

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

**November 5, 2001**

The regular meeting of the Town Board of the Town of Clifton Park was held in the Town Office Building at 7:00 p.m., Supervisor Barrett presiding.

### **PLEDGE OF ALLEGIANCE TO THE FLAG**

Present: Councilman Paolucci  
Councilman Speckhard  
Councilman Roth  
Councilwoman Walowit  
Supervisor Barrett  
Town Clerk O'Donnell

Also Present: Town Attorney Trainor  
Louis Gerard, Superintendent of Highways  
Mark Heggen, Comptroller  
Barbara McHugh, Director of Community Development  
Michael Shahan, Town Administrator

MOTION by Councilman Roth, seconded by Councilman Paolucci, to approve the minutes of the October 1, 9 and 15, 2001 meetings as presented.

### **ROLL CALL VOTE**

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

Noes: None

### **MOTION CARRIED**

### **ANNOUNCEMENTS AND COMMUNICATIONS**

Supervisor Barrett said the Eastside Drive area does fall under income requirement for special aid from the state and federal government, mainly federal and the consultant is researching available funds.

Councilman Speckhard acknowledged receipt of a letter from Lorna Kircher to Michael O'Brien, Environmental Specialist dated October 27, 2001 including a report, attached, researched by Karl Salzer regarding lighting at the Mary Jane Row Dog Park, noting estimates of installation of adequate lighting to be \$6500 and approximately \$1300 per year for utility charges. Councilman Speckhard said at this time of year use of the park is

eliminated after 4:30 p.m., and he feels there is an urgent need for some lighting at the dog park, enough at least for safety reasons. He urged the Town Board to carefully consider this request.

Councilman Roth announced Ambassador Prosper will be in attendance at the December 3, 2001 Town Board meeting.

Councilman Roth said the "Welcome to Clifton Park Sign" was dedicated on November 2, 2001 at the Exit 8 location. This project was done with the help of a number of polling places in town that returned their polling place fee to be used toward the sign.

Town Administrator Shahan gave an update on the progress of items to be done before the end of the year from money set aside in Resolution No. 287 of 2001, adopted October 15, 2001.

## REPORTS

Reports for October from Animal Control and Justice Court were filed with the Town Clerk.

## PUBLIC PRIVILEGE

Lorna Kircher said Dog Park users are in support of the lighting proposal.

## PUBLIC HEARING, 7:10 PM TO CONSIDER A LOCAL LAW AMENDING SECTION 103-16, BUILDING PERMIT FEES

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on October 24, 2001.

Supervisor Barrett summarized the proposed local law explaining this legislation amends Section 103-16, Building Permit Fees. He said currently the charge for new agricultural buildings and remodeling or renovation of agricultural buildings is \$10.00 for 100 square feet living area, which is the same as a house. He said this was brought to the Board by people in the agricultural community, noting often the building is of a pole barn nature. Director of Building and Zoning Don Clemens said he supports the reduced fee, noting it is justified, as agriculture buildings take very little inspection compared with single family homes.

The public hearing was opened for comments from the audience at 7:20 p.m.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 7:20 p.m.

Dr. Robert O'Brien, Locust Lane, member of the CBI (China Burma India Veterans' Organization), gave a history of this World War II organization and announced a flag will be raised outside the Locust Lane Clubhouse on November 11, 2001 in memory of the deceased members of the CBI Organization.

Councilman Speckhard said the CBI and other organizations in the community should be recognized in a formal way and asked to be notified of any other groups that may exist.

## REPORTS

Reports for October from Animal Control and Justice Court were filed with the Town Clerk.

Councilman Roth, noting this was the seventh annual Special Collection Day, awarded Certificates of Appreciation to volunteers, as well as plaques to three businesses for their donations: Mama's Family Restaurant, McDonalds, and Price Chopper. He reported more than 30 volunteers, including those from the Towns of Malta and Halfmoon took part in the project. He reported a total cost, including farmers, of \$23,696, noting the farmers will be billed separately and funded by the Saratoga County Soil and Water Conservation District at a cost of \$8,361 leaving the total cost for the Towns of Malta, Halfmoon and Clifton Park at \$15,335.35. The Town is eligible for up to 50% cost to be reimbursed by the State leaving \$7,667 left to pay and of this amount Malta will pay \$2004, Halfmoon \$680, Saratoga County Soil and Water Conservation District \$320 and the Town of Clifton Park \$4,662. Environmental Specialist Michael O'Brien reviewed items collected.

