

**CLIFTON PARK WATER AUTHORITY**

**BOARD MEETING NOTICE**

**TUESDAY, JANUARY 18, 2022**

**7:00PM**

**661 CLIFTON PARK CENTER ROAD**

**CLIFTON PARK, NY 12065**

**CLIFTON PARK WATER AUTHORITY  
BOARD MEETING**

**Tuesday, January 18, 2022  
7:00 PM**

**AGENDA**

- Approve Minutes of December 15, 2021 Meeting

**Privilege of the Floor**

**Old Business**

- Project to Increase Capacity from SCWA
- Verizon Request for Installation of Telecommunications Tower at Boyack WTP
- DISH Network Lease Request
- Knolltop Refurbishment Final Payment

**New Business**

- Organizational Resolutions

**Other Business**

**CLIFTON PARK WATER AUTHORITY**

**BOARD MEETING MINUTES**

**JANUARY 18, 2022**

Those present were: Mr. Helmut Gerstenberger, Chairman; Mr. William Butler, Treasurer; Ms. Alexis Osborne, Secretary; Mr. Peter Taubkin, Board Member; Mr. Donald Austin Jr., Administrator; and Mr. James Trainor, Attorney. Absent: Mr. John Ryan, Vice Chairman; and Mr. Ronald Marshall, Superintendent.

Mr. Gerstenberger called the meeting to order at 7:05pm.

**PRIVILEGE OF THE FLOOR**

Patricia Ford of 484 Waite Road, Rexford spoke to the Board about her well water issues. Since the July meeting the colloidal clay in her well had cleared up until January 2<sup>nd</sup> when it was worse than ever and clogged her pump. Last week while she was checking on her flocculation system and chlorinator she noticed that her well had completely stopped producing water. She contacted Hawk Drilling and they came out and stated that the well is failing and is not producing enough water to be pumped into her house. They gave her a couple of options but recommended connecting to the public water supply if at all possible. At the July 2021 board meeting the board advised her to speak to her two neighbors across the street to see if they had any interest in connecting to public water. The neighbors were interested so she obtained two estimates to extend the water main. The estimates came in at \$60,000, not including the individual water services to their homes. At this point one neighbor was still interested but never actually said yes to move forward. She is asking the Board to please grant her a hardship variance to the CPWA policy. She has spoken to her neighbor at 482 Waite Road and they are agreeable to giving her an easement allowing her to install, maintain, and replace a water service from the corner of Miller Road to her house. The Board agreed to grant the variance given this is a clear hardship situation and she has done everything the board has requested.

A **motion** was made by Mr. Gerstenberger granting a variance to policy to allow 484 Waite Road to connect to the CPWA system; seconded by Mr. Taubkin.

**RESOLUTION #1, 2022 – GRANT VARIANCE TO POLICY TO ALLOW 484 WAITE ROAD TO CONNECT TO CPWA SYSTEM**

**WHEREAS**, the owner of 484 Waite Road has requested that the CPWA allow the connection of the house on this property to the CPWA water system, and

**WHEREAS**, CPWA policy requires that a water main must exist either in front of or across the street from a property in order for that property to connect to the water system, and

**WHEREAS**, the property at 484 Waite Road does not meet the aforementioned criteria allowing the connection, and

**WHEREAS**, the owner of 484 Waite Road has requested a variance to the CPWA policy due to serious deficiencies in the ground water resources on the property, and

**WHEREAS**, the property owner of the adjacent parcel at 482 Waite Road does meet the CPWA criteria for connection and is willing to grant an easement to the owner of 484 Waite Road for the installation of a waterline, now therefore be it

**RESOLVED**, that the CPWA Board of Directors hereby grants a hardship variance to its policy regarding connection to the CPWA system, allowing the owner at 484 Waite Road to connect to the water system through an easement on the property of 482 Waite Road.

Roll Call Vote:

Mr. Gerstenberger	- Aye
Mr. Ryan	- Absent
Mr. Taubkin	- Aye
Mr. Butler	- Aye
Ms. Osborne	- Aye

#### **APPROVE MINUTES OF DECEMBER 15, 2021 MEETING**

A **motion** was made by Mr. Gerstenberger to approve the minutes of December 15, 2021; seconded by Mr. Butler. The **motion** carried 4-0, 1 absent.

