

# TOWN OF CLIFTON PARK TOWN BOARD MEETING

Tuesday, July 5, 2022

The Town Board meeting can be viewed live by visiting [www.cliftonpark.org](http://www.cliftonpark.org) Scroll down to click



- I. Call to Order/7:00 P. M. – Wood Room, Town Hall**
- II. Pledge to Flag**
- III. Roll Call**
- IV. Approval of Town Board Minutes**
- V. Communications/Announcements**
- VI. Business**
  - **Presentation - Historic Barn Preservation Project by Girl Scouts Annika Shea and Jenny Adama Anderson**
  - **Presentation – Farmland Protection Grants by Agriculture/Farmland Subcommittee of the Open Space, Trails, and Riverfront Committee**
  - **Resolutions for Consideration**
  - **Other Business**
- VII. Open Public Privilege**

NOTE:

Please check [www.cliftonpark.org](http://www.cliftonpark.org) for final agenda and updates. Each speaker shall state name and address prior to addressing the Board and shall be granted the floor for a single time frame of up to five minutes. The Board asks that members of the public respect the opportunity of the speaker at the podium to be heard, and asks that the public refrain from conducting side meetings within the meeting room. In an effort to ensure that the widest number of community viewpoints are heard, the Board asks members of groups or the public to withhold comment, if their viewpoints have already been presented. The Board thanks everyone in attendance for their understanding and also for their desire to actively participate in the Town decision making process.

- VIII. Adjournment**

Resolutions for Consideration  
Clifton Park Town Board Meeting  
**Tuesday July 5, 2022**

<u>SOURCE</u>	<u>RESOLUTION</u>	<u>CONTACT</u>
1. Town Board	Accept an offer of cession from KLB Enterprises for the dedication of a road off Wood Dale Drive	P. Barrett
2. Deer Management	Schedule a public hearing on amendments to §152 of Town Code to allow deer hunting in Town parks	A. Flood
3. Town Board	Appoint Jennifer Jeram as a member of the Historic Preservation Commission	A. Flood
4. Planning	Award a bid to Gallo Construction Corp. for the Clifton Park Center Drainage Improvements Project	P. Barrett
5. Planning	Authorize a professional engineering design services for the 41 ± acre nature preserve on Riverview Road	P. Barrett
6. Planning	Authorize a professional services agreement for the appraisal of the Maple Hill Farm Conservation Easement Project	P. Barrett
7. Parks & Recreation	Authorize the hiring of Red Cross Certified Water Safety Instructors for the 2022 season	P. Barrett
8. Buildings & Grounds/ Sr. Center	Authorize the installation of two gazebos at the Clifton Park Senior Community Center	P. Barrett

Resolution No. \_\_\_\_\_ of 2022, a resolution to accept an offer of cession for the dedication of a road system for a 9-lot subdivision off Wood Dale Drive.

Introduced by \_\_\_\_\_, who moved its adoption, seconded by \_\_\_\_\_.

WHEREAS, on May 10, 2022, the Planning Board reviewed the applicant's proposal for a 9-lot subdivision east of Wood Dale Drive, west of I-87, and north of Ushers Road, which requires access through a potential town road between 161 and 159 Wood Dale Drive, and

WHEREAS, the Town Board has discretion as to whether to accept the potential road for dedication as a town road, and

WHEREAS, in concept review, the Planning Board provided feedback to the applicant concerning generally preferred design elements and solutions to any concerns with compliance with state and local subdivision requirements, including access issues relative to the project, and

WHEREAS, the Planning Board recommended that the applicant make a formal offer of cession to receive formal feedback from the Town Board as to whether the Board intends to accept the dedication of the proposed access road as a town road; now, therefore, be it

RESOLVED, that a formal offer of cession has been offered by the developer KLB Enterprises to the Town; and be it further

RESOLVED, that the Town Board accepts the offer of cession of the proposed road as depicted, pending construction of the proposed road to Town standards, review of deeds of dedication and related punch list items upon construction, and final approval of a subsequent resolution accepting the dedication of the completed road and related infrastructure and open spaces.

**PARTNERS**  
JOSEPH J. BIANCHINE, P.E.  
LUIGIA A. PALLESCHI, P.E.  
MARK C. BLACKSTONE, P.L.S.

**ABD ENGINEERS, LLP.**  
411 Union Street  
Schenectady, NY 12305  
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www.abdeng.com

DEDICATED  
RESPONSIVE  
PROFESSIONAL

May 11, 2022

**Re: New Town Road Offer of Cession  
Wood Dale Drive  
Town of Clifton Park  
Project # 3407A**

---

Mr. Philip Barrett & Town Board Member  
**Clifton Park Town Board**  
1 Town Hall Plaza  
Clifton Park, NY 12065

Dear Philip and Board Members:

The applicant is proposing to cluster subdivide parcel 259.00-2-71 into 9-lots for residential duplex homes, totaling 18-units, and 1-lot for stormwater management. The parcel is located off Wooddale drive (to the west) and adjacent to The Adirondack Northway (to the east) and will have access from Wooddale via a paper street parcel, identified by tax map no. 259.11-2-99. The applicant is proposing to construct a new road, built to Town standards, and dead ending with a Cul-de-Sac. The applicant is requesting the Town Board to consider an offer of cession and accept ownership of the road upon completion in accordance with the Town design requirements and standards.

Enclosed are the following:

1. Ten (10) copies of Conceptual Cluster Subdivision Layout.


The proposed location of the new road and site distance analysis report was reviewed by the Town's Highway Superintendent, Dahn Bull. Dahn conclude, in his letter, dated April 26, 2022, that he has no issues or concerns with the proposed roadway location.

Additionally, the Town's Planning Board reviewed the cluster subdivision, at a concept level, at the May 10, 2022, Planning Board meeting. The Planning Board offered a positive recommendation to move forward as designed because the cluster layout reduces the overall site clearing, and impact to the neighbors and wetlands.

We would greatly appreciate being scheduled to present this request at the Town Board meeting on May 16, 2022, meeting.

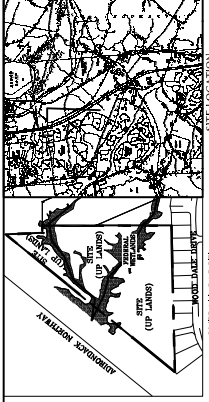
Should you have any questions or need anything further, please do not hesitate to contact me.

Very truly yours,  
**ABD ENGINEERS, LLP.**

A handwritten signature in black ink, appearing to read "Luigi A. Palleschi". The signature is written in a cursive style with a large initial 'L'.

Luigi A. Palleschi, P.E.  
Partner

LAP:jeh  
encl.  
cc: Larry Boni w/ encl.  
3407A-05112022

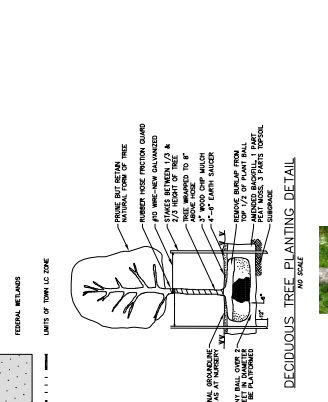


**MAP REFERENCES**

1. "SITE SENSIBILITY STUDY FOR THE LANDS OF WILKINSON PARK" BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DATE 10/15/03.
2. "GENERAL DEVELOPMENT PLAN, A RECORD OF LAND USES" BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DATE 10/15/03.
3. "ZONING OF LANDS OF WILKINSON PARK, A RECORD OF LAND USES" BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DATE 10/15/03.
4. "GENERAL DEVELOPMENT PLAN, A RECORD OF LAND USES" BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DATE 10/15/03.
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9. "GENERAL DEVELOPMENT PLAN, A RECORD OF LAND USES" BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DATE 10/15/03.
10. "GENERAL DEVELOPMENT PLAN, A RECORD OF LAND USES" BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DATE 10/15/03.

**NOTES**

1. BASE MAPS FROM MAP REFERENCE BY ARE CHANGES TO THE ORIGINAL MAPS.
2. THIS PLAN IS A PRELIMINARY PLAN AND IS SUBJECT TO THE REVIEW AND APPROVAL OF THE TOWN BOARD.
3. THE TOWN BOARD HAS REVIEWED THIS PLAN AND HAS APPROVED IT FOR THE TOWN OF WILKINSON PARK.
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**CONCEPTUAL CLUSTER SUBDIVISION & LAYOUT PLAN**

**LANDS N/F KLB ENTERPRISES**

**WOODDALE DRIVE**

**ADRONACK NORTHWAY SOUTH**

**ADRONACK NORTHWAY NORTH**

**NEW TOWN ROAD**

**WOODDALE DRIVE**

**ARBOR VIEW DR**

**HIDDEN LN**

**NEW YORK STATE DEPARTMENT OF PLANNING**

**PLAYING SCHEDULE**

**COMMON NAME** RED MAPLE

**QUANTITY** 18

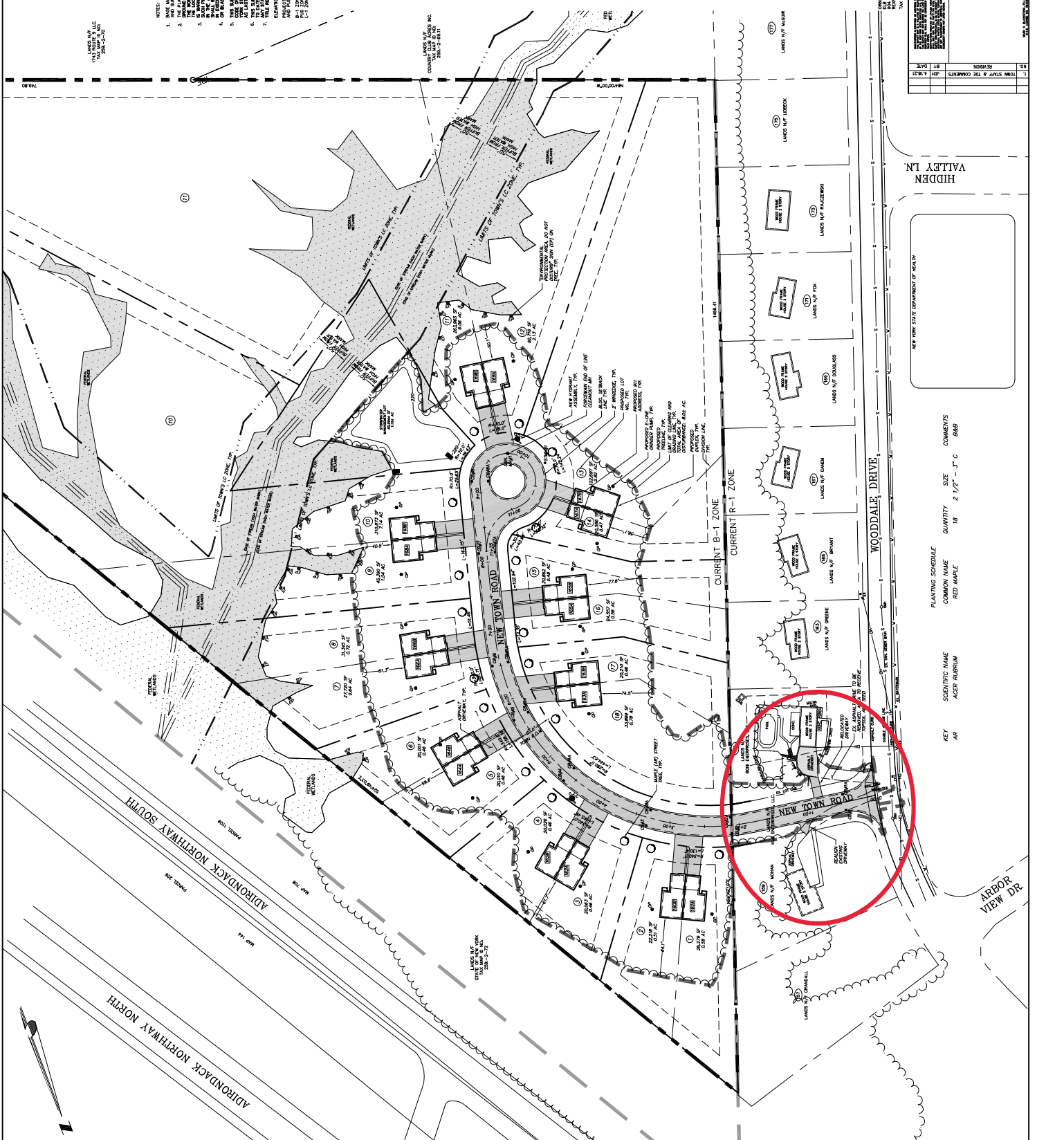
**SIZE** 2 1/2" - 3" C

**COMMENTS** BRAG

**KEY** AR

**SCIENTIFIC NAME** ACER RUBRUM

NO.	STAFF & TITLE	DATE	REVISION	BY	DATE
1					



**Town of Clifton Park Planning Board**  
**One Town Hall Plaza**  
**Clifton Park, New York 12065**  
**(518) 371-6054 FAX (518)371-1136**

PLANNING BOARD

Chairman

ROBERT WILCOX  
Attorney

PAULA COOPER  
Secretary



MEMBERS  
Emad Andarawis  
Eric Ophardt  
Heather Fariello  
Andrew Neubauer  
Denise Bagramian  
Keith Martin  
Jennyfer Gleason

**Planning Board Minutes**  
**May 10<sup>th</sup>, 2022**

Those present at the May 10<sup>th</sup>, 2022 Planning Board meeting were:

Planning Board: E. Andarawis, D. Bagramian, H. Fariello, A. Neubauer, E. Ophardt, J. Gleason

Those absent were: K. Martin

Those also present were: J. Scavo, Director of Planning  
W. Lippmann, M J Engineering and Land Surveying, P.C.  
N. Weiner, Counsel  
P. Cooper, Secretary

Mr. Ophardt called the meeting to order at 7:00 p.m. All in attendance stood for recitation of the Pledge of Allegiance.

**Minutes Approval:**

Mr. Neubauer moved, seconded by Ms. Bagramian, approval of the minutes of the April 26<sup>th</sup>, 2022 Planning Board meeting as written. The motion was unanimously carried.

K. Martin – Absent  
J. Gleason -- Yes

Ayes 4

Noes: 2

The resolution is carried

Ms. Fariello moved, second by Ms. Bagramian, to waive the final hearing for this application for the site plan review of Chick-fil-A, and to grant preliminary and final site plan approval conditioned upon satisfaction of all comments provided by the Planning Department, Town Designated Engineer, and all items listened in the final comment letter issued by the Planning Department.

Conditions:

1. Dimensional Waivers being requested by the applicant and cited on the site statistics table are approved by the Planning Board

Ayes: 4

Noes: 2

The motion is carried

**Old Business:**

**2021-069 Boni Wooddale Drive 9 Lot Subdivision**

Applicant proposes subdividing 28.6 acres into 9 lots with access from Wooddale Drive. The 9 lots will be for duplex units on a new Town road dead ending into a cul-de-sac. Serviced by CPWA and Saratoga County Sewer District via Wooddale Drive, Wood Dale Dr. Rear, Zoned: B-1, Status: PB Preliminary Review SBL: 259.-2-71  
To be reviewed by: MJE Consultant: ABD Applicant: KLB Enterprises  
Last Seen on: 3-8-21

**Consultant/Applicant Presentation:**

Luigi Palleschi – ABD – Mr. Palleschi stated that he is here with a conventional layout for the Board to review as well as a cluster layout and noted that there are some steep slope concerns brought up by the Board and Town Staff. Mr. Palleschi showed a map of the application

indicating some conventional layout instead of a cluster. He stated that the previous plan had retaining walls and that the new layout can keep the homes away from the steep slopes to avoid the walls. He stated that the new configuration has the west side on a 1 on 3 slopes and the proposed grading does not interfere as the homes would be closer to the road. He stated that the homes would be about 40' from the right of way. Mr. Palleschi stated that there are 6% slopes on the site and that they have pulled the proposed homes away from them and looked at a new Town road to access the homes. Mr. Palleschi stated that the proposed Town road is on the outside of the curve on Wood Dale Drive and the studies have been submitted that include site distances from Arbor View as well. He stated that the application meets all site distance requirements and that the applicant has received all town comments and feels they can be addressed.

