHEREAS, the Planning Department has identified five strong potential projects which meet eligibility criteria under the TIP program, and

WHEREAS, the Town Board wishes to express its support for the following projects within the town:

1. Town Center walkability including concrete sidewalks and Clifton Country Road pedestrian improvements
2. Route 146 and 146A bicyclist and pedestrian improvements
3. Grooms Road multi-use trails and crossings: S. Barney Road to Moe Road Trail
4. Hubbs Road multi-use trails and crossings which will connect existing sidewalks and wide shoulder at Longkill Road to Dutch Meadows Drive
5. Transportation safety and driver safety improvements at Miller Road/Tanner Road and NYS 146 intersection to Vista Drive to include bike/ped connectivity with proposed roundabout

now, therefore, be it

RESOLVED, that the Supervisor is authorized to submit 2019-2024 TIP Applications for each of these proposed projects; and be it further

RESOLVED, that the Town Board expresses support for committing the 20% local matching funds necessary to accept funding for any and/or each of the projects for which funding applications are submitted.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 283 of 2018, a resolution approving an outside user connection to the Clifton Country Road Sewer District No. 1 for property located at 15 Clifton Country Road.

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

WHEREAS, the Town Board, as Commissioners of the Clifton Country Road Sewer District No. 1, has received a request to extend service to land owned by VP Outlot South, LLC, at 15 Clifton Country Road, more particularly identified as SBL: 272.-1-44.3, and

WHEREAS, VP Outlot South, LLC intends to request the inclusion into an expanded sewer district after subdivision of 15 Clifton County Road is completed and separate tax identification numbers have been assigned, and

WHEREAS, the real property is located outside the current service area of the Clifton Country Road Sewer District No. 1, and

WHEREAS, Michael O'Brien, Collection System Manager, has determined that sufficient capacity exists within the Clifton Country Road Sewer District No. 1 sanitary sewer system to provide service to the property, and

WHEREAS, the Town Board recognizes the environmental, planning and policy objectives met by approving sanitary sewer service over alternative plans for new septic systems; now, therefore, be it

RESOLVED, that the Town Board, as Commissioners of the Clifton Country Road Sewer District No. 1, hereby approves an outside user connection to the district's facilities for property located at 15 Clifton Country Road, Clifton Park, NY, and be it further

RESOLVED, that connection fee of \$1,000 per lateral and the permit fee of \$50 per lateral applies pursuant to Town Code §169-103; and be it further

RESOLVED, that the Outside User Agreement shall be assigned to the commercial establishments constructed at 15 Clifton Country Road, SBL 272.-1-44.3, and connected to the Clifton Country Road Sewer District No. 1 facilities.

Mr. O'Brien reported this is the second of two new buildings on Clifton Country Road in front of Village Plaza.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 284 of 2018, a resolution re-establishing the Ballston Lake Sewer District No. 1, increasing the maximum amount to be expended within the town, and authorizing the acquisition and construction of improvements to the sewer district subject to Permissive Referendum, pursuant to Article 12-a of the New York State Town Law.

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

WHEREAS, the Town Board of the Town of Clifton Park proposes to establish the Ballston Lake Sewer District No. 1 (the District) in the Town of Clifton Park, New York (the "Town"), pursuant to Article 12-A of the town law, and

WHEREAS, the Town of Ballston has adopted a Map, Plan and Report by Delaware Engineering dated July 9, 2015, which provides the engineering and cost information relative to the establishment of a sewer district within the Town of Ballston near the town line with Clifton Park and generally within the vicinity of Ballston Lake, and has established a sewer district, subject to referendum, and

WHEREAS, a map, plan and report relating the establishment of the proposed District within the Town of Clifton Park, near the town line with the Town of Ballston and also generally within the vicinity of Ballston Lake has been prepared by John M. McDonald Engineering, P.C.,

a competent engineer licensed by the State of New York, in the manner and detail required by the Town Board, has been filed with the Town Clerk in accordance with the requirements of Article 12-A of the town law, and

WHEREAS, the boundaries of the proposed Ballston Lake Sewer District area generally encompasses properties along the eastern and southern border of Ballston Lake in the Town of Clifton Park with borders generally described as beginning at the southern end at the boundary line between Clifton Park and the Town of Ballston near the intersection of Schaubert 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), more particularly described in Exhibit A, attached, said properties will be connected into the sewer collection system that serves the Town of Ballston Sewer District on the west side of Ballston Lake, and

