

**Clifton Park Town Board Meeting Minutes
October 16, 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
Myla Kramer, Director of Parks, Recreation and Community Affairs
Michael O'Brien, Environmental Specialist
Kathleen Maynard, Director of Planning
Stephen Myers, Director of Building and Development
Michael Shahan, Town Administrator
Walter Smead, Assessor

MOTION by Councilman Speckhard, seconded by Councilman Roth, to approve the minutes of the October 2, 2006 meeting as presented.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Roth announced the town-sponsored theater group, Not So Common Players, will present "National Icon" written by local author Marty Egan, on October 27-29 and November 3-5 at the Little Theater in the High School.

PUBLIC FORUM ON PDD AND AMENITY ZONING APPLICATIONS

Joseph Grasso, Clough Harbour & Associates, reviewed the current planned unit development requests as follows:

P.E.G. Apartments P.U.D.

- 24 acre site on the south side of Ashdown Road just east of Blue Barns Road
- Site currently zoned P.U.D., surrounding zoning is CR-Conservation Residential
- Application is for 23 single family lots
- Significant planning issues include density of single family development, adequacy of area for replacement septic system for apartments, location of access on Ashdown Road

Hoffman P.U.D.

- 122 acre site on the east side of Lapp Road, just west of Northway, north of Crescent Road and south of Grooms Road
- Site is currently zoned R-1 Residential with 20,000 min. lot size
- Application is for residential P.U.D. with 670 multi-family units marketed to active seniors over 50, in apartment buildings and 6-unit multi-family buildings
- Significant planning issues include traffic impacts at many intersections, change in land use, loss of open space and noise impacts from Northway corridor, economic impacts and infrastructure impacts
- Would likely require preparation of environmental impact statement due to project scale and numerous environmental/planning issues

Hollandale P.U.D.

- 7 acre site on south side of Clifton Park Center Road, just east of Hollandale apartment complex
- Zoning map shows as being part of Hollandale P.U.D.
- Application for residential P.U.D. with 24 apartments
- Project site would require amendment to existing Hollandale P.U.D.
- Significant planning issues include visibility from Clifton Park Center Road and buffers to adjoining residential properties

Park West Meadows - Sciocchetti

- 33 Acre Site on east side of Waite Road, directly south of Route 146
- Site contains 22 acres of wetlands, 11 acres of uplands
- Use is for 44,000 square foot 3-story senior housing complex, 125 units
- Significant planning issues include impacts in LC-Land Conservation district (NYSDEC wetland buffer), land use compatibility of 3-story building fifty feet from Waite Road, traffic safety and traffic impacts at intersection of Route 146/Waite Road

Current Amenity Zoning Requests

Rexford Commons Mixed-Use Development – Brock

- 27 acre site at southwest corner of Glenridge Road and Balltown Road/Route 146

- Site contains 2 acres of wetlands
- Site previously zoned for B-2 Business Non-retail and was planned for 144,000 square feet of commercial
- Site is within Hamlet Mixed Use zoning district within Western Clifton Park GEIS study area
- Site is now planned for mixed commercial and retail uses, including multi-tenant office retail, bank with drive-through and convenience with fuel islands
- Maximum density allowed without incentives is 101,000 sf all office or 51,000 sf all retail, or 27,500 sf retail and 46,000 sf office
- Proposing 27,500 sf retail and 85,400 sf office, or 39,000 sf office density bonus
- Will require amenity zoning fee of \$785,000 or 39 acres of open space
- Development plan is internally focused, neighborhood oriented development, hamlet style architecture
- Significant planning issues include on-site septic system ownership, traffic impacts, pedestrian accommodations

PUBLIC HEARING, 7:10 PM

REGARDING THE PROPOSED INCREASE IN THE MAXIMUM AMOUNT TO BE EXPENDED FOR REXFORD WATER DISTRICT NO. 2 EXTENSION NO. 1 WATER SYSTEMS IMPROVEMENTS

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on October 5, 2006.

