

Clifton Park Town Board Meeting Minutes

August 2, 2004

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

Absent: Town Attorney Trainor

Also Present: Deputy Town Attorney Peller
Jason Kemper, Director of Planning
Michael O'Brien, Environmental Specialist
Michael Shahan, Town Administrator

MOTION by Councilman Paolucci, seconded by Councilman Speckhard, to approve the minutes of the July 19, 2004 meeting as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Roth encouraged everyone to attend the Farm Fest Breakfast at the Senior Center scheduled for September 18th.

Councilman Speckhard acknowledged the death of former Town Supervisor Charles McCloskey. Mr. McCloskey served the residents of Clifton Park from 1976 through 1979 and was part of the initial transition of bringing the New York State Police into the town, as well as the development of CAPTAIN and Shenendehowa Senior Citizens programs and bringing them into the town budget. Councilman Speckhard asked that former

Supervisor McCloskey's obituary be made part of the minutes.

PUBLIC HEARING, 7:10 PM
TO CONSIDER ESTABLISHING THE
REXFORD WATER DISTRICT NO. 2 EXTENSION NO. 1

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on July 19, 2004.

Supervisor Barrett explained this proposed extension consists of seven parcels with six different property owners. The people within the district will pay for the extension of the water line. Town Environmental Specialist O'Brien stated the six property owners are in favor of the district.

The public hearing was opened for comments from the audience at 7:15 p.m.

Floyd Simone, 984 Grooms Road and his mother resides at 992 Grooms Road, spoke in favor of the district and asked how far up the road the water line will go.

Supervisor Barrett noted it will end before Appleton Road.

Mr. Simone asked if it would be possible to extend the water line to the other side of the road (Appleton Road) if people were willing to pay.

Supervisor Barrett said boundaries can be moved and if people are definitely interested they could be included. Mr. Simone said he knows of two property owners that are interested. (Lots 50 and 51 on Map of RWD No. 2 Ext. No. 1 dated 3/04).

Supervisor Barrett asked Mr. O'Brien to contact the property owners of Lots 50 and 51 to find out their interest and if there is interest, the boundaries would need to be changed and another public hearing scheduled.

Councilman Speckhard stated the boundaries don't have to be extended as they could become outside users. He noted that Lots 50 and 51 were part of the Appleton Road extension and he believes that both may have objected to the extension.

Pat Ragozzino, 942 Grooms Road, (Lot 48), said he is in favor of the extension and would like to be included.

The Supervisor asked Mr. O'Brien to contact property owners of 49.1, 50 and 51 to see if they are interested.

Councilman Speckhard said the Appleton Road extension, which is in great need of water, was turned down primarily because of the votes in that area and if people have changed their minds it is very likely the Appleton Road project can go through and perhaps be included in this extension being considered this evening.

Supervisor Barrett said he would like to move forward and create the district this evening with a caveat that if the other landowners want to join in that Mr. Ragozzino also be included.

Deputy Town Attorney Peller stated in the event property owners were added or the district amended for any reason another public hearing would be required.

Supervisor Barrett said there is 100 % support of this district and he would like to adopt the resolution this evening creating the district but also keep the commitment to the other landowners if they wish to join. The Supervisor stated he doesn't want to waste another two weeks if the other landowners are not interested.

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 7:27 p.m.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 224 of 2004, a resolution authorizing the Director of Planning to attend the Northeast Arc Users Group Conference from September 19-22, 2004.

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

WHEREAS, the Northeast Arc Users Group Conference will be held in Lake Placid, New York from September 19-22, 2004, and

WHEREAS, Jason Kemper, Director of Planning for the Town of Clifton Park, has requested authorization to attend this conference, and

WHEREAS, Mr. Kemper's attendance at this conference will confer a benefit upon and be in the best interest of the Town of Clifton Park; now, therefore, be it

RESOLVED, that Jason Kemper, Director of Planning for the Town of Clifton Park, is hereby authorized to attend the Northeast Arc Users Group Conference at a cost not to exceed \$650 as budgeted to be paid from A-8021-1 (Planning-Training and Conference).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 225 of 2004, a resolution authorizing the Director of Planning to attend the New York State G.I.S. Conference from October 18-19, 2004.

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

WHEREAS, the New York State GIS Conference will be held in Kerhonkson, N.Y. from October 18-19, 2004, and

WHEREAS, Jason Kemper, Director of Planning for the Town of Clifton Park, has requested authorization to attend this conference, and

WHEREAS, Mr. Kemper's attendance at this conference will confer a benefit upon and be in the best interest of the Town of Clifton Park; now, therefore, be it

RESOLVED, that Jason Kemper, Director of Planning for the Town of Clifton Park, is hereby authorized to attend the New York State GIS Conference at a cost not to exceed \$250 as budgeted to be paid from A-8021-1 (Planning-Training and Conference).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 226 of 2004, a resolution scheduling a public hearing to consider the Land Conservation Plan Recommendations for the Western Clifton Park GEIS.