**Staff Comments:**

**Steve Myers, Director of Building and Development issued a memo dated 5/2/22 stating:**

- Hydrants shall be a maximum of 400' apart. They are currently further apart.
- All foundation drains and sump lines appear to daylighting towards the rear of the properties.
- Dimensions from house to the top or bottom of slopes shall be shown on each lot.
- The ECC does not have approval authority, just recommendations to Planning and Zoning

**Scott Reese, Stormwater Management Technician issued a memo dated 5/6/22 with the following comments:**

1. With the Stormwater Management Basin being proposed adjacent to the wetlands, provide test pit information indicating the seasonal high-water table.
2. Slope stabilization, open drainage channel stabilization will need to be designed with the appropriate level of erosion and sediment control measures.
3. Show on the plans the information (size, type, condition) of the existing drainage structure (culvert) that collects the stream under the Adirondack Northway (South
4. The stream that runs along the eastern portion of the site is a Class C – Trout Spawning Stream according to NYSDEC Environmental Resource Mapper. Protection of this stream during construction will be essential.
5. The proposed footing drains for Lots 13-18 should be connected to the catch basins located in the road. With the outlets going out in the rear yard pose future drainage issues with the adjacent downhill neighbors.
6. The plans General Notes and Erosion and Sediment Control Notes rely heavily on the contractor to provide proper grading and erosion and sediment control of the site. Since this site has major earth disturbance and environmental sensitive areas, it would be best if the engineered plans were in more detail for the contractor to follow. When the plans progress to preliminary stage, more detail in the construction sequence will be required.
7. Future plans should address how the water quality volume will be treated from Lots 1-10 prior to runoff entering into the federal wetlands.

**The Environmental Conservation Commission held a meeting on 5/3/22 and issued a memo recommending:**

1. The ECC notes that a DRAFT EAF that included this site was conducted in 2010. The ECC recommends that the DRAFT EAF be revived and reviewed to incorporate the impacts of this design on this difficult environment. Particular attention should be taken to the access road from this project to Wood Dale Drive, traffic impacts, and the significant grading which is necessary to construct this project.
2. The ECC recommends the applicant develop a comprehensive plan to stabilize the disturbed slopes. Special attention should be given to minimize sloughing of the steep slopes.
3. The development of this site will not only fundamentally change the natural character of the neighborhood, but also the existing character of the local residents and all those on Wood Dale Drive particularly to the south. The proposed access road to this development given its location is an impediment to safe traffic flow on Wood Dale Drive (e.g., site distance and crowded intersections). The project has impacts far beyond the proposed site, particularly the residents along the entire length of Wood Dale Drive.
4. The ECC notes that the applicant has not provided information as to the depth of the water table on the western side of the proposed roadway. Given the steep slopes and permeable soils present in this vicinity it is imperative to provide this information in order to determine the susceptibility of the area to structural integrity (e.g. land slide)
5. Independent verification of the site distance and other pressing factors on this complex intersection need to be provided to the Planning Board due to the road geometry of Wood Dale Drive
6. The ECC recommends based upon the complexity of the proposed plan and detailed comments by the town engineer Walter Lippmann the Planning Board authorize an independent study that explores the physical characteristics and emphasizes slopes and soils of the site. In addition, a study of the proposed road emphasizing legally permitted slopes and intersection with Wood Dale Drive, sight distances, and the influence of Arbor View Drive with the proposed intersection. Completion of this overall study should be part of the SEQR process before is deemed completed

**The Town of Clifton Park Sewer Department submitted the following comments from a letter dated 5/4/22:**

- Project lies within the Clifton Park Sewer District #1. Project will require exterior grinder pumps.
- Town will need documents from Applicants engineer regarding flows and design provide to the Clifton Park Sewer Department to determine if the existing pump station and system has capacity for this project.
- Since this project is within the Clifton Park Sewer District #1, \$1,000 hook up fee per connection (\$9000 total currently) shall be paid prior to any work or connection involving a Town sewer main.
- Grinder Pumps are required to be exterior. And placed within fifteen feet of the driveway per Town sewer use law.

- A SCSD#1 grinder pump permit will be required for each connection.

**John Scavo, Director of Planning:**

Mr. Scavo stated in the meeting that he has no new comments. He stated that the applicant is here tonight for feedback on a cluster vs. conventional subdivision so that he can go to the Town Board for the possible road adoption.

**Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter dated had the following comments:  
LONG ENVIRONMENTAL ASSESSMENT FORM**

1. No further comments at this time.

**SITE PLANS**

2. It appears the latest cluster subdivision is still proposing 9 residential duplex buildings totaling 18 units, however the building has been adjusted.
3. Provide a subdivision plat that shows the entire tax map parcel.
4. Provide metes and bounds for all parcel boundaries and right of ways.
5. Identify the date and by whom the wetlands shown on the plat were delineated. The applicant has indicated the delineation will be updated as plans progress.
6. The applicant shall provide the Town documentation of the CPWA's ability and willingness to service the project with potable water.
7. The extension of public water mains to the project is subject to NYSDOH plan approval and potentially the NYSDEC for the taking of additional water. As part of the project's regulatory review, the applicant will have to apply for the referenced plan approvals. Any action on the subdivision application should be conditioned upon receipt of plan approval from the NYSDOH and/or NYSDEC for the additional taking of water.
8. The applicant shall provide the Town documentation from SCSD#1 ability and willingness to service the project with sanitary sewer.
9. The extension of public sewer mains to the project is subject to NYSDEC plan approval. As part of the project's regulatory review, the applicant will have to apply for the referenced plan approvals. Any action on the subdivision application should be conditioned upon receipt of plan approval from the NYSDEC.
10. Provide the locations of the individual water services and sewer laterals to each unit.
11. Verify the locations of the proposed grinder pump units, adjust as necessary.
12. A full SWPPP will be required that addressed water quantity and quality controls. As the project proceeds through the Town's regulatory review process, a fully conforming SWPPP shall be provided for review.
13. In-situ soil testing should be performed to confirm the seasonal high groundwater.
14. The proposed road design/layout should be reviewed by the Town Highway Department as it is proposed to dedicate it to the Town upon completion.
15. Provide typical road section detail meeting the requirements of the Town Code.

16. It appears the drainage along the backs of Lots 13 through 18 is directing and trapping runoff behind Lots 13 and 14 at the 230 contour, revise as necessary to provide positive drainage.
17. Provide wetland protection fence along wetland limits in addition to the proposed silt fence.
18. Provide notation on the plat indicating the presences of regulated Waters of the U.S. being located on Lots 6, 7, 8, 9, 10,11 and 12 and that any disturbance to these wetlands is subject to the review and approval by the U.S. Army Corps of Engineers. The future landowner shall be responsible for applying for and obtaining any permits for temporary or permanent disturbances of these regulated waters.

#### **SITE DISTANCE ANALYSIS**

19. The report states that the estimated speeds were 35 mph. The report should include the methodology on how this speed was estimated.
20. The report only discusses the shortest sight distance measured and the comparison to AASHTO stopping sight distance. The discussion should include all intersection sight distance cases that apply to this roadway in addition to stopping sight distances for vehicles approaching from both directions on Wood Dale Drive. Intersection sight distance cases B1, B2, and F from AASHTO should be included as well as a comparison to sight measured distances for all cases. If any of the AASHTO distances are not available given the distances measured, explanation of what is required to achieve those distances or other mitigation shall be included and how the developer plans implement the mitigation. Photos of the site would be useful to include in the report as well to demonstrate the sight distances from the proposed road and identify any limiting factors.

#### **Public Comments:**

Chris Randolph – 62 Wood Dale Drive – Mr. Randolph stated that he can sit in his driveway and not see Ushers Road. He asked what happens when grinder pumps for the sewer break or has power failure as he is afraid it will back up into the wetlands. Mr. Scavo stated that the pumps are owner maintained. Mr. Randolph asked about fire access on the new road. Mr. Ophardt stated that an access study has been done. Mr. Palleschi stated that there is a max of 10% for grading for a fire truck and that they are compliant for that as well as turnarounds.

Jonathan Holton – Hidden Valley Drive – Mr. Holton stated that the turn on Wood Dale is a blind one and you cannot see around or over it. He stated that he is concerned with traffic and safety and feels this would be a dangerous intersection being created. He stated that school buses stop along this road as well. Mr. Palleschi stated that the roadway meets all AASHTO (American Association of State Highway and Transportation Officials) standards in all directions and even though the road is posted at 30 mph, the standards at 40 mph were all still met.

Felicia Gotsh – Sweet Brier – Ms. Gotsh stated that people go 50 mph or over down Wood Dale and they also blow through the stop sign at the intersection. She stated that she feels the angle and sight distance are very short. She asked if the road was wide enough for cars to safely park

on the side of the road. Mr. Palleschi stated that the road is proposed to be built to Town standards and is no different from Wood Dale Drive. He stated that the homes are set more forward but they can be moved a few feet to accommodate parked cars. Mr. Palleschi stated that he has a letter from the Highway Superintendent also. Mr. Ophardt stated that if the road did not meet AASHTO standards it would not be allowed.

Diane Goldsmith – Arbor View – Ms. Goldsmith stated that she supports Ms. Gotsh’s comments and feels that standards are different from real life. Mr. Palleschi stated that the proposed road is on the outside of the curb which is better than the inside like Arbor View is. Ms. Goldsmith stated that when she comes out of Arbor View she has to hope that no oncoming cars are coming from beyond the hill as it is the hill and not trees or bushes that limit the site distance.

Matt Rulley – 141 Wood Dale Drive – Mr. Rulley asked if the new plan eliminates the retaining wall by moving the homes away from the slope. Mr. Palleschi stated it does and the homes are now 25’ away from the toe of the steep slopes and drainage from them are present as well. Mr. Rulley asked if a boring test was done. Mr. Palleschi stated one was done when it was a PDD but not now. He stated that further testing for separation of groundwater will be done and they will be required to meet requirements.

Eric Kohler – Vistas West – Mr. Kohler stated that this type of housing would not add kids to the school district but rather older couples. He stated that new builds in Clifton Park are averaging \$585,000 and this is a more affordable option for people.

John Mildren – Mr. Mildren asked if the dark green indicated undeveloped areas on the map. Mr. Palleschi stated it was and the light green would be the disturbed areas. Mr. Mildren asked if there would be grinder pumps in the homes. Mr. Palleschi stated that there would 2 per building; one for each townhome. Mr. Mildren asked if grinder pumps could be connected in case one fails. Mr. Palleschi stated they could not each home needed their own, and they could not interconnect.

### **Planning Board Review:**

Mr. Andarawis asked if it was possible to run the sight distance from Arbor View as it may be a good comparison. Mr. Palleschi stated that it was already done and it is in the proposal. Mr. Andarawis stated that he likes the cluster over the conventional to help protect the slopes and would like to see the houses pulled as close to the road as possible. Mr. Palleschi stated that they will consider moving the homes closer but would like to leave room for cars to park in the driveway.

Mr. Ophardt asked what the Vistas West setback is. Mr. Kohler stated it is about 51’. Mr. Ophardt stated he has been through there and feels that this setback is comfortable enough. Mr. Ophardt stated that there would be no cutting on the slopes and the wetlands and the applicant

has met the requirement to move the pond out of the LC zone. He stated that they demonstrated they can meet the standards and that moving the homes closer to the road is a benefit. He stated that he would refer them to the Town Board.

Mr. Neubauer asked what the setback for this proposal is. Mr. Palleschi stated that it is 40' from the right of way to the front of the garage and 12' to the edge of the road line. Mr. Neubauer stated that the cluster development lends itself to maximizing rear buffers and thereby decreases the impact to surrounding existing development, so the homes may want to be closer to the road than the 40' now proposed. He stated that he still has concerns with the grading impacts of the development, but the further away the applicant can keep from the slopes would keep them more viable. Mr. Palleschi stated that he can vary setbacks close to 25' and others 30'. Mr. Scavo stated that a 50% decrease is allowable by the Planning Board so the applicant can go down to 25'. Mr. Neubauer stated that there are swales mentioned for lots 14 and 15 and asked how the applicant plans to manage this. Mr. Palleschi stated that the water would run towards the road and under the Town access and they would provide easements for this. Mr. Ophardt stated he would like to see confirmation of this by the Highway Department.

Mr. Boni – owner – asked why he has to go to the Town Board to get approval for this. Mr. Scavo stated that the courts determined that only the Town can build a road over the private property where it is proposed so the Town needs to accept an offer of cession for the roadway, which the Town Board is the only entity authorized to do so.

**New Business:**

**2022-008 292/294 Riverview Road 5 Lot Subdivision (Sciocchetti)**

Applicant proposes subdividing two parcels into 5 residential lots. Project also includes parcel 288.-1-113. Each lot will be serviced with private well and sewer systems, 292 Riverview Rd, Zoned: CR, Status: PB Concept Review SBL: 288.-1-51.12  
To be reviewed by: MJE Consultant: Insite Northeast Eng.  
Applicant: A. Sciocchetti

**Consultant/Applicant Presentation:**

Mark Jacobson – Insite Northeast Engineering – Mr. Jacobson stated that this application is for a subdivision for a 2 lot and a 3 lot subdivision. He stated everything meets code and minimum lot sizes. Mr. Jacobson stated that the applicant lives on the property with his brother and father on

Resolution No. \_\_\_\_\_ of 2022, a resolution scheduling a public hearing on a proposal to provide for a Deer Management Program at designated Town Parks during hunting season.

Introduced by \_\_\_\_\_, who moved its adoption, seconded by \_\_\_\_\_.

WHEREAS, by Resolution No. 21 of 2022, the Town Board voted to establish a comprehensive public/private deer management assessment group to address concerns of over-population of deer within the Town, and

WHEREAS, by Resolution No. 35 of 2022, the Town Board appointed members to the Deer Assessment and Management Advisory Group, which was adopted on February 7, 2022, and

WHEREAS, members of the Advisory Group met over the ensuing months, consulting with staff members of NYSDEC to review best practices regarding deer management, bow hunting big game, and available Town Parks and Preserves, and

WHEREAS, the Advisory Group has made recommendations to provide for a controlled, 22-day period for a bow hunting program in The Vischer Ferry Nature and Historic Preserve, the Dwaas Kill Nature Preserve, Garnsey Park, and Veterans Park, within the Town, and

WHEREAS, the program would be limited to 25 hunters for the 2022 Deer Hunting Season, with permits issued to Clifton Park residents who hold a valid New York State Hunting license with bow/muzzleloading privileges, and who pass a bow accuracy proficiency test administered by the committee, and

WHEREAS, the Town Board wishes to solicit public comment on a proposal to amend the Town Code by adding Chapter 152-A, attached, to establish a pilot program of deer hunting by bow in the Vischer Ferry Nature and Historic Preserve, Garnsey Park, Veterans Memorial Park, and the Dwaas Kill Nature Preserve, therefore, be it

RESOLVED, that a Public Hearing is hereby scheduled to take place on August 1, 2022, at 7:05 P.M. to further consider proposed amendments to Chapters 152 and 153, by adding a proposed Chapter 152-A, DEER MANAGEMENT- PARKS AND PRESERVES, to the code, in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York , and be it further

RESOLVED, that the Town Clerk is directed to post and publish the attached Notice thereof.

TOWN OF CLIFTON PARK  
COUNTY OF SARATOGA  
STATE OF NEW YORK

NOTICE OF PUBLIC HEARING TO SOLICIT PUBLIC INPUT REGARDING DEER  
HUNTING BY BOW IN TOWN PARKS & PRESERVES

Please take notice that the Town Board of the Town of Clifton Park will conduct a public hearing on August 1, 2022 at 7:05 p.m. in the Wood Memorial Meeting Room in the Town Office Building, located at One Town Hall Plaza, Town of Clifton Park, County of Saratoga, State of New York to solicit public input on a proposal to amend Town Code Chapter 152-153, to provide for a Deer Management Program THROUGH A CONTROLLED Deer Hunt, by bow only, at the Vischer Ferry Preserve, Garnsey Park, Veterans park, and The Dwaas Kill Nature Preserve, during deer hunting season.

Copies of the proposed local law are posted at <https://cliftonpark.org/government/legal-notices.html>, and are available for review in the Town Clerk's office during normal business hours.

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Teresa Brobston Town Clerk

# Chapter 152-A

## DEER MANAGEMENT

### PARKS AND PRESERVES

- 152-A 1
- Legislative Purpose and Intent

The purpose of this chapter is to establish a pilot program to provide for a controlled bow hunting program on designated Town lands during deer season for the purpose of deer management and control of overpopulation of deer within the Town.

Notwithstanding any other Law or Provision of this Town Code, Archery Equipment, Bows and Crossbows only, will be allowed within each of the following Parks and Preserves for qualified individuals through a structured program administered through a permit system as described in this chapter.

#### 152-A 2: Definitions

Bow – Includes Long Bow, Compound Bow or Recurve Bow.