Environmental Specialist O'Brien explained the bid for the extension came in more than anticipated and residents in the proposed extension have been notified of the increase. The increase is significant and necessitates additional approval by the State Comptroller's office. All residents in the proposed extension are in favor of the increase, however, they are not happy with the delay in getting water.

Jeff Trzeciak, McDonald Engineering, explained the increase is approximately \$134 over the initial cost estimate of \$1152 per single family home. The new cost will be \$1286. He continued, during the 30-day permissive referendum period which ends November 15, 2006, bond counsel will submit new numbers to the State Comptroller's office. It is anticipated the Town Board can adopt the bond resolution on November 20th and at the same time award the bid to commence construction. Mr. Trzeciak stated if all goes well with Audit and Control, construction could start in early December with completion early to mid January, weather permitting.

Mr. O'Brien brought up the point that the town needs to be coordinating with the residents as soon as possible to have them contact their contractors to bring the line to the house.

Supervisor Barrett asked if there was anyway to petition the Comptroller's office to cut back the 30 day referendum period since all affected residents have approved the increase.

Mr. Trzeciak said it is a NYS law and doesn't know of anyway to cut it back. Town Attorney Trainor agreed.

The public hearing was opened for comments from the audience at 7:35 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 7:40 p.m.

Mr. O'Brien is to work with the Water Authority with regard to residents hooking into the line.

PUBLIC HEARING, 7:20 PM
TO CONSIDER A LOCAL LAW AMENDING NORTH COUNTRY COMMONS
PLANNED DEVELOPMENT DISTRICT, SECTION A217-296, A (5)

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on October 13, 2006.

Director of Building and Development Myers explained the original PDD legislation reads "(5) Any other use permitted in a Neighborhood Business District B-1 Zone." He said it was determined the "B-1" wording is a typographic error and should read "B-3". The proposed legislation is to correct the error.

The public hearing was opened for comments from the audience at 7:43 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 7:44 p.m.

Town Comptroller Heggen reviewed the September financial report which includes the quarterly information for special districts. He noted general fund revenues are ahead and expenditures are consistent with 2005.

Supervisor Barrett announced the preliminary 2007 budget has no town tax.

Town Administrator Shahan announced a resolution is on the agenda this evening setting the budget public hearing for November 9th. Budget workshops were held on October 4th and 5th. The 2007 budget is expected to be adopted on November 13th. Mr. Shahan reported lines will be painted on the speed humps placed on the emergency access road in the vicinity of Mapleline Road.

Speaking with regard to the proposed PDDs and Amenity Zoning request, Councilman Roth asked that Board to give recommendations by early November as to whether to move the requests forward to the Planning Board or return to the developer noting the

density is too high.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 368 of 2006, a resolution adopting Local Law No. 11 of 2006, regarding amending Section 208-86 Keyhole Lots, of the Town Code.

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

WHEREAS, the Building Director has recommended that changes be made to Section 208-86 of the Clifton Park Town Code, and

WHEREAS, on October 10, 2006, a public hearing was conducted to obtain comment from the public regarding the proposed changes; now, therefore, be it

RESOLVED, that Local Law No. 11 of 2006, amending Section 208-86, Keyhole Lots, is hereby adopted, and be it further

RESOLVED, that the Town Clerk file said Local Law with the NYS Department of State; and be it further

RESOLVED, that this local law shall take effect immediately upon its adoption.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 369 of 2006, a resolution adopting Local Law No. 12 of 2006, regarding a needed addition to Section 73-13, Fire Safety Inspections.

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

WHEREAS, Local Law No. 4 of 2006 was adopted on May 8, 2006 providing for the collection of fees for Fire Safety Inspections performed by Town personnel, and

WHEREAS, Section 73-13 needs to be amended, per the attached Local Law, to include a reference to the collection of those fees, and

WHEREAS, on October 2, 2006, a public hearing was conducted to obtain comment from the public regarding the proposed changes to Section 73-13, Fire Safety Inspections; now, therefore, be it

RESOLVED, that Local Law No. 12 of 2006, a local law amending Section 73-13 Fire Safety Inspections, is hereby adopted, and be it further

RESOLVED, that the Town Clerk file said Local Law with the NYS Department of State; and be it further

RESOLVED, that this local law shall take effect immediately upon its adoption.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 370 of 2006, a resolution adopting Local Law No. 13 of 2006, a Local Law amending Local Law No. 8 of 1992, as amended by Local Law No. 2 of 1993 and Local Law No. 2 of 1998, Chapter 171, Key to Sign Charts.