#### **OLD BUSINESS**

##### **PROJECT TO INCREASE CAPACITY FROM SCWA**

Mr. Austin reported that we are still waiting on EFI to do the programming work at the pumpstation. EFI has agreed to give a somewhat significant discount for this work if we allow them to do it when they are in town. The Board requested this work be completed before summer.

Mr. Austin received a payment request from Wm. J Keller & Sons for work completed through December 27, 2021. A **motion** was made by Mr. Butler approving Payment Request #7 in the amount of \$99,795.60 to Wm. J Keller & Sons Construction Corp; seconded by Ms. Osborne. The **motion** carried 4-0, 1 absent.

##### **VERIZON REQUEST FOR INSTALLATION OF TELECOMMUNICATIONS TOWER AT BOYACK WTP**

Mr. Trainor has been speaking with counsel for Verizon for the past few months to try and get the lease in a favorable condition. There are three new terms put into the contract that he presented to the Board for their opinion. The first being the Initial Term and Extensions. The initial agreement had a minimum term of 30 years. Mr. Trainor has gone back and forth with Verizon's counsel and Verizon agreed on a minimum of 15 years in order to recoup their costs from the installation of the monopole. They requested multiple five year extensions allowing the CPWA to cancel as long as notice was presented two years in advance in any of those five year periods. They are looking for a total of forty-nine years, if all the extensions are granted. The Board was agreeable to this change.

The second new term is the security deposit. Mr. Trainor stated that other contracts have security deposits so he insisted they have a security deposit in this agreement as well. Mr.

Austin felt it wasn't necessary since an Equipment/Structural Removal Bond is required. Verizon addressed Mr. Trainor's concern and agreed to provide three months rent as a security deposit.

The third new term is the Removal at End of Term. Verizon is proposing an Equipment/Structural Removal Bond of \$75,000. Mr. Trainor would like add an escalator to that amount based on the number of years in the Initial Term and Extensions section of the agreement. Mr. Austin will reach out to Delaware Engineering to see if \$75,000 would be enough to cover the Authority's costs of disposing of the equipment and structure if Verizon just up and left everything there.

Mr. Trainor stated that since we are leasing real estate there are some extra steps that need to be taken. One is the New York State Environmental Quality Review Act (SEQRA) and the other is a NYS filing notice that should be done 90 days before the lease is approved. Mr. Trainor reviewed the Full Environmental Assessment Form Part 1 – Project and Setting and Part 2 – Identification of Potential Project Impacts with the Board.

Mr. Gerstenberger made a **motion** authorizing the Resolution for Negative Declaration Pursuant to the New York State Environmental Quality Review Act (SEQRA) Regarding the Lease of Land to Cellco Partnership d/b/a Verizon Wireless to place a telecommunications facility at the Boyack Road Facility (SBL 288.8-1-56); seconded by Ms. Osborne.

**RESOLUTION #2, 2022 – RESOLUTION FOR NEGATIVE DECLARATION PURSUANT TO  
THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)  
REGARDING THE LEASE OF LAND TO CELLCO PARTNERSHIP d/b/a VERIZON  
WIRELESS TO PLACE A TELECOMMUNICATIONS FACILITY AT THE BOYACK ROAD  
FACILITY (SBL 288.8-1-56)**

**WHEREAS**, the Board of Directors (the "Board") of the Clifton Park Water Authority (the "Authority") seeks to lease a 1,954 s.f. portion of its land to Cellco Partnership d/b/a Verizon Wireless at the Authority's facility located at 36 Boyack Road (SBL 288.8-1-56); and

**WHEREAS**, Verizon Wireless seeks to construct a 110 foot tall monopole (114' when including a four foot lightning rod) telecommunications facility with base station equipment, utility connections and utilizing an easement over the existing access road; and

**WHEREAS**, the Board was provided the documentation presented by the applicant, including a proposed Lease Agreement, Lease Exhibit, State Environmental Quality Review Act ("SEQRA") Full Environmental Assessment Form and a Visual Resource Evaluation regarding this matter for review and comment; and