WHEREAS, the proposed sewer district also generally includes all properties with frontage on Eastside Drive, including adjacent properties with private access roads and lanes connecting to Eastside Drive, said properties will be served by a pressure sewer system that will discharge northerly to a connecting pressure service that will serve properties along the east side of Ballston Lake in the Town of Ballston, and

WHEREAS, based on the engineering maps, plans and reports then prepared, the Town Board established the Ballston Lake Sewer District by Resolution 227 of 2015, estimating a maximum amount to be expended within Clifton Park at \$ 1,450,000 and estimating the annual cost of the improvements to the typical property at \$ 910, and

WHEREAS, on August 11, 2016, the project was awarded a grant of \$2,559,563 from the New York State Clean Water Fund administered by the State Environmental Facilities Corporation, which is to be spread proportionately across both towns, and will be used to offset a portion of the capital cost of the project, and

WHEREAS, the Town of Ballston's Map, Plan and Report was supplemented and updated by an engineer's estimate dated September 17, 2018, and

WHEREAS, the Map, Plan and Report prepared for the town by McDonald Engineering was supplemented and updated by correspondence from Prime AE, Engineers as successors to McDonald Engineering, dated November 1, 2018, and

WHEREAS, according to the updated engineers' reports, the maximum amount which is now estimated to be expended within Clifton Park is \$1,900,000, with the estimated annual cost to the typical property unchanged at \$910 after allocation of state grant funds in Clifton Park, and

WHEREAS, the Town Board of the Town of Ballston has declared itself Lead Agency, and has caused an Environmental Assessment Form to be prepared, and has issued a Negative Declaration under SEQRA, and

WHEREAS, the Environmental Assessment Form is on file in the Town Clerk's office and is available for review during normal business hours, and

WHEREAS, Resolution No. 247 of 2018, called a public hearing to be held on December 3, 2018, at 7:00 p.m. to hear all persons interested in this matter and to take action as required by law, and

WHEREAS, the resolution was published and posted as required by law, and

WHEREAS, a public hearing on the matter was held by the Town Board on December 3, 2018, beginning at 7:00 P.M. and the matter was fully discussed, and all interested persons were heard;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Clifton Park hereby determines that:

1. The notice of hearing was published and posted as required by law and is otherwise sufficient.
2. All the property and property owners within the proposed District are benefited thereby.
3. All the property and property owners benefited are included within the limits of the proposed District.
4. The establishment of this District is in the public interest.

IT IS FURTHER DETERMINED AND RESOLVED, that the Map, Plan and Report prepared by McDonald Engineering dated August 17, 2015, as amended and supplemented by Prime Engineers on November 1, 2018 be adopted, and

IT IS FURTHER RESOLVED, that the Town Board hereby approves the re-establishment of the Ballston Lake Sewer District No. 1, as the boundaries shall finally be determined, and authorizes an increase in the maximum amount to be expended from \$1,450,000 to \$1,900,000, and approves of the construction of the sewer system improvements and facilities as set forth in the Map, Plan and Report, which improvements, including construction, acquisition of pipes, pumps and material, acquisition of lands and easements, legal and engineering fees, shall be publicly bid as a joint project with the Town of Ballston, with the Ballston Lake Sewer District No. 1, improvements to be financed by the issuance of serial bonds and bond anticipation notes of the Town of Ballston, with the Town of Clifton Park providing debt service payments to the Town of Ballston, in proportion to the property benefited within each town as a percentage of the joint project area, and according to the projected number of users and usage, such debt service charges to be assessed, levied and collected in the same manner as all other charges against the district, and consistent with the engineering Map, Plan and Report as adopted, and

IT IS FURTHER RESOLVED, that this resolution is subject to Permissive Referendum pursuant to Article 12-A of the NYS Town Law; and

IT IS FURTHER RESOLVED, that the Town Clerk, within 10 days from the date of this resolution, shall post and publish a notice which shall set forth the date of the adoption of this resolution and shall set forth concisely the purpose and effect thereof, and shall specify that this resolution was adopted subject to Permissive Referendum.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

PUBLIC PRIVILEGE

Nancy Bellamy, Eastside Drive, reported large pothole on Schaubert Road. She asked that water be considered since the sewers are going in.

Councilman Whalen thanked the Highway Department for being out before 6:00 a.m. getting roads cleared.

12/3/2018

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

Motion carried at 9:40 p.m.

Patricia O'Donnell
Town Clerk