

**Clifton Park Town Board Meeting Minutes  
September 11, 2006**

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  
Mark Heggen, Comptroller  
Kathleen Maynard, Director of Planning  
Michael Shahen, Town Administrator  
Jeffrey Vedder, Superintendent of the Transfer Station

**ANNOUNCEMENTS AND COMMUNICATIONS**

Councilman Walowit reported a draft of the proposed Transient Merchant legislation is ready and asked that the Board's comments be received by mid week in order to set a public hearing for October 2nd.

Supervisor Barrett reported clarification has been received from County Personnel that Resolution No. 306 2006 should have read Planning Department instead of Planning Board.

**PUBLIC PRIVILEGE ON RESOLUTIONS**

Regarding the purchase of development rights, Norman Goldman asked what can happen to the property and what the tax ramifications will be for the town and the landowner. Supervisor Barrett noted taxes may remain the same as the landowner is under an agricultural easement at this time. He explained the landowner could petition to build a house on the property but development rights have been taken away. Director of Planning Maynard noted any activity will be restricted to agricultural use.

Resolution No. 308 of 2006, a resolution extending the Transfer Station hours for Fall Cleanup.

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

WHEREAS, the Transfer Station Supervisor has requested that the Transfer Station be open Sundays, October 22, 29 and November 5, 12, 2006 between the hours of 10 AM and 4 PM, for Fall Cleanup of leaves and brush only, and

WHEREAS, the Transfer Station Supervisor has proposed the attached schedule to support the extended hours of operation; now, therefore, be it

RESOLVED, that the Transfer Station be open for extended hours on Sundays between October 22 through November 12, 2006 (weather permitting) for Fall Cleanup of leaves and brush only and that the Comptroller is authorized to expend funds for the same per the attached schedule from budget line item A-8160-074 (Solid Waste Management-CTS Overtime).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 309 of 2006, a resolution authorizing the purchase of a Lanier Copier from Electronic Business Products for use by the Transfer Station.

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

WHEREAS, a need exists for a new copier for use at the Transfer Station, and

WHEREAS, the cost for the purchase of a Lanier LD 120D Copier from Electronic Business Products is \$2141; now, therefore, be it

RESOLVED, that authorization is hereby given for the purchase of a Lanier 120D Copier from Electronic Business Products at a cost not to exceed \$2141, to be budgeted from A-8160-9 (Solid Waste Management-Lease/Rental)

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 310 of 2006, a resolution authorizing the repaving of the existing roads at the Transfer Station.

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

WHEREAS, a need exists to repave the existing roads at the Transfer Station, and

WHEREAS, Towne Construction has the highway paving bid and has submitted a bid for the repaving of the streets at the Transfer Station in the amount of \$97,000; now, therefore, be it

RESOLVED, that authorization is hereby given to Towne Construction to repave the existing roads at the Transfer Station at a cost of \$97,000, \$89,000 to be paid from A-8160-200 (CTS-Equipment) and with a transfer of \$8,000 from A-8160-13 (Refuse Removal) to A-8160-200 (Solid Waste Management-CTS Equipment).

Superintendent Vedder said work will be done on Mondays.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 297 of 2006, a resolution transferring funds from the Maintenance line of the Meadow Estates Park District's budget to their equipment line.

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

WHEREAS, the Meadow Estates Park District Advisory Committee has requested that

the entrance signs at the front of their development be replaced, and

WHEREAS, the replacement of existing entrance signs is an approved expenditure as adopted by Resolution No. 333 of 2001, and

WHEREAS, quotes were obtained for the replacement of the existing signs and an additional \$425 is required in the equipment line; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Meadow Estate Park District, authorizes the transfer of \$425 from SP12-7142-24 (Meadow Estates Park District-Maintenance) to SP12-7142-200 (Meadow Estates Park District-Equipment).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 311 of 2006, 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 Councilman Speckhard.