**WHEREAS**, the Board has reviewed the completed Full Environmental Assessment Form ("EAF") for the project; and

**WHEREAS**, the State Environmental Quality Review Act (SEQRA) regulations found at 6 NYCRR Part 617.3(a) require that no agency shall carry out, fund, or approve an action until it has complied with the requirements of SEQRA; and

**WHEREAS**, 6 NYCRR 617.6(a) requires that when an agency receives an application for approval of an action it must: (1) determine whether the action is subject to SEQRA, (2) determine whether the action involves a federal agency, (3) determine whether other agencies are involved, (4) make a preliminary classification of the action, (5) determine whether a short or full EAF will be used to determine the significance of the action, and (6) determine whether the action is located in an Agricultural District; and

**WHEREAS**, the approval of the lease and ultimate construction of the facility constitutes an "Action" (6 NYCRR 617.2(b)) subject to SEQRA as the Board is approving and authorizing the project (6 NYCRR 617.3 (a)); and

**WHEREAS**, while the action involves a federal agency (FCC licensing), the inclusion of the federal agency does not obviate the Board's need to complete SEQRA (6 NYCRR 617.6(a)(ii) and 617.15); and

**WHEREAS**, in this case there are two other involved agencies with discretionary approval authority, the Town of Clifton Park Planning Board and the Zoning Board of Appeals. As a result, there are other potential involved agencies as that term is defined in SEQRA (6 NYCRR 617.2(c) & (t)).

**WHEREAS**, as the action is not on the Type II (exempt) List (6 NYCRR 617.5) and is not on the Type I list (6 NYCRR 617.4), the action is by default deemed "Unlisted."

**WHEREAS**, as an unlisted action, an agency may conduct an "uncoordinated review" of the Unlisted action pursuant to 6 NYCRR 617.6(b)(2)(i) & (b)(4).

**WHEREAS**, a FEAF has been prepared and is appropriate for the evaluation of this matter; and

**WHEREAS**, based upon a review of available mapping, the action is not in an Agricultural District certified under the Agriculture and Markets Law; and

**WHEREAS**, the Board has independently considered both the information provided in the EAF, additional materials submitted by Verizon Wireless and comments on the application provided by staff.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board hereby determines that:

1. the approval of the proposed project constitutes an Unlisted action which is subject to SEQRA;
2. the action does require issuance of a radio station license by the FCC for the location;
3. the action does involve other agencies that have the ability to issue discretionary determinations (approvals) for the project;

4. the project is classified as Unlisted under the SEQRA regulations and the Board will conduct an Uncoordinated Review;
5. A Full Environmental Assessment Form has been prepared and will be used to determine the significance of the action in the future;
6. the proposed action is not located in an Agricultural District and, is not located within 500 feet of lands within an Agricultural District, it will not have any ascertainable significant impact on any farm or farming operations;

**BE IT FURTHER RESOLVED**, that the Board, as provided at 6 NYCRR Part 617.6(b)(4) hereby determines that coordinated review of the proposed action is not necessary; and

**BE IT FURTHER RESOLVED**, that based upon its review of the project and the EAF and upon comparison with the Criteria for Determining Significance found at 6 NYCRR Section 617.7(c), the Board hereby finds that the proposed construction of a telecommunications facility and tower at 36 Boyack Road constitutes an action which will not have a significant adverse environmental impact on the environment and, therefore, does not require preparation of Draft Environmental Impact Statement; and

**BE IT FURTHER RESOLVED**, that this determination is based in part, upon the following facts and conclusions:

### **SEQRA Status**

This matter is an unlisted action under SEQRA as it does not qualify as any of the actions on the Type II list that are not subject to review (6 NYCRR 617.5) and does not fit within the description of any of the actions identified on the Type I list (6 NYCRR 617.4). The site is not identified by Saratoga County as being in a certified agricultural district (6 NYCRR 617.4(b)(8)). Even if it were, nothing in the application exceeds 25 percent of any threshold established elsewhere in that section (Id.). Thus, the action is properly characterized as an Unlisted action under SEQRA.