Supervisor Barrett presented Resolution No. 292 to the Ballston Lake Emergency Squad, expressing appreciation for the amount of time volunteers give, not only in actual duties but also in the training required.

Bill Pomeroy, member of the Ballston Lake Emergency Squad, thanked the Town Board for their support over the years and expressed appreciation to the Highway and Building Departments, as well as Jonesville and Rexford Fire Departments for assistance given.

## PUBLIC PRIVILEGE ON RESOLUTIONS

Question from floor as to what will be done with two parcels of land from the Saratoga County Tax Auction, who will be using the property and how will it benefit the town. Supervisor Barrett responded this would provide a buffer, open space and recreational area for the neighborhood. The Supervisor said the whole town is funding the property just as in other parcels that may be in a particular area that is town owned and benefits the town as a whole but are mostly used by people in that area. Statement from the floor that perhaps the town should consider a park district in this area. Supervisor Barrett said if any improvements to the land or park facilities were requested the town would look into a park district. Concern from the floor that leaves and brush are being dumped on the land

in question.

Resolution No. 292 of 2001, a resolution recognizing and honoring the Ballston Lake Emergency Squad on the 50th Anniversary of Service to the Town of Clifton Park.

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

WHEREAS, the Ballston Lake Emergency Squad, Rt. 146A, Main Street, Ballston Lake, will celebrate 50 years of providing volunteer emergency medical services to the Towns of Clifton Park, Ballston and Charlton, and

WHEREAS, the Town of Clifton Park wishes to acknowledge and thank the Ballston Lake Emergency Squad and particularly all the members who volunteer their time 24 hours a day, 7 days a week, and 365 days a year to ensure that emergency medical needs are available to the residents who reside in the northern part of the Town of Clifton Park; now, therefore, be it

RESOLVED, that the Ballston Lake Emergency Squad, Rt. 146A, Main Street, Ballston Lake, is hereby recognized and honored for its 50 years of dedicated emergency medical services.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 293 of 2001, a resolution authorizing change order No. 1 for Contract No. 3 for additional work at the Town of Clifton Park Transfer Station.

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

WHEREAS, discovery that a new heating system is needed at the Transfer Station, and

WHEREAS, Northeast Refrigeration, the contractor for the heating work has submitted a quote for the work, and

WHEREAS, McDonald Engineering, P.C. recommends that two (2) oil fired ceiling mounted heaters be installed in the garage bay area and four (4) baseboard electric heaters be installed in the four interior rooms at a cost of \$6,615, and

WHEREAS, a change order is required to authorize these changes; now, therefore, be it

RESOLVED, that authorization is hereby granted to the Transfer Station Supervisor to execute change order No.1 for Contract No. 3 for additional work at the Transfer Station at an additional cost of \$6,615 to be paid from A-8160-200 (Transfer Station-Equipment).

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 294 of 2001, a resolution authorizing change order No. 1 for Contract No. 2 for additional work at the Town of Clifton Park Transfer Station.

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

WHEREAS, discovery that additional work is needed by BPI Piping in the restroom at the Transfer Station for an additional cost of \$880, and

WHEREAS, a change order is required to authorize these changes; now, therefore, be it

RESOLVED, that authorization is hereby granted to the Transfer Station Supervisor to execute change order No. 1 for Contract No. 2 for additional work at the Transfer Station at an additional cost of \$880 to be paid from A-8160-200 (Transfer Station-Equipment).

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 295 of 2001, a resolution authorizing change order No. 1 for Contract No. 1 for additional work at the Town of Clifton Park Transfer Station.

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

WHEREAS, additional construction work is required by M. A. Schafer Construction to

complete the new Transfer Station Garage, and

WHEREAS, a change order is required to authorize these changes; now, therefore, be it

RESOLVED, that authorization is hereby granted to the Transfer Station Supervisor to execute change order No. 1 for Contract No. 1 for additional work at the Transfer Station at an additional cost of \$4,310 to be paid from A-8160-200 (Transfer Station-Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 296 of 2001, a resolution authorizing change order No. 1 for Contract No. 4 for additional work at the Town of Clifton Park Transfer Station.