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

WHEREAS, Steven Myers, Director of Building and Development, has recommended that the Key to Sign Charts be amended per the attached, and

WHEREAS, on October 2, 2006, a public hearing was conducted to obtain comment from the public regarding the proposed changes; now, therefore, be it

RESOLVED, that Local Law No. 13 of 2006, a local law amending Chapter 171, Key to Sign Charts, as per the attached, is hereby adopted, and be it further

RESOLVED, that the Town Clerk file said Local Law with the NYS Department of State; and be it further

RESOLVED, that this local law shall take effect immediately upon its adoption.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 371 of 2006, a resolution adopting Local Law No. 14 of 2006, a Local Law amending Chapter 208, as it refers to the R-2 zoning district.

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

WHEREAS, Chapter 208 of the Town Code contains a reference to the R-2 Residential Zoning District, and R-2 Zoning designation no longer exists in the Town of Clifton Park, and

WHEREAS, the Building Director has recommended that changes be made to Chapter 208 as it refers to the R-2 Residential Zoning District, and

WHEREAS, on October 2, 2006, a public hearing was conducted to obtain comment from the public regarding the proposed changes; now, therefore, be it

RESOLVED, that Local Law No. 14 of 2006, a local law amending Chapter 208, regarding the R-2 Residential Zoning Districts R-2, is hereby adopted, and be it further

RESOLVED, that the Town Clerk file said Local Law with the NYS Department of State; and be it further

RESOLVED, that this local law shall take effect immediately upon its adoption.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 372 of 2006, a resolution adopting Local Law No. 15 of 2006, regarding amending Article XVI, Site Plan Review and Approval, Section 208-113, Purpose and Applicability, and amending Local Law No. 11 of 1996.

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

WHEREAS, the Building Director has recommended that changes be made to Section 208-113 of the Clifton Park Town Code, and

WHEREAS, on October 2, 2006, a public hearing was conducted to obtain comment from the public regarding the proposed changes to Article XVI, Section 208-113; now, therefore, be it

RESOLVED, that Local Law No. 15 of 2006, a local law amending Article XVI, Site Plan Review and Approval, Section 208-113, Purpose and Applicability is hereby adopted, and be it further

RESOLVED, that the Town Clerk file said Local Law with the NYS Department of State; and be it further

RESOLVED, that this local law shall take effect immediately upon its adoption.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 373 of 2006, a resolution adopting Local Law No. 16 of 2006, a local law amending the Town Code, Chapter 80, Burning.

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

WHEREAS, the Building Director has recommended that changes be made to Section 80-4 (B) Permits, of the Clifton Park Town Code, and

WHEREAS, on October 2, 2006, a public hearing was conducted to obtain comment from the public regarding the proposed changes; now, therefore, be it

RESOLVED, that Local Law No. 16 of 2006, regarding amending Chapter 80 of the Town Code, Section 4 (B) Burning, is hereby adopted, and be it further

RESOLVED, that the Town Clerk file said Local Law with the NYS Department of State; and be it further

RESOLVED, that this local law shall take effect immediately upon its adoption.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 374 of 2006, a resolution adopting Local Law No. 17 of 2006, a Local Law amending Chapter 165-2, Refuse Collection Activities, Definitions, as it refers to the R-2 zoning district.

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

WHEREAS, Chapter 165-2 of the Town Code contains a reference to the R-2 Residential Zoning District, and

WHEREAS, the Building Director has recommended that changes be made to Section 208-86 of the Town Code, and

WHEREAS, on October 2, 2006, a public hearing was conducted to obtain comment from the public regarding the proposed change; now, therefore, be it

RESOLVED, that Local Law No. 17 of 2006, a local law amending Chapter 165, regarding the R-2 Residential Zoning Districts, as per the attached, is hereby adopted, and be it further

RESOLVED, that the Town Clerk file said Local Law with the NYS Department of State; and be it further

RESOLVED, that this local law 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. 375 of 2006, a resolution accepting a conveyance of 959 SF of land along Moe Road from Sandra D. Towers.