### **Introduction**

The purpose of the communications facility is to provide an adequate and safe level of emergency and nonemergency Verizon Wireless communications services to the surrounding portions of the Town of Clifton Park. More specifically, the facility will offer significant improvements in both capacity (ability for the network to adequately satisfy the demand for high speed wireless services) and in-building coverage to the homes, businesses and communities in the vicinity. Additionally, the proposed facility will fill in existing coverage gaps in the network and along several local thoroughfares and community roads across the target coverage area.

## **Impact on Land**

This project will result in a small to negligible impact on land. The project site is located on a parcel, which is in municipal use (Authority property) with an existing water tank upon which another carrier has collocated antennas. Ingress, egress and utility services (power and telephone/fiber) will originate from Boyack Road. Utilities already exist underground in a trench adjacent to the access drive. The access road runs in a generally southerly direction from Boyack Road to the base station yard adjacent to the existing water tank. It is expected that utilities will be accessed from the existing transformer pad and utility demarc near the existing water tank and which also serve the other carrier.

The monopole facility and ground equipment will be located within an irregularly shaped lease area of 1,954 s.f. in a location characterized by both municipal use and dense, mature trees. The proposed monopole facility and associated ground equipment are located inside a fenced tower yard. In general, the installations include: twelve (12) panel antennas mounted at the top position of a proposed 110± ft. monopole (114± ft. when including a 4±ft. lightning rod); equipment cabinets on a concrete pad; utility and RF equipment on a "H" frame mounting structure; a backup emergency generator is not proposed, cabling connecting the antennas to the equipment platform; and associated cabling and all related ground equipment and utility services (power and telephone/fiberoptic services).

The lease area/tower compound will be accessed over an existing gravel access road. The limits of grading/disturbance will be the compound area and adjacent utility connections.

The parcel is in an area of residential, recreational, and municipal uses. Due to the relatively low height of the facility, FAA obstruction lighting is not anticipated to be required at this site.

The communications facility will be unmanned and visited for routine maintenance purposes approximately 3-4 times per year by Verizon Wireless (only as needed). As such, this project will not have any impact on existing water and sewage services. In addition, neither pedestrian nor vehicular access will be significantly impacted. Adequate parking is provided for emergency vehicles and/or infrequent maintenance visits adjacent to the fenced tower compound. A six (6) foot high chain link safety fence (with three strands of barbed wire at top) will be installed to secure the tower site and protect Verizon Wireless' telecommunications equipment from unauthorized access.

## **Impact on Water**

The proposed Communications Facility will not result in any significant impact upon (a) any water body, protected or non-protected, (b) surface or groundwater quality or quantity, or (c) drainage flow or patterns, inclusive of surface water runoff.

There are no federally regulated wetlands located in close proximity to the work to be constructed for the tower compound. Silt fence will be utilized around the site to prevent silt and soils from being impacted by stormwater.



Accordingly, any potential sedimentation and/or erosion-related impact(s) will primarily be confined to the construction phase, and will not be continuous in nature and scope and will be mitigated by the use of appropriate controls.

### **Impact on Air**

This project will not result in any significant impact on air quality. The Communications Facility proposed does not involve or concern any air quality issues, permit or otherwise. As previously mentioned, this Communications Facility will be unmanned, and visited for routine maintenance purposes approximately 3-4 times per year by Verizon Wireless (only as needed). Therefore, no significant traffic-based impact(s) exist. A backup generator is not proposed.

### **Impact on Plants and Animals**

The proposed Communications Facility will not result in any significant impact on threatened/non-threatened or endangered/non-endangered species of plants or animals. The Full EAF indicates that lands in the vicinity of the facility are the location of regularly occurring, non-threatened and non-endangered native plants and animals. With respect to other species, given that no clearing is proposed, no significant impacts to plants or animals are expected, particularly in light of the significant amount of remaining lands available to accommodate existing animals.

### **Impact on Agricultural Land Resources**

The proposed Communications Facility will have no impact on agricultural land resources as the property is not currently in agricultural production. In addition, the property is not listed as being a farm operation within an agricultural district certified under the Agriculture and Markets Law, Article 25-AA, Section 303 and 304.