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

WHEREAS, a new heating system is needed at the Transfer Station, and

WHEREAS, McDonald Engineering, P.C. recommends that additional electrical work be completed by SSP Electric to accommodate the new heating system; now, therefore, be it

RESOLVED, that authorization is hereby granted to the Transfer Station Supervisor to execute change order No. 1 for Contract No. 4 for additional work at the Transfer Station for an additional cost of \$2,923 to be paid from A-8160-200 (Transfer Station-Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 297 of 2001, a resolution awarding the bid for a Yard Waste Collector for the Clifton Knolls Leaf District.

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

Councilwoman Walowit.

WHEREAS, on October 9, 2001 bids were publicly opened for the above referenced contract, and

WHEREAS, the low bidder for this contract is Tarrant Manufacturing in the amount of \$28,800, and

WHEREAS, the Highway Superintendent has reviewed the bid and has recommended to the Town Supervisor that the bid of Tarrant Manufacturing be accepted; now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced bid to Tarrant Manufacturing in the amount of \$28,800, \$15,000 of which to come from SR-2376-200 (Clifton Knolls Refuse-Equipment) and a transfer of \$13,800 from SR-909 (Clifton Knolls Refuse-Unappropriated Fund Balance) to SR-2376-200 (Clifton Knolls Refuse-Equipment).

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 298 of 2001, a resolution authorizing the expenditure of an additional \$35,000 for the acquisition, construction and installation of the Dutch Meadows Sewer District No. 1 sewer system improvements.

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

WHEREAS, by resolution adopted by the Town Board of the Town of Clifton Park, Saratoga County, New York (the "Town") on March 6, 2000, the Town Board authorized a public hearing regarding the establishment of Dutch Meadows Sewer District No. 1 (the "District") and the construction of sewer system improvements at an estimated maximum cost of \$350,000, and

WHEREAS, on March 20, 2000, the Town Board conducted a public hearing regarding the formation of the District and construction of the sewer system improvements, and

WHEREAS, on April 3, 2000, the Town Board adopted a resolution, subject to permissive referendum, authorizing the formation of the District and construction of the sewer system improvements, and

WHEREAS, as set forth in the Town Clerk's Certificate of No Petition for Referendum dated May 8, 2000, no petition for referendum was received with respect to the formation of the District and construction of the sewer system improvements, and

WHEREAS, in September, 2001, the Town Board determined that the total estimated cost of the proposed sewer system improvements in the District will be \$385,000, representing a \$35,000 increase over the original estimated cost of the sewer system improvements, and

WHEREAS, the proposed sewer system improvements consist of the replacement of pump stations and installation of odor control equipment, including acquisition and installation of equipment, machinery or apparatus required in connection therewith (the "Improvements"), all as more particularly described in the engineer's map and plan on file with the Town Clerk, and

WHEREAS, on October 1, 2001, the Town Board held a public hearing regarding the additional \$35,000 to be expended for the Improvements, and the matter was fully discussed and all interested persons were heard, and

WHEREAS, the cost of the District to the typical property in the District, including the additional \$35,000 to be authorized herein, is less than the threshold amount for approval of the District by the New York State Comptroller's Office, and

WHEREAS, the Town Board now desires to authorize the expenditure of an additional \$35,000 for costs of the Improvements,

NOW, THEREFORE, the Town Board of the Town of Clifton Park hereby resolves and determines that it is in the public interest to expend an additional \$35,000 to acquire, construct and install the Improvements, increasing the total estimated cost to \$385,000, and

IT IS FURTHER RESOLVED AND DETERMINED that the Town Board approves the expenditure of \$385,000 to pay costs of acquiring, constructing and installing the Improvements, and this cost shall be financed by the issuance of serial bonds and bond anticipation notes of the Town containing such terms as may be determined by the Town Board, and such costs shall be assessed by the Town Board in as close a proportion to the benefit to which each lot or parcel will derive from the Improvements as is possible; and

IT IS FURTHER RESOLVED AND DETERMINED that this resolution is subject to permissive referendum as provided in Town Law Section 209-h, in the manner provided in Article VII of the Town Law.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth

Councilwoman Walowit, Supervisor Barrett  
Noes: None  
DECLARED ADOPTED

Resolution No. 299 of 2001, a resolution awarding the bid for the Town Hall Window Replacement.