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

WHEREAS, the Town Board was presented with the Land Conservation Plan Recommendations that were presented to the Board at the June 21st, 2004 Town Board Meeting, and

WHEREAS, a copy of these recommendations is available for viewing in the Town Clerks Office, and

WHEREAS, the Town Board wishes to solicit comments from the Town citizens regarding the plan recommendations; now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled for August 16, 2004 at 7:10 p.m. to be held in the Wood Memorial Room at Town Hall, One Town Hall Plaza, Clifton Park, to consider accepting the Land Conservation Plan Recommendations for the Western Clifton Park GEIS Study and the Town Clerk is directed to publish appropriate notice of the same.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 227 of 2004, a resolution establishing a policy for water and sewer contracts for properties outside the Corporate Commerce Zone.

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

WHEREAS, the Town Board has established the Corporate Commerce Water District and the Corporate Commerce Sewer District to serve properties within the Corporate Commerce Zone located on NYS Route 146, and

WHEREAS, the water and sewer infrastructure to serve the properties within the Corporate Commerce Zone had to be extended westerly along Route 146, in front of properties on Route 146, and

WHEREAS, said properties are outside the boundaries of the water and sewer district and several property owners along the route of the water and sewer lines have requested permission to connect into the system, and

WHEREAS, the Town Board is desirous of allowing such use of the water and sewer facilities for existing homes and businesses if there is a public health need; now, therefore, be it

RESOLVED, that the Town Board hereby establishes the following policy for properties outside the district and along the route of the water and sewer main:

- This is applicable to properties that have frontage on the mains on either side of Route 146 between the westerly intersection of Sterling Heights Drive and Tanner Road/Miller Road, which is the easterly boundary of the districts.
- One outside user contract shall be permitted by the Town Board for each existing home

or business that can demonstrate a public health need for public water and/or public sewer. For a vacant parcel that exists as of the date of this resolution, one outside user contract shall also be permitted for one hook up. This does not apply to properties that are subdivided after the effective date of this resolution.

- The contract shall specify, among other things, that said property shall be required to pay a portion of the Town district charges for debt service as established for the parent Corporate Commerce district, said debt service charge will only include the assessment component associated with the building improvements and will exclude land value.

- Each property owner would be required to pay a hook up fee to the District as follows:

Water Sewer

An existing home \$ 500 As per sewer use law

An existing commercial \$2,000 As per sewer use law

An existing vacant parcel \$2,000 As per sewer use law

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 228 of 2004, a resolution establishing Rexford Water District No. 2 Extension No. 1 and authorizing the acquisition and construction of improvements to the water system.

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

WHEREAS, the Town Board of the Town of Clifton Park proposes to establish the Rexford Water District No. 2 Extension 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, a map, plan and report relating the establishment of the proposed District, 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, on July 6, 2004, a resolution was adopted by the Town Board reciting the filing of the map, plan and report, the boundaries of the proposed District, the improvements proposed, the estimated expense of these improvements, the proposed

method of financing, the cost of the District to the properties in the District, the fact that the map, plan and report are on file in the Town Clerk's office for public inspection, and all other matters required by law to be stated, and

WHEREAS, the resolution called a public hearing to be held on August 2, 2004 at 7:10 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 August 2, 2004 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.

AND IT IS FURTHER

RESOLVED, that the District, as set forth in the map, plan and report be approved, that the requested improvements be constructed, and that the necessary easements and lands be acquired, upon the required funds being made available and provided for, and it is further

RESOLVED, that this District shall be known as the Rexford Water District No. 2 Extension No. 1 in the Town of Clifton Park and shall be bounded and described as set forth on Exhibit A attached hereto, and it is further

RESOLVED, that the proposed improvements, including construction costs, cost of acquisition of lands and easements, legal and engineering fees, and all other expenses, 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, the cost of such improvements to be assessed by the Town Board in proportion to the assessed value of each property in the District, and it is further

RESOLVED, that this resolution is subject to permissive referendum as provided in Town Law Section 209-e, in the manner provided in Article 7 of the Town Law, and is subject to the approval of the State Department of Audit and Control in accordance with

Town Law Section 209-f.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Norman Goldman, London Square Drive, spoke of the zoning along Moe Road, stating if it is changed to PIR for the library then that is equivalent to saying that the library should be permitted in a residential zone.

Mike Abele speaking with regard to accessing water for his project on Boyack Road in the Town of Halfmoon explained his property connects to Algonquin Road and those houses are served by the Clifton Park Water Authority. He said this water would be for the additional six lots on top of the two he already has. Mr. Abele referred to a letter from Don Austin, Director of the Clifton Park Water Authority giving approval to supply water to his property. He said Halfmoon Supervisor DeCerco has said there is a reciprocal agreement with the Town of Clifton Park. He asked the Town Board to act on a resolution approving water for his project.

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

Motion carried at 7:55 p.m.

Patricia O'Donnell
Town Clerk