### **Impact on Aesthetic Resources**

Based upon the viewshed analysis that was provided, the proposed Communications Facility will result in a negligible to very minor impact on aesthetic resources, or no significant visual impact depending on location and view.

#### **A. PROPOSED TOWER HEIGHT**

Generally speaking, cellular radio is a "line-of-sight" technology. While radio signals do have some degree of bending (known as diffraction) around obstacles, terrain and vegetation can block or significantly interfere with transmissions to and from a cell site. Distance is also a critical consideration, because increased space to and from the coverage objective means that the proposed facility (and all mobile devices communicating back and forth with that facility) must operate at higher power levels to achieve a proper level of coverage and performance (if possible). Moreover, this technology operates at significantly reduced effective transmit and receive power levels, making modern wireless networks more susceptible to blocking and/or interference than in prior years.

Existing vegetation around the tower site will serve to buffer and shield the tower from view from surrounding properties and most public roads. As to those properties that have views of the facility, the views are partially screened and limited by vegetation.

As noted above, tower marking and lighting is not anticipated to be required by the FAA. Not having a light atop the tower will reduce its visual impact, particularly at nighttime.

In this context, the proposed communications facility has been sited and designed to have the limited visibility, and any resultant visual impact is minimal in nature and scope.

## B. CONCLUSION

Due to the physics of radio frequency (RF) signal propagation, Verizon Wireless' antennas need to clear all natural and man-made objects to function properly. This translates to a certain amount of unavoidable visibility, which in this case is limited to small areas and a low number of residential properties. As such, it is determined that the proposed communications facility will not: (a) result in a significant level of visual or other impact to the surrounding community or neighborhood under the State Environmental Quality Review Act ("SEQRA"); (b) have a detrimental effect on adjacent land uses or the development of the area.

### **Impact on Historic and Archeological Resources**

The proposed Communications Facility will not result in any significant impact on site(s) or structure(s) of historic, prehistoric or paleontological importance. The Applicants determined that there would be no direct effect and no visual effect on historic properties. The majority of the area for the proposed facility has already been disturbed by the construction of the access road and water tank. In the unlikely event that any artifacts are uncovered, work will cease in that area and the materials will be recovered and documented in accordance with standard best practices.

To the extent that the proposed site is near structures eligible for inclusion on the National or State Register of Historic Places, the views are limited, distant and largely obscured by existing mature vegetation.

### **Impact on Open Space and Recreation**

The proposed Communications Facility will not result in any significant impact on the quantity or quality of existing or future open spaces or recreational opportunities given the small size of the facility and its placement on a lot in municipal ownership to which access is restricted due to its use as an Authority facility.

Although by no means determinative of this question, it is noted that the project will provide recreation/open space users (and the traveling public and public safety agencies) with additional and/or enhanced access to communications services for emergency and non-emergency use. The historical use of this technology for emergency communications purposes is well-documented.

### **Impact on Critical Environmental Areas**

This project will not impact any Critical Environmental Area(s). According to the NYSDEC website, there are no Critical Environmental Areas in this portion of Saratoga County (See, <http://www.dec.ny.gov/permits/>).

### **Impact on Transportation**

This project will not result in any significant impact on existing transportation systems. An existing driveway/curb cut serving the property will be used as will the existing access driveway. The proposed Communications Facility will be unmanned, and visited by Verizon Wireless approximately 3-4 times each year for Verizon Wireless (only as needed) for maintenance and inspection purposes. There will be a slight increase in vehicle trips during the approximately two month construction time frame associated with work vehicles and delivery trucks. The amount of additional vehicles is comparable to the amount associated with the construction of a single family home. Boyack Road is well maintained and will have no difficulty handling this small number of additional trips. There is no apparent sight distance or other traffic control issues related to the existing location of the driveway curb cut.

Impacts on Energy.

### **Impacts on Energy**

The proposed Communications Facility will not result in any significant impact on the community's sources of fuel or energy supply. First, an adequate source of power exists at the existing service lines in the vicinity of the project. Second, it is estimated that the Communications Facility will require approximately the same number of kW hours of power as a 3-4 bedroom house per year to operate, an impact which is not considered to be significant and which will not cause the need for any major electrical upgrades.