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

WHEREAS, on October 25, 2001 bids were publicly opened for the above referenced contract, and

WHEREAS, the low bidder for this contract is Bast Hatfield, Inc., in the amount of \$15,969, and

WHEREAS, McDonald Engineering has reviewed the bid and has recommended to the Town Supervisor that the bid of Bast Hatfield, Inc. be accepted; now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced bid to Bast Hatfield, Inc. in the amount of \$15,969, the amount to come from the 2001 County Surplus distribution with a transfer to A-1620-200 (Town Hall-Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 300 of 2001, a Bond resolution dated November 5, 2001 of the Town of Clifton Park, New York, authorizing the acquisition, construction and installation of improvements to the Woodland Hills Sewer District No. 1 sewer system and related equipment, machinery and apparatus at a maximum estimated cost of \$110,000 and authorizing the issuance of \$110,000 serial bonds to pay the cost thereof.

Introduced by Councilman Roth, 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 improvements to the Woodland Hills Sewer District No. 1 sewer system, including buildings, land or rights in land, and equipment, machinery and apparatus required in connection therewith, at an estimated maximum cost of \$110,000 and to issue an aggregate \$110,000 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 \$110,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$110,000 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 thirty (30) 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 used 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 Woodland Hills Sewer District No. 1, which the Town Board shall determine to be especially benefited by the improvements, an amount sufficient to pay the principal 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 there 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 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, Councilman Speckhard, Councilman Roth, Councilwoman Walowit, Supervisor Barrett

Noes: None

#### DECLARED ADOPTED

Resolution No. 301 of 2001, a resolution authorizing the Town Supervisor to enter into a contract with John G. Waite Associates for architectural services for the restoration and stabilization of the Grooms Tavern.

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

WHEREAS, full architectural services for Grooms Tavern are necessary to implement restoration of the tavern and blacksmith shop and to carry out grant programs, and

WHEREAS, John G. Waite Associates has submitted a proposal for full architectural services, including design, contract documents and administration of the bidding and construction; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to enter into a contract with John G. Waite Associates for full architectural services, including design, contract documents and administration of the bidding and construction at a cost not to exceed 12 1/2 % or \$14,500 of the total construction cost with cost to be budgeted from Contingency Fund with a transfer to A-1627-135 (Grooms Tavern-Engineering), and be it further

RESOLVED, that the scope of services shall be as per the attached and any agreements shall be subject to the approval of the Town Attorney.

#### ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 302 of 2001, a resolution authorizing the Assessor to relevel delinquent sewer charges on the 2002 property tax bills.

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

WHEREAS, the Dutch Meadows Sewer District has reported unpaid sewer bills per the attached schedule for the Dutch Meadows Sewer District, and

WHEREAS, it is necessary for the Assessor to relevel the unpaid bill on the property owner's 2002 tax bill to ensure payment of the same; now, therefore, be it

RESOLVED, that the Town Board accepts the delinquent sewer charges for the Dutch Meadows Sewer District per the attached schedule and authorizes the Assessor to relevel that amount on the property owner's 2002 property tax bill.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 303 of 2001, a resolution authorizing the Assessor to relevel delinquent sewer charges on the 2002 property tax bills.

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

WHEREAS, the Woodland Hills Sewer District has reported unpaid sewer bills per the attached schedule for the Woodland Hills Sewer District, and

WHEREAS, it is necessary for the Assessor to relevel the unpaid bill on the property owner's 2002 tax bill to ensure payment of the same; now, therefore, be it

RESOLVED, that the Town Board accepts the reported delinquent sewer charges for the Woodland Hills Sewer District per the attached schedule and authorizes the Assessor to relevel that amount on the property owner's 2002 property tax bill.

ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 304 of 2001, a resolution authorizing the purchase of vacant land in the Town of Clifton Park from the Saratoga County Tax Auction.

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

WHEREAS, the Town Board wishes to purchase SBL 276.-1-11.111, 27.80 acres located at Blue Jay Way rear, and SBL 270.-1- 37.21, 30.12 acres located at Miller Road rear, and

WHEREAS, entering into this agreement will confer a benefit upon the people of the Town of Clifton Park as it will be utilized as open space/recreational area, etc.; now, therefore, be it

RESOLVED, that the Town Comptroller is authorized to purchase two parcels of vacant land, SBL 276.-1-11.111, 27.80 acres located at Blue Jay Way rear and SBL 270.-1-37.21, 30.12 acres located at Miller Road rear, from the Saratoga County Tax Auction at a combined cost not to exceed \$9500 to be budgeted from the Contingency Fund.