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

WHEREAS, the Town of Clifton Park Planning Board granted preliminary and final subdivision approval to the proposed Subdivision of the Lands of Sandra D. Towers on October 25, 2005, and

WHEREAS, as a condition of approval of the Subdivision of the Lands of Sandra D. Towers, the Town of Clifton Park Planning Board required that the applicant convey a 959 SF parcel of land to the Town of Clifton Park to provide for relocation of the multi-use pathway along Moe Road and the widening of Moe Road to accommodate an additional turn lane for access to the Clifton Park-Halfmoon Library facility, and

WHEREAS, the Town is in receipt of the following legally executed documents: a Bargain and Sale Deed with covenant against grantor's acts, a Combined Real Estate Transfer Tax Return, and a Real Property Transfer Report, and

WHEREAS, the Town is in receipt of a check from the Clifton Park-Halfmoon Library for \$217, the cost of filing documents with the Saratoga County Clerk; now, therefore, be it

RESOLVED, that the Town of Clifton Park authorizes the conveyance of 959 SF of land from Sandra D. Towers to be included as part of the Moe Road right-of-way, and be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt of an approval by the Town Attorney, Highway Superintendent and Town Engineer of all necessary documents, provision of a title report which is acceptable to the Town Attorney, and upon payment of all taxes and assessments; and be it further

RESOLVED, that there be appended to the within resolution a copy of the recorded conveyance after it has been returned from the Saratoga County Clerk.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 376 of 2006, a resolution scheduling a public hearing to consider the 2007 Preliminary Budget.

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

WHEREAS, the Town Board wishes to obtain comment regarding the 2007 Preliminary Budget; now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled for November 9, 2006 at 7:00 p.m. in the Wood Memorial Room at Town Hall, One Town Hall Plaza, Clifton Park, to consider the 2007 Preliminary Budget; and be it further

RESOLVED, that the Town Clerk publish appropriate notice of same.

Supervisor Barrett said the increase in the budget is less than 3 percent, with no town tax and maintains and improves upon the services that the town currently provides.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 377 of 2006, a resolution authorizing a member of the Historic Preservation Commission to attend the National Preservation Conference, October 30-November 4, 2006.

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

WHEREAS, the Historic Preservation Commission has requested authorization for

Deborah Emmons-Andarawis, a member of the Historic Preservation Commission to attend the National Preservation Conference in Pittsburgh, Pennsylvania from October 30-November 4, 2006, at a cost not to exceed \$1800, and

WHEREAS, her attendance at the Seminar would confer a benefit upon the Town residents and to the Historic Preservation Commission; now, therefore, be it

RESOLVED, that Deborah Emmons-Andarawis is hereby authorized to attend the National Preservation Conference to be held in Pittsburgh, Pennsylvania, October 30-November 4, 2006, \$1000, to be paid from A-7511-0001 (Historic Preservation Commission-Education Programs) and with a transfer of \$800 from A-7511-14 (Historic Preservation Commission-Historic Markers) to A-7511-0001 (Historic Preservation Commission-Education Programs).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 378 of 2006, a resolution reinstating Kelly Miller to the position of Assessment Clerk.

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

WHEREAS, Kelly Miller had previously resigned as Assessment Clerk in the Assessment Office, and

WHEREAS, Kelly Miller has requested to be reinstated as an Assessment Clerk in the Assessment Office, and

WHEREAS, the position remains vacant; now, therefore, be it

RESOLVED, that authorization is hereby given to reinstate Kelly Miller to the position of Assessment Clerk, Grade 4, Step 3 (\$29,553) in the Assessment Office, effective immediately.

ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilman Roth,

Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 379 of 2006, a resolution expressing the intent of the Town of Clifton Park Town Board to encourage parents to limit the times that children will be trick or treating on Halloween to between the hours of 4:00 p.m. and 8:00 p.m.

