

Clifton Park Town Board Meeting Minutes

September 13, 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 Speckhard
Councilman Roth
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Absent: Councilman Paolucci

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

ANNOUNCEMENTS AND COMMUNICATIONS

Councilwoman Walowit announced the Rexford Women's Club Special Needs and Accessibility Directory for the Town of Clifton Park is available in the Town Hall.

Supervisor Barrett thanked everyone involved with the Public Safety Expo and Memorial Program on September 11, 2004. He reported CERT training is being offered, at no charge, in CPR and use of defibrillators.

The Supervisor recognized local servicemen serving in Iraq and their families, Specialist Jesse Dann, Corporal Nathan Shakerly, Staff Sergeant Eric Pinnell, Sergeant Christopher Morris, Captain Geoffrey Cramer and Sergeant Maurice Cousineau. The servicemen had requested a Town of Clifton Park flag and had their photos taken with it. The town, in turn, took photos of the families holding the flag and will email the photos to the servicemen.

MOTION BY Councilman Roth, seconded by Councilwoman Walowit, to remove Resolution No. 238 of 2004 from the table.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

Resolution No. 238 of 2004, a resolution authorizing the Town of Clifton Park Water Authority to service a proposed user of the Clifton Park Water System, whose property lies outside the territorial boundaries of the Town of Clifton Park.

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

WHEREAS, by State Law the Town of Clifton Park Water Authority was established as a public benefit corporation to acquire, create, service and/or maintain a water distribution system within the Town of Clifton Park Water District, and

WHEREAS, the enabling legislation also provides that the Town Board may adopt a resolution authorizing the Water Authority to sell water service to an area located outside the Town of Clifton Park, and

WHEREAS, Michael Abele, owner of property located within the Town of Halfmoon, has requested that the Water Authority be permitted to sell water to him to service this property, and

WHEREAS, Mr. Abele has provided the Planning Department with a map of his lands showing his proposed connection to the Southeastern portion of the Town of Clifton Park; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Clifton Park Water Authority to service land owned by Michael Abele, located in the Town of Halfmoon, and be it further

RESOLVED, that the map of said property be attached to this resolution filed in the office of the Town Clerk.

Councilman Roth reported the Town of Clifton Park Highway will be addressing concerns by putting in a pipe across the road to help with drainage and information has been received that Clough, Harbour & Associates, Engineer for the Town of Halfmoon that there is enough of a retention basin to take care of any flow of water within the project. It was noted the project has been downsized from 14 to 6 homes and the retention pond planned for the original 14 home site is remaining.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 245 of 2004, a resolution authorizing John Scherer and Patricia Haffner to attend the 2004 Canal Conference.

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

WHEREAS, the Director of Parks, Recreation and Community Affairs has requested that authorization be given to attend the 2004 Canal Conference in Glens Falls, New York, September 22 - 24, 2004, and

WHEREAS, attendance at the 2004 Canal Conference by John Scherer and Patricia Haffner would confer a benefit to the Town; now, therefore, be it

RESOLVED, that John Scherer and Patricia Haffner are authorized to attend the 2004 Canal Conference in Glens Falls, New York, September 22 – 24, 2004, at a cost not to exceed \$145 each to be paid from budget line item A7021-001 (Parks & Recreation-Travel & Conference).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 246 of 2004, a resolution authorizing John Scherer, Town Historian, to attend the NYS Association of Public Historians Conference.

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

WHEREAS, the Director of Parks, Recreation and Community Affairs has recommended that John Scherer, Town Historian, be authorized to attend the Association of Public Historians Conference in Lockport, New York, September 26 – 28, 2004, and

WHEREAS, John Scherer's attendance at the Association of Public Historian's Conference would confer a benefit to the Town; now, therefore, be it

RESOLVED, that John Scherer is authorized to attend the Association of Public Historians Conference in Lockport, New York, September 26 – 28, 2004 at a cost not to exceed \$250 to be paid from budget line item A7510-1 (Historian-Travel & Conference).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 247 of 2004, a resolution determining that action to organize Blue Barns Road Water District No. 1 and acquire, construct and install improvements to the water system will not have a significant effect on the environment.