Councilman Speckhard stated this reflects what the Board has been trying to do, that is to purchase as inexpensively as possible important parcels of land. He said he is concerned about committing the parcels to recreational development by the town and questioned if it will require maintenance by the town and recommended tabling the resolution for further exploration because it does relate and tie into a number of other issues. Supervisor Barrett said he meant recreation without any improvement or work being done to the property at all, somewhat like the Round Lake Reservoir. Councilman Paolucci said he is interested in the park district consideration, which is an outstanding issue. Supervisor Barrett said this property would just be open and unmaintained. Councilman Speckhard said the thrust is absolutely right, as this is what the Board wants to do and the cost is inexpensive but there are some associated questions that need to be answered.

MOTION TO TABLE by Councilman Speckhard, seconded by Councilman Paolucci.

#### ROLL CALL VOTE

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

Noes: None

## MOTION CARRIED

Resolution No. 305 of 2001, a resolution scheduling a public hearing on December 3, 2001 to consider an application for a Historic Preservation Conservation Easement.

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

WHEREAS, a Historic Preservation Conservation Easement Application has been received pursuant to Chapter 125 of the Clifton Park Town Code for the structure located at 583 Clifton Park Center Road, S.B.L. 271.-4-42, and

WHEREAS, the Town Board wishes to solicit the comments of the Town's citizens regarding this historic conservation easement application; now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled for December 3, 2001 at 7:10 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, to consider the historic conservation easement application as shown in the attached Exhibit A and the Town Clerk is directed to publish appropriate notice of same.

Councilman Speckhard said there are now over 2000 acres in the Conservation Easement program. He stated the open space commitment is not new as over the past ten years various aspects have focused on open space planning such as the Comprehensive Plan, zoning changes, and a new line item for land acquisition and development rights. Councilman Speckhard said the efforts of the Open Space Committee is bringing the various pieces together with residents involved through the open space questionnaire and this is a culminating rather than initial step.

## ROLL CALL VOTE

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

Noes: None

## DECLARED ADOPTED

Resolution No. 306 of 2001, a resolution authorizing the inclusion of excess water system facilities in the proposed Corporate Commerce Zone Water District No. 1.

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

WHEREAS, the Corporate Commerce Zone was created in the late 1980's and expanded in the mid 1990's by the Town Board of the Town of Clifton Park (the "Town") as a

special zoning district, and consists of approximately 280 acres of land located on Route 146, approximately 5,000 feet west of Route 146A intersection, and

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

WHEREAS, a map plan and report has been prepared by John M. McDonald Engineering, P.C. regarding the District and the water system improvements, and

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

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

RESOLVED, by the Town Board as follows:

1. The District Improvements shall include Excess Facilities to be reserved for future water districts or extensions in the Town.
2. The estimated cost of the Excess Facilities is \$250,000, which shall be a general Town charge. The cost of the Excess Facilities will be initially advanced from the Town's general fund. Any future water district or extension that uses the Excess Facilities shall reimburse the general fund for the cost of the Excess Facilities from hook-up fees and/or assessments levied against the future district or extension.
3. This resolution is subject to permissive referendum as provided in Town Law Section 192-a, in the manner provided in Article 7 of the Town Law.

Councilman Speckhard explained this is the first step in getting water to the western part of town. This water district is intended for the town as a whole and not primarily intended for the Corporate Commerce zone, although that will be its first stop. He said in order for it to be of benefit to the town as a whole, it needs to be supported and funded beyond the Corporate Commerce zone and that is what this resolution is doing by declaring it an excess water facility. This will allow it to be open and available as it moves towards Rexford by 2005 through hookups along the way in the western part of town. He noted those people who do hook up will be part of a larger district and responsible for repaying the town the \$250,000 mentioned in this resolution. Councilman Speckhard said this \$250,000 is in a reserved fund set aside from the county surplus in 1999. He stated once

it gets beyond the Corporate Commerce zone this is a joint effort of the town, Clifton Park Water Authority and Rexford Water District. Councilman Speckhard further noted the water effort is proceeding from two different directions, Route 146A to the west and potentially from the Rexford Water District east via outside user provisions which would need Glenville Town Board approval.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 307 of 2001, a resolution awarding the bid for the Country Knolls Pool Clubhouse Restroom Reconstruction.