### **Noise and Odor Impacts**

This project will not result in any significant environmental impact due to objectionable odors, noise or vibration. Any such impact(s) will be temporary and minor in nature and confined to the construction phase. All construction equipment will be equipped to properly mitigate noise and dust, properly muffled and otherwise in compliance with OSHA standards. A backup generator is not proposed.

### **Impact on Public Health**

The proposed Communications Facility will not impact the public health and safety.

Without limitation to this evaluation, the Board is prohibited by the Telecommunications Act of 1996 from regulating the placement, construction and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions. 47 USC 332 [c] [7] [B] [iv]. Due to the height of the antennas, the facility (a) will comply by a wide

margin with the requirements of the Federal Communications Commission (FCC) concerning radio frequency (RF) emissions (i.e., operate at a composite ground level below 1% of the applicable FCC exposure limits); and (b) be categorically excluded from local regulation under applicable federal law.

### **Impact on Growth and Character of Community or Neighborhood**

This project will result in a negligible impact on the character of the existing community. Although a variety of land uses exist in the general vicinity, the impact on such uses (if any) is typically visual in nature when considering a telecommunications tower. As previously stated, visibility of the proposed Communications Facility is insignificant in nature and scope. By proposing a facility of a limited height in this setting on a lot surrounded by vegetation, the Applicant has largely eliminated impact on the neighborhood and growth and character of the community will be unaffected.

### **Other Factors and Considerations**

Based on the foregoing discussion and the materials in the Record, the Board has determined that:

- (i) The construction of a monopole and related equipment will not cause a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels. In addition, the project is unmanned so there will be no production of solid waste, let alone a substantial increase in solid waste production. Due to the minor size of the construction activities and the mitigation measures proposed, there is no substantial increase in potential for erosion, flooding, leaching or drainage problems.
- (ii) The project will not result in the removal or destruction of large quantities of vegetation or fauna. Because the site is in an existing open area, there will be no interference with the movement of any resident or migratory wildlife species. The existing property does not contain a significant habitat area in the vicinity of the water tank and tower. Given the existing state of the land use, surrounded by woods and the minor nature of the construction activities, no adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species or other significant adverse impacts to natural resources have been identified.
- (iii) There are no designated critical environmental areas on or near the premises. As a result no impact on such an area will occur.
- (iv) The proposal of a monopole on Authority property will not result in the creation of a material conflict with a community's current plans or goals as officially approved or adopted. The proposal is to construct a monopole on a lot that is a municipal use. From most vantage points the facility is not visible or if it is visible it is screened by the existing woods, which will minimize and mitigate any visual impact.

(v) As noted above and throughout this document, the construction of a monopole will not result in the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character.

(vi) The proposed facility uses the amount of electricity consistent with a single-family home. As a result, there is no major change in the use of either the quantity or type of energy.

(vii) the creation of a hazard to human health. This item is discussed in detail above. The finding of no creation of a hazard to human health is supported in the record and not repeated here.

(viii) The proposal does cause not a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.

(ix) The proposal does not encourage or attract a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action. The site is unmanned with only occasional visits by a technician.

(x) There is nothing in the record to suggest that the proposal will cause the creation of a material demand for other actions that would result in one of the above consequences. Rather, the site is centrally located to existing Verizon Wireless and other sites that provide appropriate telecommunications services to their nearby localized areas but which cannot serve the proposed area.

(xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment is not applicable here. This consideration does not apply as multiple minor impacts have not been identified that could aggregate and be elevated to a substantial adverse impact. The only potential impact under consideration is visibility and, as to that impact, it has been determined to be minor and very limited in nature.

(xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision is not applicable as well, as there is no second action proposed or contemplated.

### **NEGATIVE DECLARATION**

After reviewing the Full EAF submitted herewith, together with the documentation provided by the Applicant, the Board of the Clifton Park Water Authority hereby concludes that an Environmental Impact Statement (EIS) will not be required for the public utility Communications Facility proposed because (a) this Action will result in no adverse environmental impacts, or (b) the identified adverse environmental impacts will not be significant (*see* 6 NYCRR 617.7 (a)(2)).