Crossbow – Consists of a bow, a string and either compound or recurve limbs with a minimum width of 17 inches (uncocked) and a mounted stock. The stock shall have a trigger with a working safety that holds the string and limbs under tension until released. It shall have a minimum overall length from the butt of the stock to the front of the limbs of 24 inches and be able to launch a minimum 14 inch arrow/bolt, not including the legal arrowhead. It shall have a draw weight of 100 to 200 pounds. Optical sights are allowed.

Portable Tree Stand – Includes stands known as Hang-on-Stand, Self-Climbing Stand and Ladderstand, these stands must have the ability to be hung or set in place without causing any harm or damage to the tree. They also must have the ability to be removed without causing harm or damage to the tree. No objects, such as screw in climbing pegs may be used.

Bow/Muzzleloader deer tag/permit – This includes a valid New York hunting license with the privilege to harvest deer by use of a Bow or Crossbow. This also will include a valid DMP deer carcass tag for WMU 5R.

Veterans memorial Park is a Municipal Park situated west of Macelroy Road, east of Ashdown Road, south of Route 146A, and North of Hubbs Road, which is owned by the Town of Clifton Park

Dwaas Kill Nature Preserve is a municipally owned Nature Preserve which is situated off Van Patten Drive Park which is defined in

Vischer Ferry Nature Preserve is Nature Preserve as defined by Section 152-1 of this code.

Garnsey Park is a municipal park situated on the Northern side of Route 146, owned by the Town of Clifton Park

Deer Management Committee; The Deer management Committee is an advisory committee established by resolution of the Town Board to advise the Town Board concerning Deer management

practices and protocols, to make recommendations concerning a pilot program to establish a deer management program within the Town Parks and Preserves identified herein, and to assist in the enforcement of these rules and regulations.

### 152-A .3 Eligibility

- (a) The program will be open to Clifton Park Residents through a lottery system conducted by the Office of the Town Clerk. Successful applicants through the lottery will attend a pre-season meeting to receive instruction concerning the program rules and procedures, and pass a proficiency test as administered by the Deer Management Committee, to take place at an Archery Range Designated by the Committee.
- (b) Clifton Park Residents who hold a valid New York hunting license with bow/muzzleloader privilege and proof of residency may apply through the Town Clerk's Office.
- (c) Proof of Residency, bow/muzzleloader privilege and a fully executed and notarized liability waiver must be provided upon issuance of the Bow Hunters Permit by the Town Clerk.
- (d) Eligible hunters may only take deer as per existing NYS DEC archery season rules and regulations.
- (e) Permittees must register with the Town clerk during business hours 45 days prior to the commencement as per section 12-A.5 .
- (f) The recognized members of the Deer Management Committee (Board approved) will be granted permits under this chapter.
- (g) Proficiency Test. Permittees must pass an archery proficiency test administered by the Committee. An applicant will be required to place three arrows within a 12-inch pie plate at a distance of 20 yards, 3 out of 5 shots to pass.
- (h) Tracking dogs may be used on the designated park properties to recover wounded deer.

### 152A-4 The Lottery system:

A random lottery system will be administered by the Office of the Town Clerk as follows: .

All available hunting areas will be randomly selected through a program managed by the Town Clerk's Office. Qualified residents from the list will be randomly assigned, until all park slots are filled. A wait list will be kept if needed to be filled if the need arises. Residents will be advised by the Town Clerk's Office if their name is drawn to attend the safety meeting and proficiency test. Upon failure to attend the meeting or pass the test, the next name will be assigned.

## 152-A .5 Season and hours of Operation

The controlled program in each of the four parks and preserves referenced in this chapter will be allowed for the 22 days immediately preceding the second Saturday of November, 2022. Permitted hunters may be on property for the purpose of hunting for 24 hours, seven days per week during this period, but may only actively hunt during legal hunting hours pursuant to the NYS Environmental Conservation Law and its regulations.

## 152-A .6 Operations

### (a) Maps

The Town Clerk's Office will post and distribute mapping of the four Parks and Preserves with separately mapped grids which identify discrete hunting zones which will be assigned to each permit issued for the Deer Management Program. Participants are required to stay in their assigned area and enter their zone using the clearly marked trails on the maps provided.

### (b) Tree Stands

Portable Tree Stands and ground blinds are permitted for the duration of the permitted season, but must be removed within 24 hours after the last day hunting is permitted. Stands or blinds must be labeled with the hunter's NYSDEC issued back tag ID Number.

### (c) Permittees may field dress harvested deer on site pursuant to this chapter.

#### 152-1 Prohibited Acts: It is illegal to discharge a ,bow or crossbow:

- So that the load or arrow passes over any part of a public highway,
- Within 250 feet (for a crossbow) or 150 feet (for a bow) of a dwelling, farm building, or structure in occupation or use unless you own it, lease it, are an immediate member of the family, an employee, or have the owner's consent.
- Within 250 feet (for a crossbow) or 150 feet (for a bow) of any school, playground, or an occupied factory or church,
- Within 20 feet of an established Trail within any of the parks where bow hunting is authorized by this chapter.
- With a bow equipped with any mechanical device which is attached to the bow (other than the bowstring) for drawing, holding or releasing the bowstring, except for a hunter with a disability who is in possession of a Modified Longbow Authorization or Modified Crossbow Permit.
- With an arrow with an explosive head or shaft.
- With a broadhead considered illegal by DEC.
- With any device designed or intended to deliver drugs to an animal.
- All Firearms are prohibited within all Town Parks and Hunting Areas except for Duck Hunting in the Vischer Ferry Nature Preserve pursuant to Chapter 152-2D of this code.

## 152-A 7 Reporting

(a). All permittees will report Harvests to both the Town of Clifton Park and to NYSDEC, per the issued permit. Reports will be made of deer harvests to the Town of Clifton Park within 72 hours.

#### 152-A 8 Penalties for Offenses

Violations of these rules and regulations, as well as regulations and practices established by NYSDEC, will be referred to the Deer Management Committee which may suspend, revoke or limit a permit providing notice and an opportunity for hearing. After being reviewed by the Committee an action can be taken to limit, revoke, or suspend a permit under this section.

## Meg Springli

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**From:** Town of Clifton Park <noreply@cliftonpark.org>  
**Sent:** Wednesday, June 22, 2022 7:58 PM  
**To:** Meg Springli  
**Cc:** Jean, Spiegel; Mark Heggen  
**Subject:** Resolution Request for TB Meeting: 07-05-2022 Deer Management Committee

An item has been submitted to the Resolution Request form for review.

**Department:** Deer Management Committee  
**Your email:** aflood@cliftonpark.org

**Sponsor/Contact as shown on the agenda (i.e. P. Barrett, A. Standaert, D. Bull, etc.):** A. Flood

**Requested Meeting Date:** 07-05-2022

**Brief Description:** a resolution scheduling a public hearing regarding establishing a deer management plan

**Budget #:** n/a  
**Budget Description:** n/a  
**\$ Amount:** n/a

**Additional Comments/Details:**

**COMPTROLLER APPROVAL or Comments:**

**ATTORNEY APPROVAL or Comments:**

Resolution of 2022 a resolution appointing Jennifer P. Jeram to the Historic Preservation Commission.

Introduced by \_\_\_\_\_, who moved its adoption, seconded by \_\_\_\_\_.

WHEREAS, pursuant to Section 208-78 (C) (2) of the Town Code, members of the Historic Preservation are appointed by and serve at the discretion of the Town Board, and

WHEREAS, Amy Flood, Liaison to the Historic Preservation Commission, recommends that Jennifer Jeram be appointed to serve on the Commission, now therefore, be it,

RESOLVED, that Jennifer Jeram, 29 Via DaVinci, Clifton Park, are hereby appointed to the Historic Preservation Commission, as a member.

## Meg Springli

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**From:** Town of Clifton Park <noreply@cliftonpark.org>  
**Sent:** Friday, June 17, 2022 12:04 PM  
**To:** Meg Springli  
**Cc:** Jean, Spiegel; Mark Heggen  
**Subject:** Resolution Request for TB Meeting: 07-05-2022 Amy Flood - Histroic Preservation Commission  
**Attachments:** 62aca5fb9668d-Statement of interest.pdf; 62aca5fb96ef7-Resume.pdf

An item has been submitted to the Resolution Request form for review.

Department: **Amy Flood - Histroic Preservation Commission**  
Your email: **aflood@cliftonpark.org**

Sponsor/Contact as shown on the agenda (i.e. P. Barrett, A. Standaert, D. Bull, etc.): **A. Flood**

Requested Meeting Date: **07-05-2022**

Brief Description: **Resolution to Appoint Jennifer P. Jeram, 29 Via Da Vinci, Clifton Park as a member to the Town of Clifton Park's Histroic Preservation Commission.**

Budget #: **0**  
Budget Description: **No Impact**  
\$ Amount: **N/A**

Additional Comments/Details: **Resume and Statement of Interest Attached.**

**COMPTROLLER APPROVAL or Comments:**

**ATTORNEY APPROVAL or Comments:**

# Jennifer P. Jeram

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29 Via Da Vinci, Clifton Park, NY 12065 | (518) 588-8651 | jeramjennifer@gmail.com

June 10, 2022

Dear Linda,

As requested, below is a brief statement relative to my interest in becoming a member of the Clifton Park Historic Preservation Commission.

While running for Clifton Park Town Justice last year I had the pleasure of meeting Art and Dottie Bourdeau, who so graciously invited me into their home and gave me a tour. I was in awe of the painstaking detail with which they restored every square inch of that home; it is just magnificent. I also had the opportunity to hear John Scherer speak at an event at the Grooms Tavern. These experiences opened my eyes to the rich history we have in our very own back yard, and it sparked my interest in joining the Commission. I would love to be a part of preserving that history and sharing that history with my community – while of course continuing to learn about it myself.

Attached is my resume, which further outlines my background and qualifications. I am an attorney and currently serve as Principal Law Clerk to the Honorable Robert J. Muller, Justice of the Supreme Court in the Fourth Judicial District. I was recently elected to a 2-year term as Co-President of the Arongen Elementary School PTA, and I am also a member of the Clifton Park Elks. I am committed to my community, and I look very forward to serving on the Commission should I be appointed as a member.

Thank you so much. Please let me know if you need anything further.

Very truly yours,



JENNIFER P. JERAM

# Jennifer P. Jeram

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29 Via Da Vinci, Clifton Park, NY 12065 | (518) 588-8651 | jeramjennifer@gmail.com

## Education

### **State University of New York at Buffalo Law School**

Buffalo, New York

*Juris Doctor, magna cum laude*, with concentration in Health Law, May 2005

*Estimated Class Rank*: Top 10%

*Activities*: Book Review Editor, **Buffalo Law Review** \* Assistant President, **Buffalo Moot Court Board**

\* Tutor, **Lawyers for Learning** \* Member, **Domestic Violence Task Force**

### **McGill University**

Montreal, Quebec, Canada

*Bachelor of Arts in Psychology*, with minor concentration in Social Studies of Medicine, May 2001

*GPA in Major*: 3.86

### **National University of Ireland, Galway**

Galway, Ireland

*Semester Abroad in Psychology*, August 2000 to December 2000

## Experience

### **Supreme Court, Fourth Judicial District**

Lake George, New York

*Associate Law Clerk to Judge*, January 2009 to September 2010

*Principal Law Clerk to Judge*, September 2010 to present

- Research substantive issues of State law, draft legal memoranda, opinions, and orders and attend court proceedings.
- Conference cases and provide general legal support to the Judge.
- Conduct mediations in all areas of civil and family law.

### **Supreme Court, Appellate Division, Third Department**

Albany, New York

*Appellate Court Attorney*, August 2007 to January 2009

- Drafted preliminary reports analyzing cases pending before the Appellate Division.
- Recommended possible dispositions to the Court and edited tentative drafts of decisions.

### **Carter, Conboy, Case, Blackmore, Maloney & Laird, P.C.**

Albany, New York

*Law Clerk*, September 2005 to January 2006

*Associate*, January 2006 to August 2007

- Practiced in all areas of State and Federal civil litigation, including preparing pleadings, handling discovery, conducting depositions, engaging in motion practice, and perfecting appeals.
- Concentrated practice in areas of professional liability, products liability, and municipal liability.

### **Law Offices of Sliwa & Lane**

Buffalo, New York

*Law Clerk*, January 2004 to May 2005

- Researched and perfected motions and appellate court briefs.

### **Schenectady County District Attorney's Office**

Schenectady, New York

*Law Clerk*, May 2003 to August 2003

- Researched and perfected trial and appellate court briefs.

## Bar Admissions

### **New York State**

January 2006

### **United States District Court, Northern District of New York**

March 2006

<b>Certificates</b>	<b>Certificate of Completion, Basic Mediation Training</b> May 2021
<b>Honors</b>	<b>Post Star 20 Under 40 Award Recipient</b> September 2017
	<b>American Bar Association and The Bureau of National Affairs Award for Excellence in the Study of Health Law</b> May 2005
	<b>Election into the Order of Barristers</b> May 2005
	<b>Who's Who: American Law Students</b> 23rd and 24th Editions
	<b>Harold A. Dautch Memorial Scholarship Recipient</b> May 2003
	<b>Charles S. Desmond Memorial Moot Court Competition Semi-Finalist and Recipient of Second Place Best Brief Award</b> October 2003
	<b>Golden Key International Honor Society</b> May 2001
<b>Memberships</b>	Clifton Park Elks Lodge No. 2466, 2021 to present Adirondack Women's Bar Association, 2020 to present Saratoga County Bar Association, 2018 to present Warren County Bar Association, 2009 to present Albany County Bar Association, 2006 to 2009
<b>Community Involvement</b>	St. Edward the Confessor Embrace Ministry, 2020 to present Saratoga Center for the Family, 2017 to present Board of Directors, 2019 to present (Secretary, 2020 to present) Event Committee, 2017 to 2019 Arongen Elementary School Parent Teacher Association, 2016 to present Co-President, 2022 to 2024 Fundraising Chair, 2020 to 2022 Partners in Reading Chair, 2018 to 2020
<b>Presentations</b>	Warren County Bar Association CLE Program: Operations and Procedures at the Warren County Courthouse in the Time of COVID-19, January 2021

Resolution No. \_\_\_\_\_ of 2022, a resolution accepting the bid from Gallo Construction Corporation for a water quality improvement project in the Clifton Park Center Road area.

Introduced by \_\_\_\_\_, who moved its adoption, seconded by \_\_\_\_\_.

WHEREAS, by Resolution 125 of 2022, the Town Board authorized Prime AE Engineering to solicit bids for a stormwater improvement project on Clifton Park Center Road, with current estimates for the project at \$287,500, and

WHEREAS, the Town has been awarded grant funding up to \$215,625 for the project, and

WHEREAS, the grant contract has been extended through September 30, 2022, to accommodate adjustments to the engineering scope, and

WHEREAS, bids were publicly opened on May 26, 2022, and Prime AE issued a letter recommending Gallo Construction Corp. as lowest bidder for the base bid in the amount of \$280,369; and

WHEREAS, the Supervisor recommends applying Federal ARPA funds to close the funding gap between the Grant Funding available, and the estimated cost for the currently scoped storm water infrastructure project, and the current cost of the project as scoped now, therefore, be it

RESOLVED, that the Town Board accepts the recommendation and awards the bid to Gallo Construction for a base bid amount not to exceed \$280,369 , and be it further

RESOLVED, that the comptroller is authorized to create a Capital Project Fund in the amount of \$305,129 for the project as per the attached Exhibit A.