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

WHEREAS, on November 1, 2001, bids were publicly opened for the above referenced contract, and

WHEREAS, the low bidder for this contract is BPI, Inc. in the amount of \$39,000, and

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

RESOLVED, that the Town Board hereby accepts and awards the above referenced bid to BPI, Inc. in the amount of \$39,000, approved by Resolution No. 287 of 2001 with a transfer to A-1626-200 (Burning Bush Clubhouse-Equipment).

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 308 of 2001, a resolution authorizing the acceptance of sealed bids for Town surplus vehicles.

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

Councilman Paolucci.

WHEREAS, the Town Board of the Town of Clifton Park passed Resolution No. 265 of 2001 authorizing the Town Administrator to advertise and accept sealed bids for the sale of Town surplus vehicles, and

WHEREAS, said bid was advertised in the Daily Gazette on October 4, 2001 soliciting bids for this sale, and

WHEREAS, all bids were opened and publicly read on October 15, 2001; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park accepts the highest bids for the following items:

1. 1989 Dodge 1 Ton Pickup Wade Schoenborn \$1457.00  
1B6MM3656KS164116 703 Swaggertown Rd.  
Scotia, NY 12302

2. 1984 Chevy S-10 Pickup Robert Clark \$ 41.00  
1GC8514E1F2172310 4152 Sacandaga Rd.  
Galway, NY 12074-2604

3. 1986 Ford Ranger Pickup Robert Clark \$ 51.00  
1FTBR10T9GUC19508 4152 Sacandaga Rd.  
Galway, NY 12074-2604

4 1990 Chevy S-10 Blazer Robert Clark \$ 91.00  
1GNCS18Z3M0112594 4152 Sacandaga Rd.  
Galway, NY 12074-2604

5. 1993 Ford Taurus Vincent Bagnato \$ 500.00  
1FACP5244PA309776

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 309 of 2001, a resolution re-conveying the following portion of a street, easement, open space, or parkland as the case may be to Country Club Acres, Inc.

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

WHEREAS, by Resolution No. 21 of 1995 the Town Board accepted the conveyance of the following street, easement, open space, parkland, briefly described as follows:

Street Name of Owner Subdivision

Unnamed Stub Street Town of Clifton Park Country Knolls  
Off Wooddale Drive Section 62 and 11  
Lot 135A and Lot 137A  
and,

WHEREAS, said parcels are described by Clough, Harbour and Associates as "Lands of the Town of Clifton Park to be combined with Lots 135-A and Lot 137-A, Country Knolls, Section 62" shall be respectively conveyed to Lots 135-A and 137-A, Country Knolls Section 62, lands now or formerly of Country Club Acres, Inc., as shown on a map entitled "Country Knolls 62" prepared by ABD Engineers and Surveyors, dated May 13, 1987 and filed in Saratoga County Clerk's Office on February 18, 1988, and

WHEREAS, a contingency of subdivision approval of Country Knolls in 1968 was that the above stub street be conveyed to the Town of Clifton Park, and

WHEREAS, Country Club Acres, Inc. now would like to build on the above two lots which are considered nonconforming due to the lack of frontage they contain, based upon this, the stub street needs to be divided into two thirty foot wide parcels and re-conveyed to the developer, and

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

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

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

Town Attorney Trainor explained parcels 14 and 15 are landlocked so with this reconveyance the parcels will have access to roadway. Discussion ensued regarding Highway Superintendent Gerard's concerns as to ownership of the stub street.

MOTION TO TABLE by Councilman Paolucci, seconded by Councilwoman Walowit.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

PUBLIC PRIVILEGE

Beverly Czub, Miller Road, said she is not opposed to lighting at the dog park but doesn't know if all residents of the town should have to pay the bill.

Lorna Kircher, Lilac Court, said she had done a survey to determine needs of the dog park and lighting was a big issue. She said she was under the impression that users of the dog park had to raise their own funds for the lighting which dog owners were willing to do.

Karl Salzer said some people at the dog park have expressed willingness to do volunteer work in order to get the lighting project done.

Councilman Speckhard stated the Mary Jane Row Dog Park is a town facility and dog owners should not be dealt with any differently than users in other town facilities.

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

Motion carried at 8:50 p.m.

Patricia O'Donnell  
Town Clerk