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 Canandaigua, New York, October 2 - 3, 2006, and

WHEREAS, John Scherer's attendance at the Association of Public Historians 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 at the Inn on the Lake in Canandaigua, New York, October 2 - 3, 2006, at a cost not to exceed \$258.45, to be paid from budget line item A-7510-001 (Historian-Training/Conferences).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 312 of 2006, a resolution authorizing the Town Supervisor to enter into a contract to purchase a permanent conservation easement/purchase of development rights for 41 acres of farmland of King Crest Farm at Grooms Road and allocating funds from undesignated surplus for the purchase.

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

WHEREAS, the purchase of these development rights will permanently prohibit future development on this parcel, and

WHEREAS, the acquisition of these development rights will confer a benefit to the Town of Clifton Park and its residents, and

WHEREAS, the purchase of development rights for forty-one (41) acres of land is identified as follows:  
Section, Block, Lot 276.-1-21.12, Commonly known address, Rear of 831 Grooms Road located in the Town of Clifton Park, and

WHEREAS, the project has been determined to be an Unlisted Action and a Long Form EAF has been prepared, and

WHEREAS, the value of the development rights and acquisition of a deed of a permanent conservation easement is approximately \$410,000, and

WHEREAS, the Town has been awarded a Saratoga County grant of \$100,000 to be used towards the purchase price, and

WHEREAS, the Town contribution will be a maximum of \$410,000 for the purchase of development rights and acquisition of a deed of permanent conservation easement; now, therefore, be it

RESOLVED, that the Town Board hereby determines that the action will not have a significant adverse impact on the environment and authorizes the preparation of a negative declaration, and be it further

RESOLVED, that the Town Board is authorized to enter into a Purchase and Sale Agreement for a Permanent Conservation Easement with Marilyn and Charles Eells and Thomas King, Trustee of the Eells Family Irrevocable Trust; and be it further

RESOLVED, that the Town Board is authorized to allocate up to \$410,000 (\$310,000 when County Grant Award is received) and any necessary closing and transaction fees as determined by the Town Attorney (such as may be applicable: title report and title insurance, environmental site assessment, baseline easement report, survey of the conservation easement and preparation of deed, mortgage subordination, and deed recording fees) to be paid with a transfer from the undesignated surplus (Unreserved Fund Balance) to A-1940-200 (Other Town Payments-Equipment) for the purchase of development rights for 41 acres of King Crest Farm.

Supervisor Barrett explained payment could be phased in over a couple of tax years rather than a lump sum. He thanked all involved in this process, particularly the Eells and Prescott families, noting there is now over 800 acres of permanently protected properties.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

#### DECLARED ADOPTED

Resolution No. 300 of 2006, a resolution awarding the bid for the Senior Center Roof Replacement.

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

WHEREAS, on August 31, 2006, bids were received for the above referenced contract, and

WHEREAS, the low bidder for the Senior Center Roof Replacement is Mid-State Industries, Ltd. in the amount of \$60,811 for the base bid and \$65,811 for the alternate bid, and

WHEREAS, as per letter from McDonald Engineering, dated September 1, 2006, McDonald Engineering has reviewed the bids and has recommended to the Town Supervisor that Mid-State Industries, Ltd. be accepted as the lowest most responsible bidder for the alternate bid work; now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced alternate bid in the amount of \$65,811 to Mid-State Industries, Ltd. the funds to come from Undesignated Fund Balance-A-909, with a transfer to A-1624-200 (Senior Building-Equipment).

## ROLL CALL VOTE

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

Noes: None

## DECLARED ADOPTED

Resolution No. 313 of 2006, a resolution allocating funds from undesignated surplus for the purchase of development rights and acquisition of a deed of permanent conservation easement for 85 acres of farmland of Riverview Orchards at 660 Riverview Road.