# EXHIBIT A

Town of Clifton Park

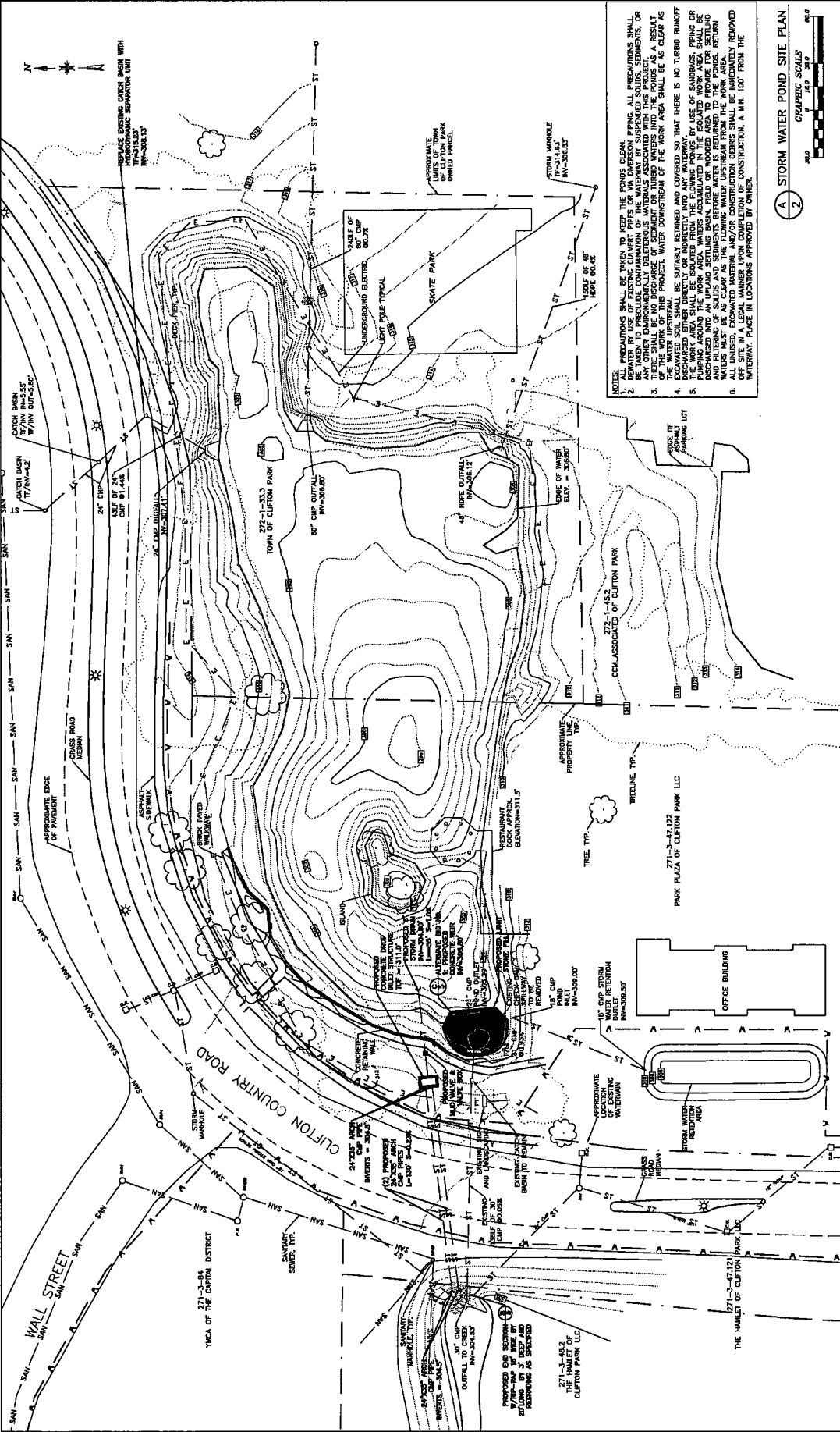
Capital Projects Budget - H64 Clifton Park Center Rd Drainage Repairs

## Revenues

New York State Revenues - H64 - 03089	\$ 167,700
Federal ARPA funds - H64 - 04090	<u>\$ 137,429</u>
	<u>\$ 305,129</u>

## Expenditures

Construction Repairs - H64-08540-00200	\$ 280,369
Engineering - H64-08540-00135	<u>\$ 24,760</u>
	<u>\$ 305,129</u>



- NOTES:**
1. ALL PRECAUTIONS SHALL BE TAKEN TO KEEP THE PONDS CLEAN.
  2. DEBRIS BY USE OF EXISTING CURB OR AN INVERTED SPENDING SANDS STRIP OR ANY OTHER ENVIRONMENTALLY DELICATE MATERIALS ASSOCIATED WITH THIS PROJECT.
  3. THE WORK SHALL BE CONFINED TO THE BOUNDARIES OF THE WORK AREA SHALL BE AS CLEAR AS THE WATER UPSTREAM.
  4. DISCHARGED EITHER DIRECTLY OR INDIRECTLY INTO ANY WATERWAY.
  5. THE WORK AREA SHALL BE CLEARLY MARKED AND THE WORK AREA SHALL BE DISCHARGED INTO AN UPLAND SETTLING BASIN, FIELD OR WOODED AREA TO PROVIDE FOR SETTLING OF SOLIDS. ALL EXCESS WATER SHALL BE DISCHARGED TO THE WATER UPSTREAM FROM THE WORK AREA.
  6. ALL UNDESIRED EXCAVATED MATERIAL AND/OR CONSTRUCTION DEBRIS SHALL BE IMMEDIATELY REMOVED FROM THE WORK AREA AND PLACED IN LOADINGS APPROVED BY OWNER.

**A STORM WATER POND SITE PLAN**  
 2  
 GRAPHIC SCALES  
 1" = 40' 0" HORIZONTAL  
 1" = 10' 0" VERTICAL

SCALE:	AS SHOWN
FILE NO.:	D4-91014-030
DATE:	MAY 2022

SHEET TITLE:  
**POND PROPOSED OUTLET IMPROVEMENTS**

TOWN OF CLIFTON PARK  
 CLIFTON PARK CENTER DRAINAGE

PRIME®  
 100 Great Oaks Blvd., Albany, New York 12203  
 PH: 518.342.1774 Fax: 518.342.1776  
 www.primeng.com

PROJ. ENGR.: RJT  
 DRAWN BY: RJT  
 CHECKED BY: ATB

NO.	DATE	REVISION	BY
01	12/2015	ORIGINAL ISSUE	RJT
02	01/2017	REVISION ISSUE	RJT
03	07/2017	REVISION ISSUE	RJT
04	07/2018	REVISION ISSUE	RJT
05	05/2022	AS-BUILT ISSUE	RJT

Resolution No. 125 of 2022, a resolution authorizing Prime Engineering to publish bid documents for a water quality improvement project in the Clifton Park Center Road area.

Introduced by Councilwoman Standaert, who moved its adoption, seconded by Councilwoman Flood.

WHEREAS, by Resolution No. 18 of 2015, the Town Board authorized Scott Reese, Storm Water Management Technician, to submit grant application documents to New York State Department of Environmental Conservation for a stormwater improvement project on Clifton Park Center Road, and

WHEREAS, the Town has been awarded grant funding up to \$215,625 for the project, and

WHEREAS, Mr. Reese has worked with Prime Engineering to re-scope and define the project consistent with the goals and standards of the State's Water Quality Improvement Grant Contract, with current estimates for the project at \$287,500, and

WHEREAS, the grant contract has been extended through September 30, 2022 to accommodate adjustments to the engineering scope, and

WHEREAS, the Town has received authorization from NYS DEC to solicit bids for the implementation of the project; now, therefore, be it

RESOLVED, that Prime Engineering is authorized to advertise for bids for the construction/implementation phase of the project, and be it further

RESOLVED, that the Town Board commits to the local match associated with grant funding for the project, and be it further

RESOLVED, that the authority delegated to Mr. Reese to process all documents associated with the project is re-approved.

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

May 2, 2022

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Teresa Brobston, Town Clerk



Albany Office  
100 Great Oaks Boulevard | Suite 114 | Albany, New York 12203  
P: 518.382.1774

June 7, 2022

Mr. Philip C. Barrett, Supervisor  
Town of Clifton Park  
One Town Hall Plaza  
Clifton Park, NY 12065

**Re: Town of Clifton Park  
Clifton Park Center Drainage  
Recommendation of Award  
Our Project No. 04-9101g4**

Dear Supervisor Barrett:

Bids were publicly opened for the above referenced project on May 26, 2022, with the following results:

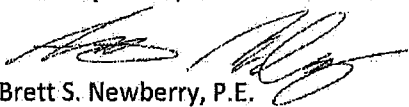
<b>Bid Rank</b>	<b>Contractor</b>	<b>Base Bid Amount</b>	<b>Alt. Bid Amount</b>
1.	Gallo Construction Corp.	\$280,369.00	\$98,477.00
2.	James H. Maloy, Inc.	\$378,000.00	\$148,000.00

The low bidder for the base bid only and base bid plus alternate work is Gallo Construction Corp. (Gallo) from Watervilet, NY. We have completed similar projects with Gallo in the past and have checked references, and they are qualified to perform the work for which they bid.

As you may be aware, this project is funded through a WQIP grant. The grant includes an amount of \$223,600 for construction. Therefore, we recommend that the Town award the base bid only. This will require the Town to cover the additional \$56,769 in construction costs.

We therefore recommend that the Town award the contract to Gallo Construction Corp. for the base bid only in the amount of \$280,369.00 (two hundred eighty thousand three hundred sixty-nine 00/100

Sincerely,  
**KB Group of NY, Inc. dba PRIME AE Group of NY**

  
Brett S. Newberry, P.E.  
Design Engineer

cc: Tom McCarthy, Town Attorney  
Scott Reese, Town Stormwater Management Technician



**CP CENTER ROAD DRAINAGE IMPROVEMENT  
 BID 5/26/22 @ 3PM**

<b>Company Name</b>	<b>BASE BID General Construction</b>	<b>ALTERNATE 01 Concrete Weir</b>
<b>Gallo Construction</b>	<b>\$280,369</b>	<b>\$98,477</b>
<b>James H. Maloy, Inc.</b>	<b>\$378,000</b>	<b>\$148,000</b>

TOWN OF CLIFTON PARK  
CLIFTON PARK CENTER DRAINAGE

Business Fax No. ( 518 ) 273-0234

Business Email Address: kgallo@gallogc.com

State Contractor License No. NA (If applicable)

Employer's Tax ID No. 14-1454116

Phone and Fax Numbers, and Address for receipt of official communications, if different from Business contact information:

Gallo Construction Corp. P(518) 273-0234 F(518) 273-0245

50 Lincoln Ave. Watervliet, NY 12189

Bid submitted on 5/26/22, 2022

**TOWN OF CLIFTON PARK  
CLIFTON PARK CENTER DRAINAGE**

**SECTION 01010  
SUMMARY OF WORK**

**PART 1 - GENERAL**

**RELATED DOCUMENTS**

Drawings & general provisions of Contract, including General & Supplementary Conditions & General Requirement & Special Requirement Specification sections, apply to work of this section.

**PROJECT/WORK IDENTIFICATION**

Project Name is *Town of Clifton Park Clifton Park Center Drainage*, as shown on Contract Documents prepared by PRIME AE Group of NY, 100 Great Oaks Blvd Suite 114, Albany, NY 12203.

Contract Documents indicate work of Contract & related requirements & conditions that impact the project. Related requirements & conditions that are indicated on Contract Documents include, but are not necessarily limited to the following: Existing site conditions & restrictions on use of site.

Summary of Work: The proposed project involves drainage improvements in Clifton Park Center off Clifton Country Road; work includes hydrodynamic separator storm piping, mud valve & valve box, outlet structure, grading work, rip rap, paving work, and all restoration work. The project is located off Clifton Country Road in Clifton Park, New York. Work of this Contract, as defined in greater detail by other provisions of Contract Documents, is summarized as follows:

**Clifton Park Center Drainage:**

1. Comply with all NYS DEC Contract Requirements, including but not limited to, furnish and install project sign as per Exhibit 2.
2. Furnish and install all storm sewer system items including but not limited to bypass pumping, excavation, backfill, dewatering, storm sewer piping, mud valve & valve box, end sections, grading work, stone filling, and outlet structure, as shown on the contract documents and as specified.
3. Furnish and install hydrodynamic separator, as shown on the contract documents and as specified, including but not limited to excavation, disconnection of existing culvert pipes from existing catch basin, removal of existing catch basin, setting of new hydrodynamic separator structure, connection of existing culvert pipes to new structure including any necessary appurtenances, and backfill.
4. Furnish and install hot-mixed asphalt paving on the existing trench disturbance in existing pavement areas, including but not limited to all stabilization fabric, subbase material, surface preparation work, tack coat, sidewalk replacement, curb replacement, striping, and paving handwork as shown on the contract drawings and as specified.
5. Contractor's are responsible for contacting all utility companies and verifying locations and depths. Contractor shall protect all existing utilities encountered during construction. Any utilities damaged as part of this work shall be repaired by Contractor at no additional cost to the Owner, including relocation and/or protection of any water mains, storm sewers, utility poles, gas mains, etc. which interfere with the construction.
6. Complete landscaping/restoration work to areas disturbed by work of this contract as specified including all associated topsoil, seeding, and mulching as specified.
7. Provide maintenance and protection of traffic as necessary to perform work with due regard to safety and health of the

public. No road closures will be allowed during construction, only alternating traffic with flagman.

8. Provide temporary facilities as required to perform work under this contract.
9. Protection of environment, including erosion and runoff control and protection from deleterious materials resulting from this work.
10. Provide all necessary survey, stakeout, and layout required to perform work under this contract.
11. Provide quality control testing required for materials incorporated into this project.
12. There shall be no staging of equipment or materials on the restaurant property or parking lot on parcel 271-3-47.122 owned by Park Plaza of Clifton Park LLC as shown on the plans. Staging of equipment or materials will be allowed on the green space near the skate park on the eastern side of the pond owned by the Town of Clifton Park.
13. Coordinate with the restaurant owner to not block the parking lot entrance or impede operations of the restaurant.

**Alternate Bid No. 1 – Concrete Weir:**

1. Furnish and install concrete weir structure at the existing pond outfall, as shown on the drawings and specified.

**EXTENT OF WORK**

Definition of extent of Contract Work: Extent of work is indicated in Contract Documents. Local custom & trade-union jurisdictional settlements do not control scope-of-work in this Contract. When a potential jurisdictional dispute or similar potential work interruption is first identified or threatened, affected parties of Contract shall promptly negotiate a reasonable settlement which will avoid or minimize such pending interruption & its delays or losses.

Summary by Reference: Work can be summarized by reference to Contract, General Conditions, Supplementary Conditions, Specification sections, Drawings, Addenda & Modifications to Contract Documents issued subsequent to initial printing of this Project Manual, & including but not necessarily limited to printed material referenced by any of these. It is recognized that work of Contract is unavoidably affected or influenced by governing regulations, natural phenomenon, including weather conditions & other forces outside contract documents.

In cases of discrepancy between Contract Drawings & Contract Specifications, interpretations shall be given preference in the following order:

1. Addenda (later dates take precedence).
2. Technical Specification
3. Supplementary Conditions
4. General Condition.
5. Contract Drawings (Schedules or Notes to take precedence over other data shown on aforesaid drawings.)

**TOWN OF CLIFTON PARK  
CLIFTON PARK CENTER DRAINAGE**

**CONTRACTOR'S USE OF PREMISES**

General: CONTRACTOR shall limit use of premises to Work indicated, so as to allow for public access where appropriate.

Use of Site: Confine operations at site to areas permitted under Contract. Portions of site beyond areas on which work is indicated are not to be disturbed.

Do not unreasonably encumber site with materials or equipment.

Work accomplished under this Contract shall progress in such a manner as to keep any & all inconveniences to a minimum.

Construction work shall further be planned, scheduled & accomplished to minimize interruptions of municipal services and to both vehicular and pedestrian traffic in the project area.

OWNER Occupancy: Cooperate with OWNER during construction operations to minimize interruption of services to OWNER. Any interruption of service is to be planned, scheduled & approved by OWNER.

A detailed schedule will be required to be submitted within 48 hours of the bid opening by the apparent low bidder, that will show a detailed plan and schedule, including manpower equipment, and general approach for completing the work.

**SPECIAL NOTICE TO BIDDERS**

1. The Contractor shall not leave any open trenches or open excavations overnight. All open trenches and open excavations shall be backfilled by the end of each work day.
2. Contractor shall provide a copy of property owner release to Engineer for land used for spoil disposal and/or material and equipment storage areas, and/or field office trailer sites.
3. According to information provided, there are existing underground utilities in the project area. The approximate locations have been shown on the plan drawings, however, Contractor's are responsible for contacting all utility companies and verifying locations and depths. Contractor shall protect all existing utilities encountered during construction. Any utilities damaged as part of this work shall be repaired by Contractor at no additional cost to the Owner.
4. Contractor shall be responsible for obtaining insurance and bonds as required by the agencies having jurisdiction for work within the right-of-way. Cost of said insurance and bonds shall be included in the bid amount.

**PART 2 - PRODUCTS** (Not Applicable)

**PART 3 - EXECUTION** (Not Applicable)

Resolution No. 18 of 2015, a resolution authorizing the items listed below pursuant to the Bond Acts enacted in 1965, 1972 and 1996 and the Environmental Protection Fund, as well as federal grant awards available for such projects.

Introduced by Councilman Romano, who moved its adoption, seconded by Councilman Whalen.

WHEREAS, the Town of Clifton Park herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Environmental Conservation Law ("ECL") authorizes State assistance to Municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE, BE IT RESOLVED BY the Clifton Park Town Board

1. That Scott Reese, Stormwater Management Technician or such person's successor in office, is the representative authorized to act in behalf of the Municipality's governing body in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance; and
2. That the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation; and
3. That one (1) certified copy of this Resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation, and
4. That this Resolution take effect immediately.


ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

January 20, 2015

  
Patricia O'Donnell, Town Clerk

## Meg Springli

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**From:** Town of Clifton Park <noreply@cliftonpark.org>  
**Sent:** Tuesday, June 14, 2022 3:25 PM  
**To:** Meg Springli  
**Cc:** Jean, Spiegel; Mark Heggen  
**Subject:** Resolution Request for TB Meeting: 06-21-2022 Planning  
**Attachments:** 62a8e074840c2-Summary of Work.pdf; 62a8e074849ed-Project Plan.pdf; 62a8e07484fdb-Recommendation of Award.pdf; 62a8e074858da-Resolution 18 of 2015.pdf

An item has been submitted to the Resolution Request form for review.

Department: **Planning**  
Your email: **sreese@cliftonpark.org**

Sponsor/Contact as shown on the agenda (i.e. P. Barrett, A. Standaert, D. Bull, etc.): **P. Barrett**

Requested Meeting Date: **06-21-2022**

Brief Description: **The Clifton Park Center Drainage Improvement reimbursement grant under NYSDEC Water Quality Improvement Project Program has a low bidder for the base bid only is Gallo Construction Corp for \$280,369.**

Budget #: **H64-4090 & H64-8540-135**  
Budget Description: **ARPA & Capital Project Drainage Repairs Engineering**  
\$ Amount: **\$137,429 & \$24,760**

Additional Comments/Details: **The town also has a temporary construction easement to be executed with Park Plaza of Clifton Park LLC (Robert Phillips).  
The town is not accepting the Alt Bid for this project.**

**COMPTROLLER APPROVAL or Comments:**

**ATTORNEY APPROVAL or Comments:**

Resolution No. of 2022, a resolution authorizing a professional services agreement for engineering design services for the 41± acre nature preserve on Riverview Road

Introduced by \_\_\_\_\_, who moved its adoption, seconded by \_\_\_\_\_.

WHEREAS, by Resolution 204 of 2011, the Town Board authorized funding \$300,000 for the acquisition of the 41± acre parcel natural area on Riverview Road as well as \$15,000 for related property closing transaction costs, and

WHEREAS, by Resolution No. 185 of 2016, the Town Board authorized a property boundary survey to be prepared in the amount of \$7,500 for the 41 acres, as a tool for use in the stewardship and management of the property, and

WHEREAS, in 2020, professional state- and federal-wetlands delineation services were performed by Environmental Design Partnership, and

WHEREAS, a request for proposals for professional engineering design services were solicited and proposals were opened on June 17, 2022, and

WHEREAS, the solicitation sought basic engineering and design services for a concept plan for initial park access and parking, and site improvements, including storm water and utility infrastructure, and erosion control, and

WHEREAS, Environmental Design Partnership submitted the lowest quote in an amount not to exceed \$36,000.00; now, therefore be it

RESOLVED, that the Planning Department is authorized to engage Environmental Design Partners for engineering design services per the attached scope of services and proposal dated June 17, 2022; and be it further

RESOLVED, that the comptroller is authorized to pay an amount not to exceed \$36,000.00 with a transfer from Unassigned Fund Balance A-914 to A-7230-135 (General Fund - Riverview Road Nature Preserve – Engineering) for engineering design services.

## Meg Springli

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**From:** Town of Clifton Park <noreply@cliftonpark.org>  
**Sent:** Wednesday, June 22, 2022 3:45 PM  
**To:** Meg Springli  
**Cc:** Jean, Spiegel; Mark Heggen  
**Subject:** Resolution Request for TB Meeting: 07-05-2022 Planning  
**Attachments:** 62b371412c373-RFP Engineering Services Riverview Rd 41 acres property due 6.17.22.docx; 62b371412c59d-RFP Engineering Services\_41 acres Town Riverview Property\_May 2022\_Clerk rev.docx; 62b371412d561-Addendum #1\_RFP Engineering Services Riverview Road 41 Acres.docx; 62b371412d5e2-Response to Questions\_RFP Engineering Services 41 Acres Riverview Road\_Town of Clifton Park\_6-15-22.pdf; 62b371412d7dd-RFP BID RESULTS 6-17-2022 for Design Services 41 Acre Riverview Rd Town Park-Nature Preserve.pdf; 62b371412dbc5-EDP\_June 17-2022\_Engineering RFP Response 41 Acres\_scope & fee.pdf

An item has been submitted to the Resolution Request form for review.

Department: **Planning**  
Your email: **jviggiani@cliftonpark.org**

Sponsor/Contact as shown on the agenda (i.e. P. Barrett, A. Standaert, D. Bull, etc.): **P. Barrett / A. Morelli**

Requested Meeting Date: **07-05-2022**

**Brief Description:** Kindly request Town Board authorization for professional engineering design services for the 41-Acre Riverview Road Park / Nature Preserve per the proposed scope of services based on the Request for Proposal dated May 2022 due on June 17, 2022, to the lowest bidder of Environmental Design Partnership, LLP (EDP). An RFP process was conducted to procure a professional consultant. A total of six (6) responses were received by professional planning and engineering firms. The RFP responses are provided as an spreadsheet in an attachment. The complete set of the RFP responses for each firm are filed and available for review in the Town of Clifton Park Town Clerk's Office. Attached is a copy of EDP's scope and fee.

**Budget #:**  
**Budget Description:** professional design consulting services for basic public improvements for the 41 Acre Town Park / Nature Preserve on Riverview Road  
**\$ Amount:** \$36,000

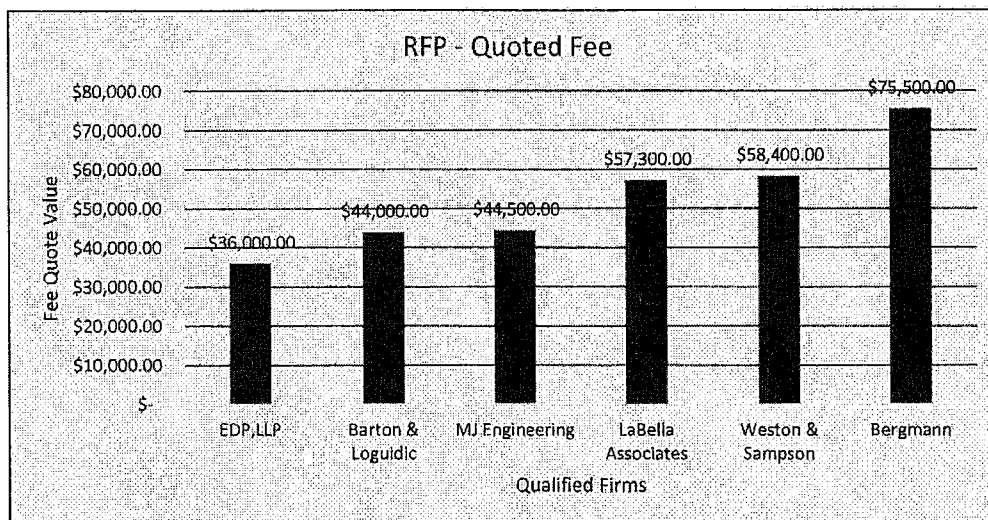
**Additional Comments/Details:** The Open Space, Trails & Riverfront Committee delivered a presentation on May 9, 2022 to the Clifton Park Town Board recommending the town take the next step to secure professional services for basic public access improvements, conduct a public meeting, present existing conditions, discuss option for public access improvement concepts, and develop plans for access improvements and trailhead improvements. An RFP process was conducted, and all bidders were invited to an optional field visit June 8, 2022 to the park/nature preserve to show existing conditions, with RFP responses due Friday, June 17, 2022.

**COMPTROLLER APPROVAL or Comments:**

Take from Unassigned Fund  
Balance A-914 to  
A-7230 - 135 (General Fund - Riverview  
Road Nat. Pres.  
Engineering)

# 41 Acre Riverview Road Town Park/Nature Preserve Design Services Request for Proposals Bid Results

VENDOR	TOTAL ESTIMATED FEE	ADDITIONAL OPTIONAL SERVICES	Column1
EDP,LLP	\$ 36,000.00		
Barton & Loguidic	\$ 44,000.00		
MJ Engineering	\$ 44,500.00		
LaBella Associates	\$ 57,300.00	\$4,000 Bid Phase services	\$6,000 Construction Phase Services
Weston & Sampson	\$ 58,400.00		
Bergmann	\$ 75,500.00		



TOWN OF CLIFTON PARK  
COUNTY OF SARATOGA  
STATE OF NEW YORK  
REQUEST FOR PROPOSAL FOR PROFESSIONAL ENGINEERING DESIGN SERVICES  
FOR PUBLIC PARK/NATURE PRESERVE

The Town of Clifton Park is soliciting proposals with estimated fee from qualified engineering/landscape architecture firms for engineering services for the town-owned, 41-acres property, on Riverview Road (a local road) from conceptual stage and preliminary design phase to construction documents, as needed. Specs can be downloaded at <https://www.cliftonpark.org/departments/town-clerk-s-office/town-clerk-bulletin-board.html/> or requested from the Town Clerk at [tbrobston@cliftonpark.org](mailto:tbrobston@cliftonpark.org) . or picked up at the Town Clerk's Office, #1 Town Hall Plaza, Clifton Park, NY 12065.

Proposals must be submitted in **both** hard copy to Town of Clifton Park Town Clerk's Office, Attn: Town of Clifton Park Town Clerk, at One Town Hall Plaza, Clifton Park, NY 12065, **and** electronically to [tbrobston@cliftonpark.org](mailto:tbrobston@cliftonpark.org) **by 5 pm on Friday, June 17, 2022**. The Town anticipates awarding the contract by July 2022. Please identify your bid as Riverview Road 41-Acres Property Engineering Design Services RFP.

Teresa Brobston  
Clifton Park Town Clerk

**Addendum #1**

**to the Request for Proposal for Professional  
Engineering Design Services for Public 41-Acre  
Riverview Road Park / Nature Preserve**

The Town of Clifton Park will conduct a guided field visit on **Wednesday, June 8, 2022, at 11 a.m.** at the 41 Acre Riverview Road Park / Nature Preserve, off of Riverview Road for all prospective bidders – optional / not required for the bid response.

Please RSVP if you plan to attend, as there is limited parking at the current location. Please RSVP to [planning@cliftonpark.org](mailto:planning@cliftonpark.org).

## **Request for Proposal for Professional Engineering Design Services for Public 41-Acre Riverview Road Park/Nature Preserve**

**May 2022**

The Town of Clifton Park in Saratoga County, NY, is now accepting proposals with estimated fee from qualified engineering/landscape architecture firms for engineering services for the town-owned, 41-acres Property, on Riverview Road (a local road) from conceptual stage and preliminary design phase to construction documents, as needed. Specs can be downloaded at <https://www.cliftonpark.org/departments/town-clerk-s-office/town-clerk-bulletin-board.html/> or requested from the Town Clerk at [tbrobston@cliftonpark.org](mailto:tbrobston@cliftonpark.org).

Proposals must be submitted in **both** hard copy to Town of Clifton Park Town Clerk's Office, Attn: Town of Clifton Park Town Clerk, at One Town Hall Plaza, Clifton Park, NY 12065, **and** electronically to [tbrobston@cliftonpark.org](mailto:tbrobston@cliftonpark.org) **by 5 pm on Friday, June 17, 2022**. The Town anticipates awarding the contract by July 2022.

### **INTRODUCTION AND BACKGROUND**

The Town of Clifton Park acquired a 41-acre property along the Mohawk River and Riverview Road in 2011. The Town has had previous professional services completed for this property including a property boundary survey, a professional wetland delineation, and has received volunteer assessments of the property's pond and flora. The Town's Open Space, Trails & Riverfront Committee has presented a working understanding of opportunities and challenges for site utilization to the Town Board. The Town would like to retain a professional engineering services firm to help build upon the previous concepts to plan, design and implement public access improvements.

### **WORK TO BE PERFORMED & PERFORMANCE SCHEDULE**

The Town requests applicable engineering / design services for the following work elements:

- Existing Conditions Analysis. A property boundary survey and Wetlands Delineation have been prepared to date for this public property. Volunteer pond analysis and flora inventory has been also accomplished to date.
- Develop a conceptual plan with Town input (improved park access & parking; initial trail)
- Deliver Public Process: We anticipate approximately one public meeting / charrette to review the existing conditions and concepts with the public. The Town will help with public notification and advertisement, and town staff can provide support with the public meeting as needed. The town will offer some context / background for any such public presentation, so that the selected firm can focus on the current conditions.
- Refine Concepts into Preliminary Design and review with Staff and Open Space Committee.
- Respond / revise preliminary design Input; make final plan adjustments, and then proceed to preparation of Final Design
- Environmental Permitting Services as needed to address wetlands and stormwater drainage for public improvements.
- Phase I Archeological Study, if needed/required

- Guidance on Utilities – help the town navigate any coordination with utilities along Riverview Road
- Prepare Engineer’s Estimate
- Prepare Construction Documents – as needed (either for Town to do some of its own construction; or if needed, to go out to public bid)

**Required Submission Items:**

1. **Scope & Fee Proposal.** Please provide a response in letter format outlining the firm’s proposed scope of work/tasks and fee, and current billing rates.
2. **Experience of Firm.** (1 page or less). Describe, briefly, **three (3)** projects that best exemplify the range of technical and professional services for a project similar to this one. Identify project references that involve projects similar in type, size or scope to this Project and in similar locations.

RFP-related **questions** will NOT be accepted after **Tuesday, 5 PM on June 14, 2022.**

Questions should be directed to:

Town of Clifton Planning Department  
One Town Hall Plaza  
Clifton Park, NY 12065  
Attn: John Scavo, Director of Planning  
email: [planning@cliftonpark.org](mailto:planning@cliftonpark.org)

**CONTRACTOR RESPONSE:**

Please provide three (3) hard copies of the RFQ Submission, as well as a digital (PDF) copy of the response via email. **RFP responses are due Friday, June 17, 2022, no later than 5 PM.** Late responses will be rejected and disqualified from further consideration.

RFP Responses are due to the **Town Clerk** by **Friday, June 17, 2022 at 5 p.m.** and should be directed to:

Town of Clifton Town Clerk  
One Town Hall Plaza  
Clifton Park, NY 12065  
Attn: Teresa Brobston, Town Clerk  
email: [tbrobston@cliftonpark.org](mailto:tbrobston@cliftonpark.org)

**Right to Reject Responses to the RFP and Proposals**

This RFP does not commit the Town to award a contract, pay any cost incurred in the preparation of a proposal in response to this RFP or to procure or contract for services. The Town intends to select a qualified design consultant and negotiate an award for a contract based on the best interest and advantage to the Town and reserves the right to accept or reject any or all responses received from this request, to negotiate with all qualified proposers, or to cancel this RFP in part or in its entirety, if it is in the best interest of the Town to do so.



**ENVIRONMENTAL DESIGN  
PARTNERSHIP, LLP.**

Shaping the physical environment

900 Route 146 Clifton Park, NY 12065  
(P) 518.371.7621 edplp.com

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**June 17, 2022**

**Ms. Jennifer Viggiani**

Open Space Coordinator  
Town of Clifton Park – Planning Department  
1 Town Hall Plaza  
Clifton Park, NY 12065

Regarding: Proposal for Professional Engineering Design Services  
41-acre Riverview Road Park/Nature Preserve  
Riverview Road  
Clifton Park, NY

**Dear Ms. Viggiani:**

The Environmental Design Partnership, LLP (EDP) is pleased to provide you this proposal for professional services associated with the 41-acre Town Park/nature preserve on Riverview Road. EDP's project understanding and associated scope of services are based on the Request for Proposal dated May 2022 provided by the Town and are included below.

**PROJECT UNDERSTANDING**

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It is EDP's understanding that the Town of Clifton Park is proposing to advance plans for developing a Town Park/nature preserve on 41± acres between Riverview Road and the Mohawk River. EDP previously completed a boundary survey of the property in 2016 and a wetland delineation in 2021. The Town would now like to develop a plan for implementation of public access improvements building upon previous concepts considered so far and incorporating any additional ideas resulting from the Design Process outlined in this proposal. It is anticipated typical improvements will include such elements as improved access, parking, and an inclusive trail system that allows visitors to enjoy the preserve's many unique natural features.

EDP understands the Town of Clifton Park is seeking assistance with the following project elements.

- Develop a concept plan with input from the Town to be used at a charette session with the public;
- Facilitate and attend a charette with the public;
- Refine Concepts based upon input from the charette into a preferred concept plan;
- Prepare a preliminary design and review with Staff and Open Space Committee;
- Revise preliminary design to a final plan based upon comments received;
- Environmental Permitting Services as needed to address wetlands and stormwater drainage;
- Guidance on Utilities – help the town navigate any coordination with utilities along Riverview Road;
- Prepare Engineer's Cost Estimate;
- Prepare Construction Documents for bidding purposes.