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

WHEREAS, the Town Board of the Town of Clifton Park, Saratoga County, New York (the "Town") proposes to establish a water district in the Town to be known as Town of Clifton Park Blue Barns Road Water District No. 1 (the "District") and also proposes to acquire, construct and install a water supply and distribution system in the District, including (a) construction and installation of water transmission mains and lines and related facilities, (b) acquisition of furnishings, equipment, machinery or apparatus required in connection therewith, and (c) acquisition of land or rights in land, all as more particularly described in the report of C.T. Male Associates, P.C. which is on file in the office of the Town Clerk (the "Project"), and

WHEREAS, pursuant to Article 8 of the Environmental Conservation law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations"), the Town Board desires to determine whether the Project may have a "significant effect on the environment" (as said quoted term is defined in the SEQR Act and the Regulations) and therefore require the preparation of an environmental impact statement, and

WHEREAS, to aid the Town Board in determining whether the Project may have a significant effect upon the environment, an environmental assessment form (the "EAF") has been presented to and reviewed by the Town Board, copies of which EAF are on file in the office of the Town Clerk, and

WHEREAS, pursuant to the Regulations, the Town Board has examined the EAF in

order to make a determination as to the potential environmental significance of the Project, and

WHEREAS, the Project does not appear to constitute a "Type I Action" (as said quoted term is defined in the Regulations); now, therefore, be it

RESOLVED by the members of the Town Board of the Town of Clifton Park as follows:

(1) Based upon an examination of the EAF, and based further upon the Town Board's knowledge of the area surrounding the proposed District and such further investigation of the Project and its environmental effects as the Town Board has deemed appropriate, the Town Board makes the following findings with respect to the Project:

(A) The Project consists of the organization of the District and the acquisition, construction and installation of a new water system in the District, including (i) construction and installation of water transmission mains and lines and related facilities, (ii) acquisition of furnishings, equipment, machinery or apparatus required in connection therewith, and (iii) acquisition of land or rights in land, all as more particularly described in the report of C.T. Male Associates, P.C. which is on file in the office of the Town Clerk.

(B) No potentially significant impacts on the environment are noted in the EAF, and none are known to the Town Board.

(2) Based upon the foregoing investigation of the potential environmental impacts of the Project and considering both the magnitude and importance of each environmental impact therein indicated, the Town Board makes the following findings and determinations with respect to the Project:

(A) The Project constitutes an "Unlisted Action" (as said quoted term is defined in the Regulations);

(B) The Project will result in no major impacts and, therefore, is one which will not cause significant damage to the environment. Therefore, the Town Board hereby determines that the Project will not have a significant effect on the environment, and the Town Board will not require the preparation of an environmental impact statement with respect to the Project; and

(C) As a consequence of the foregoing, the Town Board has prepared a negative declaration with respect to the Project.

(3) The Town Supervisor is hereby directed to file with the Town Clerk a negative declaration with respect to the Project, which shall be available for public inspection during regular business hours.

(4) This resolution shall take effect immediately.

Environmental Specialist O'Brien reported the Town of Clifton Park had entered into an agreement with the Town of Ballston to form the Blue Barns Road Water District based on support of the residents in the area. Recently the Town of Clifton Park was contacted by the State Comptroller's office indicating a Town of Clifton Park Blue Barns Road Water District needed to be formed and the agreement amended. The agreement allows the Town of Ballston to maintain the water system and infrastructure. The Comptroller of the Town of Clifton Park will pay the Town of Ballston based on a percent ratio. Town Attorney Trainor stated there are some decisions and responsibilities of this Town Board with respect to the district being set up for the Clifton Park properties. Councilman Speckhard asked, if in the future with the expansion of water to the western part of town, would the town have any control over the Blue Barns Road Water District. Supervisor Barrett responded yes.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 248 of 2004, a resolution scheduling a public hearing regarding the establishment of Blue Barns Road Water District No. 1.