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

WHEREAS, the Town Board has an agreement with Isabel and Joel Prescott to purchase the development rights and obtain a deed of permanent conservation easement for approximately 85 acres of the Riverview Orchard parcel, located in an agricultural district, and

WHEREAS, the purchase of these development rights will permanently prohibit future development on this parcel, and

WHEREAS, the acquisition of these development rights will confer a benefit to the Town of Clifton Park and its residents, and

WHEREAS, the purchase of development rights on eighty-five (85) acres of land is identified as follows:

Section, Block, Lot: 282.-1-8.21, Commonly known address 660 Riverview Road located in the Town of Clifton Park, and

WHEREAS, the project has been determined to be an Unlisted Action and a Long Form EAF has been prepared, and

WHEREAS, the value of the development rights is approximately \$795,000, and

WHEREAS, the Town has been awarded a Saratoga County grant of \$100,000 for this project in an agreement executed December 23, 2005, and

WHEREAS, Resolution No. 29 of 2006 previously allocated \$135,000 for the project, and

WHEREAS, the additional Town contribution will be a maximum of \$560,000 for the

purchase of development rights and acquisition of a deed of permanent conservation easement; now, therefore, be it

RESOLVED, that the Town Board hereby determines that the action will not have a significant adverse impact on the environment and authorizes the preparation of a negative declaration; and be it further

RESOLVED, that the Town Board is authorized to allocate \$560,000 and any necessary closing and transaction fees as determined by the Town Attorney (such as may be applicable: title report and title insurance, environmental site assessment, baseline easement report, survey of the conservation easement and preparation of deed, mortgage subordination, and deed recording fees) to be paid with a transfer from the undesignated surplus (Unreserved Fund Balance) to A-1940-200 (Other Town Payments-Equipment) for the purchase of development rights for 85 acres of Riverview Orchards.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

#### DECLARED ADOPTED

Resolution No. 314 of 2006, a resolution awarding the quote to update electrical components in Arena Bathrooms.

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

WHEREAS, quotes were received to update the electrical components in the Arena Bathrooms, and

WHEREAS, the lowest responsible quote is Wiring Concepts in the amount of \$4,400; now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced quote in the amount of \$4,400 to Wiring Concepts, to be paid with funds allocated in Resolution No. 301 of 2005, with a transfer to A-7112-200-0700 (Clifton Common-Equip.-Arena).

Councilman Roth explained bids came in well over \$300,000 for upgrading and adding locker rooms and it was decided to do the projects separately. He expects these projects to be under \$70,000 which would leave approximately \$140,000 to purchase new boards

for the town arena.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 315 of 2006, a resolution awarding the quote for the painting of the Arena Bathrooms.

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

WHEREAS, quotes were received for the painting of the Arena Bathrooms, and

WHEREAS, the lowest responsible quote is Robert White Painting in the amount of \$6,350; now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced quote in the amount of \$6,350 to Robert White Painting, to be paid with funds designated in Resolution No. 301 of 2005, with a transfer to A-7112-200-0700 (Clifton Common-Equip.-Arena).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 316 of 2006, a resolution awarding the quote for plumbing work at the Arena.

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

WHEREAS, quotes were received for plumbing work at the Arena, and

WHEREAS, the lowest responsible quote is Coordination Plus Enterprises, Inc. in the amount of \$19,500; now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced quote in the amount of \$19,500 to Coordination Plus Enterprises, Inc. to be paid with funds designated in Resolution No. 301 of 2005, with a transfer to A-7112-200-0700 (Clifton Common-Equip.-Arena).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 317 of 2006, a resolution awarding the quote for tile work at the Arena

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

WHEREAS, quotes were received for the tile work at the Arena, and

WHEREAS, the lowest responsible quote is Abella Concepts, Inc. in the amount of \$10,500; now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced quote in the amount of \$10,500 to Abella Concepts, Inc. to be paid with funds designated in Resolution No. 301 of 2005, with a transfer to A-7112-200-0700 (Clifton Common-Equip.-Arena).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 318 of 2006, a resolution authorizing the Town Supervisor to sign an agreement with Chase Leasing for the financing of \$786,320.