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

WHEREAS, the Town Board of the Town of Clifton Park wishes to encourage parents to limit the hours that their children will trick or treat for safety reasons; now, therefore, be it

RESOLVED, that the Town Board encourages families residing within the Town of Clifton Park to limit trick or treating to between the hours of 4:00 p.m. and 8:00 p.m. on Halloween.

A Halloween Parade will proceed down Vischer Ferry Road and coincide with the ribbon cutting for the new trail.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 380 of 2006, a resolution authorizing an intern to work in the Office of Parks, Recreation and Community Affairs.

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

WHEREAS, Shenendehowa High School has a Career Exploration Internship Program (CEIP) that provides students in their junior and senior years with a link between school and the workplace, and

WHEREAS, Shenendehowa's CEIP program depends on the support and participation of area businesses, and

WHEREAS, Myla Kramer, Director of the Office of Parks, Recreation and Community Affairs recommends that Allison D'Agati, 8 West Sky Lane, Clifton Park, a student at Shenendehowa High School, be authorized to work as an unpaid intern in the Office of Parks, Recreation and Community Affairs; now, therefore, be it

RESOLVED, that authorization is hereby given to the Office of Parks, Recreation and Community Affairs for Allison D'Agati to work as an unpaid intern, effective immediately through January of 2007.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 381 of 2006, a resolution authorizing the Director of Planning and the Assistant Director to attend a Local Government Planning and Zoning Workshop.

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

WHEREAS, Kate Maynard, Director of Planning, has requested permission for the Director of Planning and the Assistant Director to attend a Local Government Planning and Zoning Workshop sponsored by the Capital District Regional Planning Commission on November 1, 2006 at Hudson Valley Community College at a cost not to exceed \$60 for both to attend, and

WHEREAS, the amount has been budgeted for 2006 in budget line item A-8021 (Planning-Conference and Training), and their attendance at the Seminar would confer a benefit upon the Town residents and to the Planning Board; now, therefore, be it

RESOLVED, that Kate Maynard and Janis Dean are hereby authorized to attend a Local Government Planning and Zoning Workshop sponsored by the Capital District Regional Planning Commission on November 1, 2006 at a cost not to exceed \$60 for both to attend, to be paid from A-8021-1 (Planning-Conference and Training).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 382 of 2006, a resolution adopting Local Law No. 18 of 2006, a Local Law amending Local Law No. 9 of 1995, North Country Commons Planned Development District, Section A217-296, A, (5).

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

WHEREAS, Local Law No. 9 of 1995 incorrectly allows B-1 uses in the zone, when it should read B-3 uses, and

WHEREAS, on October 16, 2006, a public hearing was held to obtain comment from the public regarding the proposed change; now, therefore, be it

RESOLVED, that Local Law No. 18 of 2006, a Local Law amending Local Law No. 9 of 1995, North Country Commons Planned Development District, Section A217-296, A, (5) is hereby adopted, and be it further

RESOLVED, that the Town Clerk file said Local Law with the NYS Department of State; and be it further

RESOLVED, that this local law shall take effect immediately upon its adoption.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 383 of 2006, a resolution approving an increase in the maximum amount to be expended for Rexford Water District No. 2 Extension No. 1 water system improvements.

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") has caused a map, plan and report (the "Maps and Plans") to be prepared in connection with the proposed establishment and improvement of Extension No. 1 (the "Extension") to the Rexford Water District No. 2 (the "District"); and

WHEREAS, the boundaries of the Extension are set forth on Exhibit A attached hereto; and

WHEREAS, the Town proposes to acquire, construct and install a water supply and distribution system and related facilities in the Extension (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; and

WHEREAS, by resolution adopted on April 17, 2006, the Town Board authorized the establishment of the Extension and the acquisition, construction and installation of the Improvements at a maximum cost of \$83,900, with the annual cost to the typical property owner in the Extension to be approximately \$1,152 per year; and

WHEREAS, on August 30, 2006, the New York State Comptroller approved the establishment of the Extension at a cost not to exceed \$83,900; and