The project is located within an archeologically sensitive area according to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) Cultural Resource Information System (CRIS). As such, an archeological investigation may be required. EDP does not perform archeological services but is including a scope and fee for the archeological study from Hartgen Archeological Associates, Inc. in this proposal for reference.

EDP has assumed, for the purposes of this proposal, that the project disturbances will be less than one such that coverage under the New York State Department of Environmental Conservation (NYSDEC) State Pollutant Discharge Elimination System (SPDES) General permit for Stormwater Discharges from Construction Activities (GP-0-20-001) will not be required. If project disturbances exceed one acre, a modification to this proposal will be required.

EDP proposes to complete the following scope of services:

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### **SCOPE OF SERVICES**

#### **Task 1 - Concept Plan**

EDP will prepare up to two (2) conceptual site plans illustrating the proposed site improvements, driveways, site circulation, parking areas and conceptual utility infrastructure including stormwater management. The plans will be based on an analysis of existing conditions from the information gathered so far on the site and its assets along with Town input.

The draft concept plans will be provided to the Town for review and additional input. Once comments have been received and incorporated, EDP will coordinate with the Town to present the concept plan and attend a public charette as provided below in Task 2.

#### **Task 2 – Attend Public Charette**

EDP will attend and assist with a public discussion in a charette type setting to obtain ideas and insight from the public and to answer questions. Following the charette, EDP will revise the concept plan based upon public input as described in Task 3 below. EDP has assumed that the Town of Clifton Park will secure the room for the charette and complete public noticing for the event.

#### **Task 3 – Revise Concept Plan**

Based upon the information gathered at the public charette, EDP will refine the concept plan accordingly. The revised concept plan will be provided to the Town for review and input.

#### **Task 4 – Limited Aerial Topographic Survey**

EDP will utilize our unmanned aerial vehicle (drone) to obtain topographic information of the property where required for grading and utility work such as stormwater design. The topographic information will be used in the development of the preliminary plans below. It is assumed to be 2 - 3 acres. If significantly larger areas are needed or desired, a modification to this proposal will be required.

### **Task 5 – Preliminary Design**

EDP will prepare preliminary design plans for the proposed improvements. The preliminary plans are generally anticipated to include the following:

- Existing conditions plan;
- Removals plan;
- Site plan;
- Planting Plan;
- Grading plan;
- Erosion and sediment control plan; and,
- Site Details.

Draft plans will be provided to the Town of Clifton Park for review and input. Once comments have been received and incorporated, **final plans and an opinion of probable cost will be completed.**

### **Task 6 – Environmental Permitting**

#### *Correspondence for Potential Threatened or Endangered Species*

EDP will complete the following tasks:

- Obtain an official species list from the United States Fish and Wildlife Service (USFWS) Information for Planning and Conservation (IPaC) web-site regarding federally listed threatened and endangered species;
- Prepare an information request letter to the NYS Natural Heritage Program regarding state listed threatened and endangered species; and,
- If threatened or endangered species surveys are requested by either agency, EDP will prepare a separate proposal for that work.

#### **State Environmental Quality Review Act**

EDP will complete Part I of the Full Environmental Assessment Form (FEAF) to assist the SEQRA Lead Agency in their review of the project. The responses provided in Part I will be based upon the existing site conditions and proposed improvement plans. Specific environmental conditions will be dealt with based upon readily available data. This is specific to wetlands, threatened and endangered species and cultural and historic resources. In the event database searches reveal the existence of any of those resources within or immediately adjacent to the project site, site specific studies would be necessary prior to preparing a final FEAF for use by the SEQRA Lead Agency. Site specific studies for those resources are excluded from this proposal.

### **Agency Site Visit**

EDP will schedule and attend an on-site field meeting with a representative from NYSDEC and ACOE for field verification of the wetland delineation boundary.

### **Wetland Permitting**

EDP will prepare a Nationwide Permit application with supporting documentation for submission to the United States Army Corps of Engineers (USACE) and the New York State Department of Environmental Conservation (NYSDEC). EDP will prepare responses requested by the agencies including photographs of the site and the jurisdictional determination, if required.

Applications will include but are not necessarily limited to:

- completed USACE/NYSDEC joint permit application, as required;
- site location map (1:24000 scale).
- available wetland and stream mapping (NYSDEC Freshwater Wetlands Maps; National Wetland Inventory Maps).
- county soils map.
- aerial photos.
- photographic log keyed to photograph locations on wetland map.
- list of references used.

EDP has assumed that wetland impacts will be less than 0.10 acres such that mitigation is not required. If impacts exceed 0.10 acres, a modification to this proposal will be required.

### ***Phase I Archeology Investigation (If required):***

EDP will subcontract with Hartgen Archeological Associates, Inc. to complete a Phase I archeological investigation as follows:

#### *Initiate Consultation*

Hartgen will submit a request for a new Consultation Project through the New York State Cultural Resource Information System (CRIS), which is maintained by the New York SHPO. The submission will include a project description, the project route, and any relevant information known about the Area of Potential Effects (APE).

#### *Phase IA Literature Review and Sensitivity Assessment*

The Phase IA will entail the following tasks:

- Compile project information including the project size, location, and description of proposed undertaking.
- Review environmental information including soils, bedrock geology, topography and hydrology.
- Conduct a site visit to observe and photograph existing conditions, present land use, and any evidence of prior soil disturbance.

- Consult the Cultural Resource Information System (CRIS) to identify known archeological sites, previous archeological surveys, and National Register listed and eligible properties and districts in the vicinity of the APE.
- Examine historical maps and provide an interpretation of potential historic resources.
- Photograph structures within the APE.
- Assess the archeological sensitivity and potential and provide recommendations regarding Phase IB testing

#### *Phase IB Archeological Field Reconnaissance*

The Phase IB will entail the following:

- Excavate shovel tests in archeologically sensitive areas. No archeological testing will occur in areas with standing water, slopes greater than about 12 percent, or surface evidence of significant disturbance.

#### *Shovel Testing Methodology*

Shovel tests will typically be excavated at 50-foot intervals. Tests may be excavated at reduced intervals in the vicinity of archeological finds, previously reported archeological sites, or historic map-documented structures to assess their significance. Each shovel test will be 16 inches in diameter. Excavated soil will be passed through 0.25-inch hardware mesh when feasible and will be examined for both precontact (Native American) and historic artifacts. The stratigraphy of each test will be recorded including the depth, soil description, and artifact content. The location of each shovel test will be plotted on the project map. Test excavations will be photographed.

#### *Laboratory Processing*

All precontact (Native American) cultural material identified during the fieldwork will be collected. Significant historic artifacts such as glass, ceramics, food remains, hardware, and miscellaneous items will be collected. Coal, ash, cinder, brick, and modern materials will be noted. Artifacts collected will be placed in paper or plastic bags labeled by provenience and inventoried in a bag list. Artifacts will be cleaned and entered into a Microsoft Access database that will be included in tabular format in the report.

- Up to 25 artifacts will be processed within the cost range outlined for Phase IB work.

#### *Curation*

This scope of work does not include arranging curation of artifacts with a permanent repository. While Phase I and II artifact collections may include items of historical significance, curation is not typically required by the OPRHP for these phases of study. In New York State curation is generally required only for Phase III data recovery work on sites that have been determined eligible for inclusion on the National Register of Historic Places. Hartgen will dispose of any samples collected during the course of its work in the manner it deems appropriate, unless otherwise instructed at the time of authorization.

#### *Report Preparation*

The report(s) will be prepared according to OPRHP's State Historic Preservation Office (SHPO) Phase I Archaeological Report Format Requirements (2005) or another format acceptable to OPRHP. As appropriate,

reports will contain text, tables, color maps and photographs, shovel test records, and an artifact inventory. When applicable, separate reports will be prepared for archeological and architectural surveys. Hartgen will provide a PDF version of the draft report for the client's review. The client will compile and submit all comments to Hartgen in a single submission. Hartgen will address one round of comments, making revisions to the report as appropriate.

Hartgen will issue a PDF copy of the final report. A copy of the final report will be uploaded to OPRHP via CRIS.

### **Task 7 – Coordination with National Grid**

EDP will coordinate with National Grid to assess options for the possible raising of overhead lines along Riverview Road if deemed necessary for a proposed driveway entrance. This task doesn't include electrical design (normally handled by National Grid), rather coordination to assess what options are available to raise the overhead lines in this area of the project.

### **Task 8 – Construction Documents**

EDP will prepare construction level drawings for the proposed improvements that will be suitable for bidding purposes. EDP will also prepare a Project Manual to accompany the drawings that will include the upfront contractual specifications and requirements and the technical specifications for the proposed work elements. Draft construction drawings and a draft Project Manual will be provided to the Town for review and comment. Once comments have been received and incorporated, final plans and manuals will be provided.

## **QUALIFICATIONS AND EXCLUSIONS**

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- Any and all plans or project documents provided to the Owner or Owner's Contractor prior to final municipal approval or agency review shall be considered preliminary and not to be used for construction or project budgeting. Only those plans bearing the signature and seal of the issuing professional and approving municipal entities shall be used for construction or project financing considerations.
- The APE must be relatively free of snow cover and sufficiently thawed at the time of the fieldwork.
- EDP and Hartgen have assumed that the proposed trails will have stone dust placed on them and will not be excavated. Excavation in those areas would likely require additional archeological investigations which are not included in this proposal.
- EDP has assumed that a SWPPP will not be required.
- Wetland impacts are assumed to be less than 0.10 acres. Wetland mitigation not included.
- Any work not specifically included in the Scope of Services is excluded.

## **FEE**

EDP proposes to complete the tasks listed above on an hourly basis in accordance with EDP's Charge-Out Rates in effect at the time services are rendered. A copy of our current rates is attached.

Ms. Jennifer Viggiani  
June 17, 2022

ENVIRONMENTAL DESIGN PARTNERSHIP, LLP.  
*Shaping the physical environment*

For your planning and budgeting purposes, EDP recommends the following budgets be established for the tasks listed above:

<u>Task</u>	<u>Budget</u>
Task 1 - Concept Plan	\$ 2,000
Task 2 - Attend Public Charette	\$ 3,000
Task 3 - Revise Concept Plan	\$ 2,000
Task 4 - Aerial Topographic Survey	\$ 2,500
Task 5 - Preliminary and Final Design	\$10,000
Task 6 - Environmental Permitting	
Correspondence for Threatened/Endangered Species	\$ 500
Full EAF	\$ 1,000
Agency Site Visit	\$ 1,000
Wetlands Permitting	\$ 3,500
Phase I Archeological Investigation (If Required)	\$ 4,500 (if required)
Task 7 - Coordination with National Grid	\$ 1,000
Task 8 - Construction Documents, Engineer's Estimate	\$ 5,000
<b>Total Estimated Fee</b>	<b>\$36,000</b>

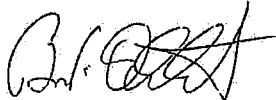
Billing statements will be mailed monthly for the percentage of work completed during the previous calendar month. Payment is requested within thirty (30) days of the billing date. A finance fee of 1.5 percent per month will be assessed on any balance not paid within thirty (30) days. Any disputed billings must be brought to the attention of EDP, in writing, within fourteen (14) days of the billing, otherwise it will be assumed that the billing statement is accurate and acceptable.

The fee for professional consulting services may be adjusted by deletions or additions to the scope of work at your request.

If this proposal for professional consulting services is acceptable, please sign and return one copy to our office at your earliest convenience. Please contact us at (518) 371-7621 if you have any questions or require any additional information. Thank you for your consideration and we look forward to working with you on this project.

Very truly yours,

The Environmental Design Partnership, LLP



**Brian P. Osterhout, P.E.**

C: Billing Rates

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Authorization to Proceed (Client Signature)

Date

THE ENVIRONMENTAL DESIGN PARTNERSHIP, LLP.  
HOURLY CHARGE-OUT RATES  
AS OF  
JANUARY 1, 2022

Partner, P.E., L.A., P.L.S. ....	\$170 to \$195 per hour
Associate, P.E., L.A., P.L.S. ....	\$100 to \$175 per hour
Project Engineer .....	\$90 to
Project Landscape Architect .....	\$150 per hour
Project Surveyor .....	
Technician .....	\$65 to
Assistant Design Professional .....	\$95 per hour
Environmental Resource Specialist .....	\$85 per hour
Survey Crew .....	\$160 to \$250 per hour
Survey Assistant .....	\$65 to \$95 per hour
Construction Inspection Services .....	\$85 to \$105 per hour
Secretarial/Bookkeeper .....	\$70 to \$80 per hour
Direct Costs:	
Aerial Photography Fee (drone) .....	\$400 per flight
Aerial Survey Photogrammetry Fee (drone) .....	(\$500 min)
First 10-100 acres .....	\$50 per acre
Next 1-100 acres .....	\$25 per acre
Additional acreage .....	\$12.50 per acre
LIDAR .....	x 1.5
GPS Zeno 20 Field Unit .....	\$65 per hour
Mileage .....	\$0.65 per mile
Large format print charges – Black and White .....	\$0.50 per sq ft
Color .....	\$1.50 per sq ft



Proposal for Professional Engineering Design Services  
41-acre Riverview Road Park/Nature Preserve  
Riverview Road Clifton Park, NY

June 17, 2022

### **Experience of Firm**

EDP has completed a number of projects similar in size and scope in the Town of Clifton Park which involved oversight by the Town Planning Department:

#### **1. Dwaaskill Nature Preserve**

Working with the Town Open Space Committee and Building and Grounds, EDP provided plans and details from Concept to Final for a new entrance, parking area and entry trail off of Pierce Road that involved permitting for the limited filling and temporary disturbance of jurisdictional wetlands. The result was a new parking area a safe distance from the busy road for disembarking, an improved entry trail that eliminated drainage problems and an improved entrance that identifies it as the main gateway to the Preserve.

#### **2. Hayes Nature Park**

Working with Town Park District Advisory Committee Stony Creek #1, EDP provided design and stakeout from Concept to Final for a new Town Nature Park with main entrance parking off of Moe Road, several pedestrian access locations, and a trail system encompassing the best features of 48 acres of open space woods and wetlands between residential neighborhoods. Although primarily used by Park District residents, its popularity has made it a destination park for other Town residents as well.

#### **3. Library YMCA Trail**

Working with the Clifton Park-Halfmoon Library staff, the Shenendehowa School District, and the Town Highway Department, EDP provided design, plans and permits for a 1750 ± LF accessible multi-use trail from the Library grounds through the Arongen Elementary School grounds and ending at the YMCA. The project involved permitting for filling an old roadway through wetlands that was utilized for a portion of the trail route. This pathway is now a vital link between the growing Town Center District and the Moe Road Multi-Use Trail, which is the main pathway connecting the south with the middle of Town.

#### **4. Town Center Park**

EDP prepared detailed site plans and permits for parking, sidewalks, multi-use trail, pedestrian lighting, landscaping, and a wetland bridge crossing connecting the east and west entrances for the Town's newest park. Construction is currently underway with EDP performing construction and SWPPP inspections.

#### **5. Maalwyck Park (Glenville)**

EDP prepared detailed site plans, specifications and project management for the park's newest additions which included a pavilion with restrooms, playground, picnic area, athletic fields, and a roadway with parking connecting the east and west park entrances. The project included archaeological mitigation coordination with NYS SHPO and the Stockbridge – Munsee Mohican Nation after artifacts were discovered on the project site.



# Town of Clifton Park

## Planning Department

One Town Hall Plaza | Clifton Park, New York 12065 | (518) 371-6054 | FAX: (518) 371-1136

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### Addendum #2

**June 15, 2022 - Response to Questions**

## **RFP Professional Engineering Design Services for 41 Acre Riverview Road Park/Nature Preserve**

We have had the following questions regarding the subject RFP. In bold, please find the Town of Clifton Park's responses.

1. Will review and approval by the Clifton Park Planning Board be required for this project? **No**
2. If Planning Board review and approval is not required, who do you anticipate would be the Lead Agency for the SEQRA review? **Town of Clifton Park Town Board**
3. Are there any utilities (other than the power lines) along Riverview Road that we need to be concerned about? **Not that the Town is currently aware of. No public water and no public sewer lines.**
4. Is the Town expecting written "front end" and technical specs suitable for bidding to be prepared as part of this project or should that be considered as an additional service? **These items can be identified as an additional service.**
5. We are assuming that bidding and construction phase services are not part of this project, correct? **Yes, these would be additional services.**

Resolution No. of 2022, a resolution authorizing a professional services agreement for an appraisal of the Maple Hill Farm Conservation Easement Project.