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

WHEREAS, the above Lessee is a political subdivision of the State in which Lessee is located (the "State") and is duly organized and existing pursuant to the constitution and laws of the State, and

WHEREAS, pursuant to applicable law, the governing body of the Lessee (Governing Body") is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interests in property, leases and easements necessary to the functions or operations of the Lessee, and

WHEREAS, the Governing Body hereby finds and determines that the execution of one or more lease-purchase agreements ("Equipment Leases") in the principal amount not exceeding the amount stated above ("Principal Amount") for the purpose of acquiring the property generally described in attached Schedule A-1 ("Property") and to be described more specifically in the Equipment Leases is appropriate and necessary to the functions and operations of the Lessee, and

WHEREAS, Chase Equipment Leasing Inc. ("Lessor") is expected to act as the lessor under the Equipment Leases, and

WHEREAS, the Lessee may pay certain capital expenditures in connection with the Property prior to its receipt of proceeds of the Equipment Leases ("Lease Purchase Proceeds") for such expenditures and such expenditures are not expected to exceed the Principal Amount, and

WHEREAS, the U. S. Treasury Department regulations do not allow the proceeds of a tax-exempt borrowing to be spent on working capital; and the Lessee shall hereby declare its official intent to be reimbursed for any capital expenditures for Property from the Lease Purchase Proceeds; now, therefore, be it

RESOLVED, by the Governing Body of the Lessee:

Section 1. Either one Philip C. Barrett or Roy A. Speckhard (each an "Authorized Representative") acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver one or more Equipment Leases in substantially the form set forth in the document presently before the Governing Body, which document is available for public inspection at the office of the Lessee. Each Authorized Representative acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the Equipment Lease (including, but not limited to, escrow agreements) as the Authorized Representative deems necessary and appropriate.

All other related contracts and agreements necessary and incidental to the Equipment Leases are hereby authorized.

Section 2. By a written instrument signed by any Authorized Representative, said Authorized Representative may designate specifically identified officers or employees of the Lessee to execute and deliver agreements and documents relating to the Equipment Leases on behalf of the Lessee.

Section 3. The aggregate original principal amount of the Equipment Leases shall not exceed the Principal Amount and shall bear interest as set forth in the Equipment Leases and the Equipment Leases shall contain such options to purchase by the Lessee as set forth therein.

Section 4. The Lessee's obligations under the Equipment Leases shall be subject to annual appropriation or renewal by the Governing Body as set forth in each Equipment Lease and the Lessee's obligations under the Equipment Leases shall not constitute a general obligation of the Lessee or indebtedness under the Constitution or laws of the State.

Section 5. The Governing Body of Lessee anticipates that the Lessee may pay certain capital expenditures in connection with the Property prior to the receipt of the Lease Purchase Proceeds for the Property. The Governing Body of Lessee hereby declares the Lessee's official intent to use the Lease Purchase Proceeds to reimburse itself for Property expenditures. This section of the Resolution is adopted by the Governing Body of Lessee for the purpose of establishing compliance with the requirements of Section 1.150-2 of Treasury Regulations. This section of the Resolution does not bind the Lessee to make any expenditure, incur any indebtedness, or proceed with the purchase of the Property.

Section 6. As to each Equipment lease, the Lessee reasonably anticipates to issue not more than \$10,000,000 of tax-exempt obligations (other than "private activity bonds" which are not "qualified 501(c)(3) bonds") during the calendar year in which each such Equipment Lease is issued and hereby designates each Equipment Lease as a qualified tax-exempt obligation for the purposes of Section 265(b) of the Internal Revenue Code of 1986 as amended.

Section 7. This Resolution shall take effect immediately upon its adoption and approval.

Comptroller Heggen explained this lease/purchase covers the following:

1. (4) 2006 International 7600 6x4 Tandem Trucks w/options
2. (1) 2006 International Medium Duty Crew Cab Truck w/dump body
3. (1) 2006 John Deere Loader from John Deere Construction & Forestry
4. (1) 2006 Komatsu Compact Excavator

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

PUBLIC PRIVILEGE

In response to Norman Goldman's question, Supervisor Barrett said approximately \$1.3 million has been spent on open space purchases.

Abraham Blum, Parkland Court, expressed concern with automobiles, boats, etc. being offered for sale on Grooms and Moe Roads. Supervisor Barrett will contact County Public Works Commissioner Joe Ritchey in this regard.

MOTION by Councilman Roth, 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 7:50 p.m.

Patricia O'Donnell  
Town Clerk