WHEREAS, based upon bids received for construction of the Improvements, the Town Board has determined that the maximum cost of the Improvements will be \$100,000, constituting an increase of \$16,100 over the original estimated maximum cost; and

WHEREAS, based upon the increase in the maximum cost of the Improvements, the cost of the Extension to the typical property in the District is now estimated to be approximately \$1,286 per year; and

WHEREAS, on October 2, 2006, a resolution was adopted by the Town Board calling a public hearing to be held on October 16, 2006 to hear all persons interested in proposed increase in the maximum cost of the Improvements to the Extension; 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 October 16, 2006 and the matter was fully discussed and all interested persons were heard.

NOW, THEREFORE, the Town Board of the Town of Clifton Park hereby determines that it is in the public interest to authorize the increase in the maximum amount to be

expended for the Improvements and the increased cost of the Improvements will not be an undue burden on the property which will bear such cost.

IT IS FURTHER RESOLVED that the Improvements are hereby authorized at a maximum cost not to exceed \$100,000.

IT IS FURTHER RESOLVED that this resolution is subject to permissive referendum as provided in Town Law Section 209-h, 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-h.

IT IS FURTHER RESOLVED that the Town Supervisor is hereby authorized and directed to execute and file on behalf of the Town an application for New York State Comptroller's approval of the increase in the maximum cost of the Improvements in form and substance acceptable to the Office of the New York State Comptroller.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

LEGAL DESCRIPTION

Town of Clifton Park
Rexford Water District #2
Extension #1

ALL THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND, designated as Rexford Water District #2, Extension #1, on map entitled "Rexford Water District #2, Extension #1", dated March 19, 2004 and revised March 30, 2006, as prepared by John M. McDonald Engineering, P.C., which District is comprised of the parcels shown on Town of Clifton Park, Saratoga County, New York Tax Map number 275 and 276 as prepared by L. Robert Kimbal Consulting, Ebensburg PA and digitally updated March 1, 2002 by the L. A. Group, being more particularly bounded and described as follows:

BEGINNING AT A POINT on the southerly bounds of the Grooms Road right-of-way, said point also being the northwest corner of parcel 275.-1-40.1, said point also being the northeast corner of parcel 275.-1-41 in the Town of Clifton Park, County of Saratoga, State of New York; and

PROCEEDING THENCE (in a clockwise direction around the proposed bounds) in an

easterly direction along the northerly bounds of parcels 275.-1-40.1, 275.-1-40.2, 275.-1-39 and the southerly bounds of the Grooms Road right-of-way to the northwest corner of parcel 275.-1-38.2, said point also being the northeast corner of parcel 275.-1-39;

THENCE, in a northeasterly direction across the Grooms Road right-of-way to the southwest corner of parcel 275.-1-22.4, said point also being the southeast corner of parcel 275.-1-22.54, said point also being on the northerly bounds of the Grooms Road right-of-way;

THENCE, in a northerly direction along the westerly bounds of parcel 275.-1-22.4, and the easterly bounds of parcel 275.-1-22.54 to the northwest corner of parcel 275.-1-22.4, said point also being the northeast corner of parcel 275.-1-22.54;

THENCE, in an easterly direction along the northerly bounds of parcel 275.-1-22.4 and the southerly bounds of parcel 275.-1-19 to the northwest corner of parcel 275.-1-22.3, said point also being the northeast corner of parcel 275.-1-22.4 and on the southerly bounds of parcel 275.-1-19;

THENCE, in a southerly direction along the westerly bounds of parcels 275.-1-22.3 and 275.-1-22.21, and the easterly bounds of parcel 275.-1-22.4 to the northwest corner of parcel 275.-1-36, said point also being on the easterly bounds of parcel 275.-1-22.4 and on the southwest corner of parcel 275.-1-22.21;

THENCE, in an easterly direction along the northerly bounds of parcels 275.-1-36 and 275.-1-37, and the southerly bounds of parcel 275.-1-22.21 to the northeast corner of parcel 275.-1-37, said point also being the northwest corner of parcel 275.-1-22.22 and on the southerly bounds of parcel 275.-1-22.21;