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

WHEREAS, the Town of Clifton Park, Saratoga County, New York (the "Town") has entered into an Inter-municipal Cooperation Agreement with the Town of Ballston, Saratoga County, New York (the "Inter-municipal Agreement") pursuant to which the Town and the Town of Ballston intend to join together to acquire, construct and install water system facilities to provide water to certain properties described below located within the Town and to certain properties located in the Town of Ballston (the "Joint Water Project"),

WHEREAS, in furtherance of the Joint Water Project, the Town Board of the Town of Clifton Park purposes to establish a water district in the Town to be known as Blue Barns Road Water District No. 1 (the "District"), and

WHEREAS, the boundaries of the proposed District are set forth on Exhibit A attached hereto, and

WHEREAS, as part of the Joint Water Project, the Town and the Town of Ballston

propose to acquire, construct and install a water supply and distribution system and related facilities in the District (the "Improvements"), including (a) construction and installation of water transmission mains and lines and related facilities, (b) acquisition of furnishings, equipment, machinery or apparatus required in connection therewith, and (c) acquisition of land or rights in land, all as more particularly described in the Maps and Plans prepared by C.T. Male Associates, P.C., and

WHEREAS, the maximum amount proposed to be expended for Improvements in the District is \$111,690, and

WHEREAS, the estimated cost of hook-up fees for the typical property in the District is \$800, and the cost of the proposed District to the typical property in the District is estimated to be approximately \$755.00 per year, and

WHEREAS, the proposed method of financing the costs of the Joint Water Project, including the District Improvements, consists of the issuance of serial bonds and bond anticipation notes of the Town of Ballston in the total maximum principal amount of \$192,150, of which \$111,690 is attributable to Improvements in the District, to mature in annual installments over a period not exceeding 30 years, and

WHEREAS, the Town will pay to the Town of Ballston annual debt service on the \$111,690 indebtedness attributable to District Improvements, which shall be payable in the first instance from assessments levied on real property in the proposed District, and

WHEREAS, the cost of acquiring, constructing and installing the District Improvements will be assessed among the properties in the District in proportion to the assessed value of each property, and

WHEREAS, the Maps and Plans describing the foregoing, including a detailed explanation of how the estimated cost of the District to the typical property was computed, have been filed in the Town Clerk's office and are available for public inspection during regular business hours; now, therefore, be it

RESOLVED, that the Town Board will hold a public hearing to hear all persons interested in the establishment of the District and the proposed water system Improvements, which public hearing shall be held in the Wood Memorial Room, Town Hall, One Town Hall Plaza, in the Town of Clifton Park on October 4, 2004 at 7:10 p.m.; and be it further

RESOLVED, and ordered that the Town Clerk give notice of such hearing by publishing in the official Town newspaper a copy of this resolution and by posting a copy of this resolution on the Town's official sign-board not less than ten nor more than twenty days before such hearing.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 249 of 2004, a resolution authorizing the Town Administrator to attend the 2004 Disaster Preparedness Commission Conference.

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

WHEREAS, Michael Shahen, Town Administrator has requested authorization to attend the 2004 Disaster Preparedness Commission Conference, October 13-15, 2004 at the Holiday Inn Turf, Wolf Road, Albany, New York, and

WHEREAS, Michael Shahen's attendance at the 2004 Disaster Preparedness Conference would confer a benefit to the Town; now, therefore, be it

RESOLVED, that Michael Shahen is authorized to attend the 2004 Disaster Preparedness Conference in Albany, New York, October 13 - 15, 2004, at a cost not to exceed \$125 to be paid from budget line item A1220-001(Town Administrator-Training/Conference).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 250 of 2004, a resolution authorizing the Supervisor to enter into an Amended Inter-municipal Cooperation agreement with the Town of Ballston for an extension to the Burnt Hills-Ballston Lake Water District No.2 along with the proposed Blue Barns Road Water District No. 1.