Introduced by \_\_\_\_\_, who moved its adoption, seconded by \_\_\_\_\_.

WHEREAS, a request for proposals for professional appraisal services were solicited and proposals were opened on June 28, 2022, and

WHEREAS, CNY Pomeroy Appraisers, Inc. submitted the sole proposal in an amount not to exceed \$5,400.00; now, therefore be it

RESOLVED, that the Planning Department is authorized to engage CNY Pomeroy Appraisers, Inc., Manlius, NY for an appraisal per the attached scope of services and proposal dated June 16, 2022; and be it further

RESOLVED, that the comptroller is authorized to pay an amount not to exceed \$5,400.00 with a transfer from Unassigned Fund Balance A-914 to A-8050-15 (General Fund – Open Space, Riverfront, Trails Committee – Other Contractual) for engineering design services.

Memo

To: Town of Clifton Park Town Supervisor and Town Board Members

From: Jennifer Viggiani

Cc: John Scavo  
Tom McCarthy  
Mark Heggen

Date: June 16, 2022

Re: Request Authorization of a Professional Appraiser for the Maple Hill Farm Conservation Easement Project on July 5<sup>th</sup> (pending responses due June 28)

With your support, we would like to request Town Board authorization of a professional appraiser of permanent conservation easements for the Maple Hill Farm project, for the low, qualified bidder at the Tuesday, July 5 Town Board regular meeting, pending the outcome of the responses received by June 28. The responses will be reviewed by town planning staff and the Town Attorney to determine the low, qualified bidder, with a recommendation to be provided to you for your consideration and ultimate decision-making.

The professional appraisal is a requirement of this project and its grant funding from New York State Department of Agriculture & Markets (NYS DAM). The professional appraisal will be prepared for the Town, the landowners and NYS DAM.

The Town of Clifton Park is in the process of advertising the RFQ for Professional Appraisers with a deadline of June 28, 2022, at 5 p.m. The following channels are being utilized:

- Through the Town of Clifton Park's website, [www.cliftonpark.org](http://www.cliftonpark.org); <https://www.cliftonpark.org/document-center/town-clerk/town-clerk-bulletin-board/3923-maple-hill-perm-easement-rfq-due-6-28-22-all/file.html> and,
- Through a Legal Advertisement in the Daily Gazette; and,
- Through direct communication to four (4) appraisers that were known to offer the specialized professional appraisal services requested specifically for evaluating farm property for its permanent conservation easement value.

The deadline for submission of RFQ responses is set for June 28, 2022, at 5 p.m. We will provide a full account of all responses received to the Town Board.

From unassigned fund balance (A-914) to  
- A-~~08050~~<sup>15</sup> (Gen. Fund - Open Space Riverfront  
Trails Committee -  
Other Contractual

## Meg Springli

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**From:** Jennifer Viggiani <JViggiani@cliftonpark.org>  
**Sent:** Wednesday, June 29, 2022 10:09 AM  
**To:** Tom McCarthy; Mark Heggen; John Scavo  
**Cc:** Teresa Brobston; Meg Springli  
**Subject:** Maple Hill Farm Fee Proposal - Professional Appraisal Services - Only Quote Received  
**Attachments:** Clifton Park-Maple Hill Farms Fee Proposal.pdf; Re: Request for Quote for Appraisal of Conservation Easement - Maple Hill Farm in Town of Clifton Park - Purchase of Development Rights Project; RE: Maple Hill Farm Fee Proposal

Good morning,

Attached please find the low bid / only bid for the Professional Appraisers RFP for the Maple Hill Farm Permanent Conservation Easement – NYS DAM Farmland protection project. This is the information you needed for the Town Board resolution for Tuesday, July 5. Thank you for your patience.

The deadline for the Town’s Appraisal RFP was yesterday, June 28, 2022 at 5 p.m. The Town received the following responses to the request for proposals for the Maple Hill Farm Permanent Conservation Easement project – for professional appraisal services:

1. Al DeKrey – responded by email that he appreciated the opportunity, but he is too busy at this time.
2. **Don Fisher of CNY Pomeroy Appraisers, Inc.** responded with a fee proposal for **\$5,400**. He requires either a 50% retainage, or an authorized Purchase Order to begin services, once the agreement is signed. (The 2018 grant budget had estimated \$4,000 for an appraisal.)

No other responses were received through the following outreach measures: direct outreach to four appraisers; a posting on the Town of Clifton Park website; and via a Legal Ad placed in The Daily Gazette.

Please let us know if you need anything else for the Resolution Package to be complete.

Thank you!

Sincerely,

Jen Viggiani  
Town of Clifton Park – Planning Department  
[www.cliftonpark.org](http://www.cliftonpark.org)

## Meg Springli

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**From:** Trish Crysler <tcrysler@cnyappraisers.com>  
**Sent:** Thursday, June 16, 2022 3:18 PM  
**To:** Jennifer Viggiani  
**Cc:** Donald Fisher  
**Subject:** RE: Maple Hill Farm Fee Proposal  
**Attachments:** Clifton Park-Maple Hill Farms Fee Proposal.pdf

Jennifer,

Attached is Don Fisher's fee proposal. Please contact Don directly with any questions or comments regarding his proposal.

Thank you,  
Trish  
for Donald A. Fisher, MAI, ARA ([dfisher@cnyappraisers.com](mailto:dfisher@cnyappraisers.com))

**Trish M. Crysler**

CNY Pomeroy Appraisers, Inc.  
Liberty Square Building  
100 East Seneca Street - Suite 200  
Manlius, New York 13104

(315) 422-7106 Direct  
(315) 471-3111 Work  
[tcrysler@cnyappraisers.com](mailto:tcrysler@cnyappraisers.com)

# CNY Pomeroy Appraisers, Inc.

LIBERTY SQUARE BUILDING  
100 EAST SENECA STREET – SUITE 200  
MANLIUS, NEW YORK 13104  
VOICE 315-471-3111  
FAX 315-471-4009

EMAIL: [JViggiani@cliftonpark.org](mailto:JViggiani@cliftonpark.org)

June 16, 2022

Jennifer Viggiani  
Open Space Coordinator  
Town of Clifton Park – Planning Department  
One Town Hall Plaza  
Clifton Park, New York 12065  
Telephone: 518.371.6054

## Re: FEE PROPOSAL & ASSIGNMENT AGREEMENT

Property Name: Maple Hill Farm  
Street Address: 110 Ashdown Road  
Town, County: Town of Clifton Park, Saratoga County, State of New York  
Tax Map Number: 263.-2-8.1

Dear Ms. Viggiani:

Purpose / Intended Use:	Establish Purchase Price for Conservation Easement
Type of Value:	Market Value Before and After Conservation Easement
Property Rights Appraised:	Fee Simple Before and After Conservation Easement
Date of Appraisal:	Date of Inspection
Owner:	Kurt C. and Juliette Swartz
Client:	Town of Clifton Park
Intended User:	Client: Town of Clifton Park Others: NYS Department of Agriculture and Markets (NYSDAM) Saratoga PLAN (if supposed to be an intended user)  <i>Please identify any additional potential users with your authorization response. Use of this report by anyone not specifically identified or so authorized is not intended by CNY Pomeroy Appraisers. CNY Pomeroy Appraisers is not responsible for distribution of this report beyond authorized users.</i>
Report Type:	Appraisal Report suitable for New York State Department of Agriculture & Markets' Farmland Protection Implementation Grant (FPIG) application purposes.

# CNY Pomeroy Appraisers, Inc.

Valuation Approaches:	All applicable approaches to value will be considered and utilized as appropriate for this assignment.
Previous Services:	We have not performed any appraisal services regarding the subject property within the past three years.
Appraisal Standards:	<ul style="list-style-type: none"> <li>• The Appraisal Institute's Code of Professional Ethics and Standards of Professional Appraisal Practice.</li> <li>• The appraisal guidelines required as outlined by the U. S. Office of the Comptroller of the Currency (OCC) mandating the adherence to the Uniform Standards of Professional Appraisal Practice (USPAP) issued by the Appraisal Standards Board of the Appraisal Foundation.</li> <li>• The NYS Department of Agriculture and Markets' Guidance Document Series for the Farmland Protection Implementation Grant Program's appraisal requirements (dated September 22, 2009).</li> </ul> <p>Your request for proposal did not indicate that the Internal Revenue Service would be an intended user of this appraisal report. If any portion of the value of the conservation easement is to be a donation and the owners will make a claim for that on their income tax return, then an appraisal will likely have to be prepared for that donation which must be dated within 60 days of the date the deed of conservation easement is recorded in the county clerk's office. The Internal Revenue Service's requirements for Determining the Value of Donated Property (IRS Publication 561, Revised April 2007) and U.S. Code of Federal Regulations (CFR) 26, Treasury Regulations Section 1.170A-13(c) for Charitable Contributions and CFR 26, 1.170A-14(h)(3) for Valuation of Perpetual Conservation Restriction. <b><i>Please note that these standards are not being referenced in the appraisal report that would be prepared based on this request for proposals.</i></b> However, we will include discussion and any appropriate analysis in the appraisal about any expectation of enhancement of the buildings on the subject property or to any other Contiguous Family-Owned Parcels (CFOPs) as per Treasury Regulations Section 1.170A-14.</p>
Term of Proposal:	Bid opening on June 28, 2022 at 5:00 PM
Property Description:	A 72.90-acre rural residential property located in the town of Clifton Park that is improved with a 2,151-sf old style residence and several barns and sheds that, according to the assessor's records, have dates of construction ranging from 1850 to 2013 and are in normal to poor condition. The land types consist of a 1.00-acre site, 10 acres of wasteland (wetlands) and 61.90 acres of rear land (although our review of the aerial photograph shows that part of this land is tillage and/or pasture and the western portion is woodland around the wetland area). The property is used as a beef farm with rotational grazing and for the production of maple syrup. Your information also indicated that there is an area in the western end of the property adjacent to the railroad corridor that is recovering vegetation after the removal of a beaver dam across a culvert under the railroad tracks.

# CNY Pomeroy Appraisers, Inc.

<p>Assignment Conditions:</p>	<p>This assignment requires a <i>before and after appraisal</i> analyses to estimate the property's market value before and after the placement of the proposed Conservation Easement.</p> <p>The <i>before appraisal</i> will analyze the potential for development for the subject property which considers road frontage and access along with the demand for rural residential development in the immediate neighborhood. This process may include potentially dividing the property into two or more lots or economic units that may better reflect the typical parcels being purchased in the area for rural residential development. If potential subdivision is to be considered, we will also consider any discounts to gross value estimates that include costs of subdivision and marketing time for the additional lots as required by appraisal standards.</p> <p>The <i>after appraisal</i> analyzes the value of the property without development rights except for the existing Farmstead Area as restricted by the proposed Conservation Easement. There will be a 3-acre farmstead surrounding the farm buildings and residence which will accommodate all residential, processing and retail needs, including room for expansion. A 3-acre Rural Enterprise Area is also to be designated for future use which will allow for additional retail if a future owner desires a farmstand on either bounding road to capture the heavy commuter traffic flow.</p> <p>The difference between the two appraised values will represent the value for the development rights to be extinguished on the subject property.</p> <p>We have completed several appraisals for Saratoga PLAN for conservation easement purposes over the past few years and are familiar with what that agency requires in the appraisal reports. Since we noticed that some of the documents you provided were prepared by Saratoga PLAN, we assume that you will be requiring this appraisal report to be prepared in a similar format.</p>
<p><b>Appraisal Fee:</b></p>	<p><b>\$5,400</b></p>
<p>Expenses:</p>	<p>Fee for appraisal report includes all associated expenses.</p>
<p>Appraisal Fee Payment:</p>	<p>Retainer of 50% of Fee equals <b>\$2,700</b> before commencing work.</p> <p>If an invoice for the retainer amount is required to process a payment, please let us know with your response and we will send an invoice out immediately in order to not delay this assignment.</p> <p>Balance payable immediately prior to Report's delivery (we will notify you and send an invoice for the balance due when the Report will be ready to send out so balance of the fee can be sent).</p> <p>If your organization cannot pay a retainer, please provide a copy of a purchase order for the stated fee amount with your authorization.</p>

# CNY Pomeroy Appraisers, Inc.

<p>Qualifications  (Addressing requested experience in RFP):</p>	<ul style="list-style-type: none"><li>• I have been awarded both the MAI designation by the Appraisal Institute (1984) and the ARA (Accredited Rural Appraiser) designation by the American Society of Farm Managers and Rural Appraisers (1981). I also have the Certified General Real Estate Appraiser's license since 1991 (year licensing was enacted). I am current with continuing education requirements for all three entities.</li><li>• I have been appraising all types of rural land and improved properties in Upstate New York for over 47 years and have been working on conservation easement assignments for over 40 years. I have completed over 1,000 appraisals of dairy, beef, livestock, poultry, horse, crop farms, and have completed over 500 appraisals of conservation easements, including over 100 appraisals in compliance with the NYSDAM Farmland Protection Implementation Grant (FPIG) program that were in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP) and over 25 appraisals for the US Department of The Army's Army Compatible Use Buffer Program (ACUB) which require the Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA) compliance. I have authored articles on the appraisals of agricultural properties and have written and taught seminars on the valuation of agricultural properties and the valuation of conservation easements.</li><li>• Several of the appraisals that were initially completed for agricultural conservation easements lead to appraisals that had to meet Internal Revenue Service requirements for conservation easement donations; I have completed over 100 appraisals that were submitted to the IRS on all types of conservation easements.</li><li>• I authored a paper entitled "Conservation Easements: A Review of Alternative Valuation Methods" which was published in the Journal of Property Economics that was co-published by the American Society of Appraisers, American Society of Farm Managers and Rural Appraisers, International Associations of Assessing Officers, and National Association of Independent Fee Appraisers in 2004. Another paper written by me was entitled "An Environmental Trade Case Study: Agricultural Conservation Easement Pays Off Environmental Penalty" was published in the Journal of the ASFMRA in 2011 and received the Gold Quill Award for best paper that year.</li><li>• I have been providing appraisals that were required to be in compliance with the FPIG program since its inception following the passage of the 1996 Clean Water / Clean Air Act; estimated at over 125 appraisals to date.</li><li>• Since being awarded each professional designation and earning my State appraiser license, I have stayed current with continuing education requirements which has included seminars and multiple-day courses on IRS requirements, conservation easements, partial property rights, all types of farm and rural properties, utility line easements, restricted access properties, and USPAP and UASFLA appraisal standards. I completed the updated UASFLA Sixth Edition course in 2018 which included passing its examination and regularly the USPAP update course in 2019.</li></ul> <p>My curriculum vitae is attached for a review of my overall experience including publications, seminars taught, professional association experience and related appraisal involvement.</p>
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# CNY Pomeroy Appraisers, Inc.

Review Period:	We understand that you will want to review the completed appraisal. Responses to reviewer questions within 10 days of delivery of the appraisal report will be addressed as part of this original assignment. However, review questions submitted after 10 days from delivery, as well as the introduction of new information that may alter the appraisal analysis and valuation conclusions, will be charged at the hourly rates listed in the attached "Appraisal Assignment Terms and Conditions."
Consulting & Court Fees:	See attached <i>Appraisal Assignment Terms and Conditions</i> .
Property Documents Needed:	See attached list of <i>Property Documents Requested</i> .
Delivery Time:	60 Days After Requested Documents Have Been Provided.
Number of Report Copies:	Electronic / Adobe PDF copy. <i>Notify us before completion of assignment if additional report copies will be required; Copies ordered after initial delivery of final report will be invoiced at cost of copying.</i>
Appraisal Authorization:	Signature of person responsible for payment of these services and retainer stated previously – see signature section at end of this Fee Proposal and Assignment Agreement. Or Standard contract incorporating these terms and conditions and retainer stated previously.

# CNY Pomeroy Appraisers, Inc.

## PROPERTY DOCUMENTS REQUESTED

The attached list of Property Documents will be needed, if available, and are requested to be provided with the signed authorization (unless already provided). This list of documents is considered to be part of this Fee Proposal and Assignment Agreement.

- A. A copy of the deed(s) and any other records of title transfer, including all easements encumbering the property (e.g., utility and conservation easements, land use restrictions, building use restrictions, etc.)
- B. Copy of proposed Deed of Conservation Easement and/or itemized list of ownership rights that will be transferred, extinguished, restricted and/or benefitted by the proposed conservation easement
- C. Copies of any listings and/or purchase offers within the past three years on all or part of the property being appraised
- D. Copies of all appraisals prepared on the subject property within the past ten years
- E. A copy of the property survey and/or other property maps and aerial photographs
- F. All available maps and site plans for the subject
- G. Copies of the Soil Group Worksheets (usually prepared by Natural Resource Conservation Service for the assessor to use for agricultural land exemptions)
- H. Copy of the completed Farmland Protection Program application
- I. Copies of any leases currently in effect including gas and/or subsurface mineral rights leases
- J. Environmental audits or statement certifying the absence and/or presence of any known hazardous substances on the site – itemized by type or material (we understand that environmental audits are not typically available for this property type, however, if one exists, we would like to have a copy of it)

# CNY Pomeroy Appraisers, Inc.

## APPRAISAL ASSIGNMENT TERMS AND CONDITIONS

The attached *Appraisal Assignment Terms and Conditions* are also considered to be applicable to this *Fee Proposal and Assignment Agreement*.