THENCE, in a southerly direction along the westerly bounds of parcel 275.-1-22.22, and the easterly bounds of parcels 275.-1-37, to the southwest corner of parcel 275.-1-22.22, said point also being also being the southeast corner of parcel 275.-1-37 and on the northerly bounds of the Grooms Road right-of-way;

THENCE, in a westerly direction along the northerly bounds of Grooms Road right-of-way and the southerly bounds of parcel 275.-1-37 to the southeast corner of parcel 275.-1-36, said point also being the southwest corner of parcel 275.-1-37, and on the northerly bounds of the Grooms Road right-of-way;

THENCE, in a southwesterly direction across the Grooms Road right-of-way, to the northeast corner of parcel 275.-1-38.1, said point also being also being the northwest corner of parcel 276.-1-50, and on the southerly bounds of the Grooms Road right-of-way;

THENCE, in a southerly direction along the easterly bounds of parcels 275.-1-38.1 and 275.-1-38.2, and the westerly bounds of parcels 276.-1-50 and 276.-1-47.1, to the southeast corner of parcel 275.-1-38.2, said point also being a westerly corner of parcel

276.-1-47.1 and on the northerly corner of parcel 275.-1-73;

THENCE, in a southwesterly direction along the southerly bounds of parcels 275.-1-38.2 and 275.-1-39, and the northerly bounds of parcels 275.-1-70, 275.-1-71, and 275.-1-73, to a southerly corner of parcel 275.-1-39, said point also being the northwest corner of parcel 275.-1-70, and on the easterly bounds of parcel 275.-1-90;

THENCE, in a northwesterly direction along the southerly bounds of parcel 275.-1-39, and the northerly bounds of parcel 275.-1-90 to a southeasterly corner of parcel 275.-1-40.3, said point also being on the easterly bounds of parcel 275.-1-40.2 and on the southwest corner of parcel 275.-1-39;

THENCE, in a northeasterly direction along the southeasterly bounds of parcel 275.-1-40.3, and the westerly bounds of parcel 275.-1-39, to the southeast corner of parcel 275.-1-40.2, said point also being a westerly corner of parcel 275.-1-39 and on the northeasterly corner of parcel 275.-1-40.3;

THENCE, in a northwesterly direction along the northerly bounds of parcel 275.-1-40.3, and the southerly bounds of parcel 275.-1-40.2, to the southwest corner of parcel 275.-1-40.2, said point also being a northwesterly corner of parcel 275.-1-40.3;

THENCE, in a northeasterly direction along the westerly bounds of parcels 275.-1-40.1 and 275.-1-40.2, and the easterly bounds of parcel 275.-1-41, to an easterly corner of parcel 275.-1-41, said point also being a westerly corner of parcel 275.-1-40.1;

THENCE, in a westerly direction along the northerly bounds of parcel 275.-1-41, and the southerly bounds of parcel 275.-1-40.1, to a northeasterly corner of parcel 275.-1-41, said point also being a northwesterly corner of parcel of parcel 275.-1-40.1;

THENCE, in a northerly direction along the westerly bounds of parcel 275.-1-40.1 and the easterly bounds of parcel 275.-1-41 to the northwest corner of parcel 275.-1-40.1, said point also being the northeast corner of parcel 275.-1-41, the southerly bounds of the Grooms Road right-of-way, and the point and place of beginning.

PUBLIC PRIVILEGE

Norman Goldman, London Square Drive, said the Public Forum on PDDs should have been called a presentation to the board since no public input was taken. Though he received other documents, Mr. Goldman asked when his FOIL request in which he requested a description of the new position in the Planning Department will be available. Mr. Shahan said the description from the County has not yet been received. Mr. Goldman continued to express concern with electronic voting machines. He hopes the projects coming before the town will include affordable senior housing.

Councilman Roth said he should have had the public speak at the forum. He reported one the PDDs discussed is affordable senior housing.

Youssef Ballout, Torrero Drive, said he expected to hear opinions on the proposed PDDs.

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 8:45 p.m.

Patricia O'Donnell
Town Clerk