**AND,**

**BE IT FURTHER RESOLVED,** that

- (1) the Board, based upon (i) its thorough review of the Full EAF, Parts 1 and 2, and any Addendums, along with any and all other documents prepared and submitted with respect to this proposed action and its environmental review, and (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR 617.7(c), hereby makes a negative determination of environmental significance ("Negative Declaration") in accordance with . SEQRA for the above referenced proposed action, and determines that no Environmental Impact Statement will be required; and
- (2) the Chairman of the Authority is hereby authorized and directed to complete and sign as required the determination of significance, confirming the foregoing Negative Declaration, the fully completed and signed Full EAF and determination of significance, along with any Addendums, is attached hereto and incorporated by reference in this resolution; and

**BE IT FURTHER RESOLVED,** that this Determination of No Significance shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Law; and

**BE IT FURTHER RESOLVED,** the Clerk is authorized and directed to file this resolution as is required by law and do all that is necessary in order to fully effectuate the determinations contained herein.

Roll Call Vote:

Mr. Gerstenberger	- Aye
Mr. Ryan	- Absent
Mr. Taubkin	- Aye
Mr. Butler	- Aye
Ms. Osborne	- Aye

#### **DISH NETWORK LEASE REQUEST**

Mr. Austin received a copy of their proposed lease. Mr. Trainor is currently reviewing the agreement.

#### **KNOLLTOP REFURBISHMENT FINAL PAYMENT**

When the tower was refurbished part of the contract included a one-year inspection. Pittsburg Tank & Tower performed the inspection on October 28, 2021. They have submitted their final pay application on this project. A **motion** was made by Mr. Gerstenberger approving Payment Request #5 in the amount of \$5,000 to Pittsburg Tank & Tower; seconded by Mr. Butler. The **motion** carried 4-0, 1 absent.

**NEW BUSINESS**

**ORGANIZATIONAL RESOLUTIONS**

A **motion** was made by Mr. Gerstenberger authorizing Resolution #3, 2022, an Organizational Resolution; seconded by Mr. Taubkin.

**RESOLUTION #3, 2022 – AN ORGANIZATIONAL RESOLUTION**

Pursuant to Section 1120-c(3) the following persons are appointed as Vice Chairman, Treasurer, and Secretary of the Clifton Park Water Authority.

**Vice Chairman: John Ryan**  
**Treasurer: Bill Butler**  
**Secretary: Alexis Osborne**

Roll Call Vote:

Mr. Gerstenberger - Aye  
Mr. Ryan - Absent  
Mr. Taubkin - Aye  
Mr. Butler - Aye  
Ms. Osborne - Aye

A **motion** was made by Mr. Butler authorizing Resolution #4, 2022; an Organizational Resolution; seconded by Mr. Gerstenberger.

**RESOLUTION #4, 2022 – APPOINTING WATER AUTHORITY ATTORNEY**

**NOW THEREFORE BE IT**

**RESOLVED**, that the Clifton Park Water Authority hereby appoints James Trainor of Trainor Law PLLC to the position of Authority Attorney.

Roll Call Vote:

Mr. Gerstenberger - Aye  
Mr. Ryan - Absent  
Mr. Taubkin - Aye  
Mr. Butler - Aye  
Ms. Osborne - Aye

A **motion** was made by Ms. Osborne authorizing Resolution #5, 2022; an Organizational Resolution; seconded by Mr. Taubkin.

**RESOLUTION #5, 2022 – AN ORGANIZATIONAL RESOLUTION**

**RESOLVED**, the Daily Gazette, be and hereby is made the official newspaper of the Clifton Park Water Authority, and

**RESOLVED**, that including but not limited to KeyBank (conditional on acceptable account terms and services) hereby is designated as the official bank depository of the Clifton Park Water Authority.

Roll Call Vote:

Mr. Gerstenberger - Aye  
Mr. Ryan - Absent  
Mr. Taubkin - Aye  
Mr. Butler - Aye  
Ms. Osborne - Aye

A **motion** was made by Mr. Butler authorizing Resolution #6, 2022; An Organizational Resolution; seconded by Mr. Gerstenberger.