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

WHEREAS, the Town Board approved Resolution Number 8 of 2004 which authorized

the Supervisor to enter into a Inter-municipal Cooperation Agreement with the Town of Ballston, and

WHEREAS, the New York State Comptroller has reviewed the project and has required that the Town of Clifton Park form the Blue Barns Road Water District No. 1 in order to approve the extension to the Burnt Hills – Ballston Lake Water District No. 2, and

WHEREAS, the proposed Extension 13 to the Burnt Hills - Ballston Lake Water District No. 2 area will service nineteen (19) properties adjacent to Blue Barnes Road consists of eight (8) properties located in the Town of Ballston and eleven (11) properties located in the Town of Clifton Park, and

WHEREAS, the parties agree that it makes the most environmental sense to incorporate the Town of Clifton Park property in the proposed Blue Barns Road Water District No. 1 within the Town of Ballston’s Water District extension as part of Extension 13 of the Burnt Hills – Ballston Lake Water District No. 2, and

WHEREAS, the Town of Clifton Park is currently reviewing a plan for a proposed water district encompassing these properties, known as Blue Barns Water District No. 1, and

WHEREAS, the parties are desirous of entering into an agreement for the operation and maintenance of the water district extension facility to serve both communities as detailed in the document attached hereto and wish to be in compliance with the directive of the New York State Comptroller; now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to sign the attached Amended Inter-municipal Cooperation Agreement between the Town of Ballston and the Town of Clifton Park on behalf of the Town Board.

ROLL CALL VOTE-

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 251 of 2004, a resolution authorizing the Supervisor to sign a contract with Alpha Geoscience.

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

WHEREAS, the Planning Board has considered the application for Exxon Mobil to operate a convenience store and car wash with twelve fuel dispensers on a two acre parcel of land at the intersection of Van Patten Drive and Ushers Road, and

WHEREAS, the Town Board has offered the Planning Board funding to hire an independent expert to review the Exxon Mobil proposal, and

WHEREAS, the Planning Board is seeking an independent review of the adequacy of the ground water and surface water impact evaluation for the proposed Exxon Mobil station on the corner of Van Patten Drive and Ushers Rd., and

WHEREAS, the Planning Board has determined that it is important to determine and investigate the possible impacts of the proposed development on geology and hydrology in the proposed area of development before issuing a SEQRA determination and rendering a decision on the Special Use Permit and site plan applications, and

WHEREAS, the Planning Board believes that the preparation of a report by Alpha Geoscience will provide information necessary to make an informed decision regarding the environmental impact of the proposed site development; now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to sign a contract with Alpha Geoscience to provide professional services based upon the Alpha Geoscience Billing Rate Schedule to determine the environmental impacts of the proposed Exxon Mobil development at the intersection of Van Patten Drive and Ushers Road at a cost not to exceed \$8,500, to be paid with a transfer from Contingency to A8020-135 (Planning Board - Engineering).

Councilman Roth noted there is a great amount of opposition to this proposal and the Town Board wants to make sure, should this project be approved, that everything has been done to make sure it is a legitimate project and will not affect what happens in that area. Councilwoman Walowit expressed appreciation to the Planning Board and Town Board for taking this initiative.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

PUBLIC PRIVILEGE

Gary DeNovio, 928 Grooms Road, property directly adjacent to Grooms Tavern, expressed concern that his view is now a gravel parking lot at the Grooms Tavern site, stating he was assured he would always be notified of any changes to the property. He presented photos of the site. Mr. DeNovio said it used to be a beautiful open field and for the past 14 years he has been the caretaker of the field. He asked why he wasn't notified that this was going to happen. Mr. Shahan replied various historic groups want to utilize the Tavern and have asked the town to prepare the area for parking in time for Farm Fest. Supervisor Barrett said the town will provide plantings and screening. Mr. Shahan will be in touch with Mr. DeNovio. Mr. DeNovio also asked that Mr. Scherer contact him.

Mike Abele, Crescent Road, expressed appreciation to the Town Board for approving the resolution that will bring CPWA water to his property.

OTHER BUSINESS

Mr. Shahan updated the Board with regard to the Vehicle and Traffic fine situation. He said the town, by law, can add a \$10 surcharge on certain tickets until September 2005 or the town can establish town speed limits on town and county roads, however, most tickets are written on state roads. Mr. Shahan said the Association of Towns is sending a letter to the legislature requesting the new law be repealed. It is anticipated the town could lose over \$100,000 in fine revenues.

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 8:15 p.m.

Patricia O'Donnell
Town Clerk