**RESOLUTION #6, 2022 – AN ORGANIZATIONAL RESOLUTION**

**RESOLVED**, that the firm of Delaware Engineering, D.P.C., be designated and appointed as the professional engineers for the Clifton Park Water Authority.

Roll Call Vote:

Mr. Gerstenberger - Aye  
Mr. Ryan - Absent  
Mr. Taubkin - Aye  
Mr. Butler - Aye  
Ms. Osborne - Aye

A **motion** was made by Mr. Taubkin authorizing Resolution #7, 2022; An Organizational Resolution; seconded by Ms. Osborne.

**RESOLUTION #7, 2022 – AN ORGANIZATIONAL RESOLUTION**

**RESOLVED**, that the firm of Marvin & Co. P.C., CPAs be designated and appointed the professional accountants and auditors for the Clifton Park Water Authority.

Roll Call Vote:

Mr. Gerstenberger - Aye  
Mr. Ryan - Absent  
Mr. Taubkin - Aye  
Mr. Butler - Aye  
Ms. Osborne - Aye



A **motion** was made by Mr. Gerstenberger authorizing Resolution #8, 2022; An Organizational Resolution; seconded by Mr. Butler.

**RESOLUTION #8, 2022 – AN ORGANIZATIONAL RESOLUTION**

**RESOLVED**, that an Audit Committee has been formed and members of the Audit Committee are: John Ryan, Peter Taubkin, and Alexis Osborne.

Roll Call Vote:

Mr. Gerstenberger - Aye  
Mr. Ryan - Absent  
Mr. Taubkin - Aye  
Mr. Butler - Aye  
Ms. Osborne - Aye

A **motion** was made by Mr. Gerstenberger authorizing Resolution #9, 2022; An Organizational Resolution; seconded by Ms. Osborne.

**RESOLUTION #9, 2022 – AN ORGANIZATIONAL RESOLUTION**

**RESOLVED**, that a Governance Committee has been formed and the members of the Governance Committee are: Helmut Gerstenberger, John Ryan, and Bill Butler.

Roll Call Vote:

Mr. Gerstenberger - Aye  
Mr. Ryan - Absent  
Mr. Taubkin - Aye  
Mr. Butler - Aye  
Ms. Osborne - Aye

A **motion** was made by Mr. Gerstenberger authorizing Resolution #10, 2022; An Organizational Resolution; seconded by Mr. Butler.

**RESOLUTION #10, 2022 – AN ORGANIZATIONAL RESOLUTION**

**RESOLVED**, that a Grievance Committee has been formed and the members of the Grievance Committee are: Helmut Gerstenberger, Peter Taubkin, and Alexis Osborne.

Roll Call Vote:

Mr. Gerstenberger - Aye  
Mr. Ryan - Absent  
Mr. Taubkin - Aye

Mr. Butler - Aye  
Ms. Osborne - Aye

A **motion** was made by Ms. Osborne authorizing Resolution #11, 2022; An Organizational Resolution; seconded by Mr. Taubkin.

### **RESOLUTION #11, 2022 – AN ORGANIZATIONAL RESOLUTION**

**RESOLVED**, that a Finance Committee has been formed and the members of the Finance Committee are: Helmut Gerstenberger, John Ryan, and Bill Butler.

Roll Call Vote:

Mr. Gerstenberger - Aye  
Mr. Ryan - Absent  
Mr. Taubkin - Aye  
Mr. Butler - Aye  
Ms. Osborne - Aye

### **OTHER BUSINESS**

- Mr. Trainor has reviewed the Delaware Engineering Professional Services Agreement and there are some terms that he would recommend be changed. Mr. Austin will review what he is recommending and they will follow up with Delaware Engineering.

The CPWA's next board meeting is scheduled for Tuesday, February 15, 2022 at 7pm.

A **motion** was made by Mr. Gerstenberger to adjourn the meeting at 7:55pm; seconded by Ms. Osborne. The **motion** carried 4-0, 1 absent.

Respectfully submitted,  
*Sheri Collins*  
Recording Secretary

cc: CPWA Board of Directors  
Trainor Law PLLC