Thank you for your confidence in our services. If there is anything you would like to discuss further, please call at your convenience.

Very truly yours,

CNY POMEROY APPRAISERS, INC.



Donald A. Fisher, MAI, ARA  
[dfisher@cnyappraisers.com](mailto:dfisher@cnyappraisers.com)

DAF/tc

AUTHORIZED BY:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

# CNY Pomeroy Appraisers, Inc.

## APPRAISAL ASSIGNMENT TERMS AND CONDITIONS

1. The Client is identified as the party signing this Fee Proposal & Assignment Agreement and is responsible for payment of the fees stipulated in this Agreement unless a separate party (e.g. property owner) is specifically identified prior to commencement of work. The fee and any related assignment expenses are not contingent upon any predetermined value or on any action resulting from the analyses, conclusions and/or use of the appraisal report. The appraiser or appraisers who will complete this appraisal assignment are collectively referred to as CNY Pomeroy Appraisers, Inc. or "CNY Pomeroy Appraisers" for this Agreement.
2. **Consulting, Review, Preparation and Court Fees:** The above fee does not include post-appraisal consulting services (e.g. reviewing other reports, considering supplemental information or alternative scenarios, post-appraisal discussions or any activities not directly related to the preparation of the appraisal report) or preparation and appearance in court or other situations requiring testimony or representation for the appraisal report. The above fee also does not include additional valuation scenarios or other projections outside of the scope of the appraisal assignment described in this Fee Proposal. The above fee also does not include the time to respond to review questions after 10 days from delivery of the appraisal report. Such time, if required, will be charged at the current rate schedule in effect at the time the services are provided. The following table identifies our current hourly rates for consulting and court testimony services (rates are subject to change if requested one year or later from date of this Fee Proposal and Assignment Agreement):

Appraiser	Trial Preparation and Testimony Rates
Susan D. Baldwin, MAI, AI-GRS	\$350 per hour plus out-of-pocket expenses
Donald A. Fisher, MAI, ARA	\$350 per hour plus out-of-pocket expenses
Staff appraisers (as applicable)	\$100 to \$200 per hour plus out-of-pocket expenses

3. We require a minimum of 45 days' notice to confirm our availability for any appearances required for expert witness testimony and/or any other associated post-appraisal work, including pre-trial conferences, reviews of opposition appraisals and work product, and all other related professional services for any litigation or litigation-type requirements.
4. If the Client requests additional services beyond the scope and purpose identified in this Agreement, the Client agrees to pay an additional fee for those services based on our current hourly rates in effect at the time of the completed work.
5. Use of this report by anyone not specifically identified or so authorized in this Fee Proposal & Assignment Agreement is not intended by CNY Pomeroy Appraisers. CNY Pomeroy Appraisers is not responsible for distribution of this report beyond authorized users.
6. CNY Pomeroy Appraisers have extensive valuation experience in all types of land and improved properties found throughout Upstate New York, including properties similar to the parcel described herein. Information describing some of the experiences of CNY Pomeroy Appraisers and its principal members, including curriculum vitae of each member, can be viewed on the firm's website at <http://cnyappraisers.com>.
7. If applicable, an appraisal report prepared in a **summary (abbreviated) format** can be provided initially if negotiations for a reasonable settlement are still a possibility and/or if you do not currently require full details of the property and of the valuation analyses are not required for your needs at this time. While including the same degree of market research and valuation analysis, the property's description and details of the various valuation methods are summarized and will not include all explanations and supporting documentation. We do retain all such documentation in our files for future needs, if required for future purposes. Alternatively, we can provide an appraisal report prepared in a **self-contained (fully-documented) format** suitable for financing or court testimony instead of the summary appraisal report. The summary appraisal report can be expanded to a self-contained appraisal report, as of the same valuation date of the original appraisal, for an additional fee. However, if the completion of the follow-up self-contained appraisal report requires a second inspection of the property for a new valuation date and/or if additional market research will be required, then the fee will have to be re-negotiated dependent upon how much additional time will be required. The summary appraisal report is **never** adequate for court testimony purposes. A self-contained appraisal report must be prepared prior to any court appearance. CNY Pomeroy Appraisers will not appear for court testimony or deposition without a self-contained appraisal report having been prepared. If a court appearance is likely, we must be notified a minimum of 45 days prior to the appraisal report exchange date or the trial date, whichever is first, to provide adequate time to prepare a self-contained (court acceptable) appraisal report.

# CNY Pomeroy Appraisers, Inc.

8. Copies of the "**Assumptions and Limiting Conditions**" and the appraiser's "**Certification**" that will be included in the final appraisal report can be provided for your review upon request. The appraisal report to be prepared for this assignment will be subject to these limiting conditions as well as any other conditions deemed appropriate as our investigation and research progresses. If you have questions or concerns involving any of these items, please inquire for a more detailed explanation.
9. The following statements are some of those that are included in the **Certification** that will be part of the appraisal report.
  - a. The reported analyses, opinions, and conclusions are limited only by the reported assumptions, limiting conditions, and legal instructions, and are the personal, unbiased professional analyses, opinions, and conclusions of the appraiser.
  - b. We have no present or prospective interest in the property that is the subject of this report, and we have no personal interest with respect to the parties involved.
  - c. Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the Client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
  - d. The compensation received by the appraiser for the appraisal is not contingent on the analyses, opinions, or conclusions reached or reported.
  - e. We have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
  - f. The appraisal was made and the appraisal report prepared in conformity with the Appraisal Foundation's Uniform Standards for Professional Appraisal Practice.
  - g. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
  - h. We are not responsible for the electronic sharing, or sharing in any form, of this appraisal report.
  - i. Extraordinary assumptions and hypothetical conditions that are necessary to provide a credible value conclusion for this assignment are identified and explained.
  - j. As of the date of this report the principle signer of the appraisal report has completed the requirements under the education programs of the Appraisal Institute and the State of New York.
  - k. The Client should note that the report prepared for this assignment is an opinion of value by the appraiser; that a Court, State or Federal agency, including the Internal Revenue Service, that reviews this report may disagree with or reject this opinion; and that the appraisers cannot guarantee the outcome of or be financially responsible to the Client for any taxes, penalties or interest imposed that may result from such review.
10. If the Client chooses to cancel this Assignment prior to delivery of the completed appraisal report, the Client will be required to pay the pro-rated share of the fee based upon the percent of the work completed and expenses incurred; a minimum fee of \$500 will be charged for any assignments cancelled after work has begun.
11. CNY Pomeroy Appraisers shall have the right to terminate this Agreement for cause at any time, effective immediately by written notice to the Client, upon the occurrence of fraud or willful misconduct of the Client, its employees or agents.
12. This Fee Proposal and Assignment Agreement specifies the number of hard (paper) copies of the completed appraisal report that is to be provided to the Client. If additional copies of the appraisal report are later requested, such copies will be charged at a cost of \$200 per original color copy and \$100 per black and white copy, plus shipping costs.
13. **Late Fees:** Accounts that are more than thirty (30) days past due are subject to finance charges of 2.0% per month. Any payments made in satisfaction of this debt will be applied first to the amount of interest due and then to the principal. Accounts subject to collection will require the Client to pay all reasonable attorney and/or collection charges in addition to any late charges.

# CNY Pomeroy Appraisers, Inc.

14. Statements of fact incorporated in the appraisal report which are used for developing CNY Pomeroy Appraisers' analyses, opinions and conclusions are true and correct to the best of CNY Pomeroy Appraisers' knowledge and understanding. CNY Pomeroy Appraisers is not making expressed or implied warranties or representations of the accuracy of completeness of the material furnished by the Client. All data and documents compiled in the preparation of this appraisal, except for documents and information furnished by the Client that are unavailable from alternative sources, and the report prepared per this Agreement are the property of CNY Pomeroy Appraisers, Inc. CNY Pomeroy Appraisers will not violate the confidential nature of any data and documents provided by the Client. However, by this Agreement Client does permit CNY Pomeroy Appraisers to disclose any or all of the appraisal report to the authorized representatives of the Appraisal Institute, New York State Department of State, or other involved professional organizations if such disclosure is required in order for the appraisers to comply with professional obligations.
15. CNY Pomeroy Appraisers will accept no responsibility for legal matters, legal title, survey, engineering, soil or subsoil conditions, or other technical issues, and the appraisal report should not be considered to consist of a survey of the appraised property.
16. If an **environmental audit** was not provided by the Client for the subject property, and if the owner did not provide any information as to the presence of any contamination by hazardous materials on the subject property, then this appraisal report will value the subject property as if environmentally clean unless specifically stated otherwise as part of this Assignment. It has also been our observations that properties used for commercial, industrial, agricultural, forestry, mining and other purposes may have one or more sites designated for transferring chemicals (fuels, fertilizers, herbicides, pesticides, etc.) or dumping of discarded materials that may be contaminated from spilled chemicals. No study will separately be made of the subject area, nor will there be any detailed research conducted by the appraiser investigating the existence of any such contamination affecting the subject property, unless specifically stated as part of the scope of work for this assignment. The appraisers cannot render any professional opinions on the environmental cleanliness of the subject property or comparable sales (unless otherwise noted from our physical inspections). As a result, the valuation scenario that the property is environmentally clean may be identified as an **extraordinary assumption** under the Uniform Standards of Professional Appraisal Practice (SR 1-2(f)) because such an assumption is required to properly develop a credible opinion, it is supported with market data which serves as a reasonable basis and it results in a credible analysis. If this extraordinary assumption was not to be adopted, then it is possible the subject property could have a lower *market value*, especially if environmental contamination was thought to actually or potentially exist on the subject property. The amount of change in value would be dependent upon the type and extent on any such contamination.
17. CNY Pomeroy Appraisers understands that there are no significant deferred maintenance issues which would require the examination of a separate professional entity or, if such repairs are needed, that such cost estimates will be prepared by other such entities that are not part of this Fee Proposal and Assignment Agreement.
18. The Client shall indemnify and hold CNY Pomeroy Appraisers, Inc. completely harmless against any claims, loss, damages, or expenses of any kind, including costs and attorneys' fees, incurred by Client or any third party resulting from the negligence or intentional acts or omissions of the Client for any reason and for which recovery is pursued against CNY Pomeroy Appraisers, Inc. by such entities. Client shall hold CNY Pomeroy Appraisers harmless from any claims or actions occurring because of Client's failure to provide a complete copy of the appraisal report to any authorized intended user.
19. The Client should note that the report prepared for this assignment is an opinion of value by the appraisers; that a Court, State or Federal agency, including the Internal Revenue Service, that reviews this report may disagree with or reject this opinion; and that the appraiser cannot guarantee the outcome of or be financially responsible to the Client for any taxes, penalties, fines, charges, interest or any other monetary costs imposed that may result from such review.
20. The Federal Identification Number for CNY Pomeroy Appraisers, Inc. is #16-1531357. CNY Pomeroy Appraisers DUNs number is #066801382.

# CNY Pomeroy Appraisers, Inc.

## **QUALIFICATIONS OF DONALD A. FISHER, MAI, ARA:**

### **EMPLOYMENT HISTORY:**

2016-Current: Executive Vice President – CNY Pomeroy Appraisers, Inc.  
1994-2015: President - Pomeroy Appraisal Associates, Inc.  
1986-1994: Executive Vice-President - Pomeroy Appraisal Associates, Inc.  
1984-1986: Vice-President / Secretary - Pomeroy Appraisal Associates, Inc.  
1974-1984: Staff Appraiser - Pomeroy Appraisal Associates, Inc.

### **EDUCATION:**

Cornell University: Bachelor of Science – College of Agriculture & Life Sciences  
Syracuse University: graduate studies  
Appraisal Institute: appraisal valuation courses and seminars  
American Society of Farm Managers & Rural Appraisers: appraisal valuation courses & seminars  
International Right-of-Way Association: appraisal courses and seminars  
NYS Assessors Association: appraisal courses and seminars

### **PROFESSIONAL DESIGNATIONS:**

MAI #6935 Appraisal Institute  
*Member, Appraisal Institute (MAI) designation is awarded by the Appraisal Institute to those members who have years of experience, are technically trained, have passed a rigid examination and subscribe to a high code of ethics.*

ARA #623 American Society of Farm Managers & Rural Appraisers [ASFMRA]  
*I hold the Accredited Rural Appraiser (ARA) designation which is awarded by the American Society of Farm Managers & Rural Appraisers to those members who have years of experience, are technically trained, have passed a rigid examination and subscribe to a high code of ethics.*

### **PROFESSIONAL AFFILIATIONS:**

#### **Appraisal Institute (1979-present)**

Chapter Committees: AIREA/SREA Unification (1991-92), Regional Standards Panel (1986-91), Chapter Admissions, Chairperson (1987-89), Admissions (1985-1989)  
Chapter Offices: President (1/1/2011-12/31/2012 [2-yr. term]), President-Elect (2010), Treasurer (2009), Secretary (2008), Treasurer (1992), Secretary (1991), Director (1990)

#### **American Society of Farm Managers & Rural Appraisers (1975-present)**

National Committees: Editorial Co-Chair (1998-2002) and Chair (2002-2017); National Appraisal Review Committee Chair (1988-94); Executive Council (1995-98); Report Writing Seminar Development (2022-present); Ethics & Standards Task Force (2009-2010); Publications Commission Chair, Valuation 2000 (1998-2000); By-Laws (1980-81); Young Professionals (1981-84); Appraisal Manual (1984-85); Regional Membership (1985-1988); Rural Appraisal Book (1993-1995); Long Range Planning (1995); Annual Meeting (1997 & 1999); The Appraisal Foundation Advisory Council (2002-04); Strategic Planning Task Force (2003-04); Recognized for 40-Year Membership (2018)

National Office: District I Vice President (1995-1998)

Chapter (Northeast) Offices: Secretary-Treasurer (1979-89); Vice-President (1989-91); President (1991-93); Director (1993-96); Audit Committee (2020-2022)

#### **International Right-of-Way Association - Chapter #18 (1982-present)**

#### **International Association of Assessing Officers (1999-present)**

New York State Assessors Association, Inc.

Past Regional Advisor - State Board of Real Estate Appraisal

# CNY Pomeroy Appraisers, Inc.

## LICENSES AND CERTIFICATIONS:

Certified by Appraisal Institute through December 31, 2023  
Certified by ASFMRA through December 31, 2022  
NYS Certified General Appraiser #46-000000060 (1991 to present)  
Certified by NY Department of State through October 7, 2023  
Certificate of Completion – Valuation of Conservation Easements course – AI/ASFMRA/ASA (2008)  
Certificate of Completion – Yellow Book – Uniform Appraisal Standards for Federal Land Acquisitions  
–ASFMRA (2006 and 2018)  
NYS Consultant Appraiser - New York State (1978 to present)  
NYS Qualified Appraisal Course Instructor – all appraisal course levels (1991 to present)  
Certificate of Appreciation - Appraisal Review Committee Chairman (6 years)  
Certificate of Appreciation – Editorial Committee Chairman (19 years)  
NYS Notary Public

## AWARDS:

G. Richard Kelley Memorial Award (formerly President's Award)- 2014, presented by Upstate  
New York Chapter, Appraisal Institute  
Appraisal Professional of the Year by ASFMRA - 2012  
Gold Quill Award for Journalism from ASFMRA – 1985 and 2011  
Volunteer of the Year Award – ASFMRA - 2017  
Silver Plow Award - 10+ years as Chapter Secretary/Treasurer from ASFMRA (1989)  
Silver Cow Award for Contribution to Agribusiness from Onondaga County Dairy Promotion  
Committee (1999)

## PUBLICATIONS:

"A Case Study of Upstate New York Landlocked and Restricted Access Land Values" – Journal of the  
ASFMRA, May 2020  
"An Environmental Trade Case Study: Agricultural Conservation Easement Pays Off Environmental  
Penalty" –Journal of the ASFMRA, June 2011 (ASFMRA 2011 Gold Quill Award)  
"Is Your Forest Land Fairly Assessed?" – Empire Envoy, Empire State Forest Products Association, Vol. 97,  
No. 5, August 2004  
"Conservation Easements: A Review of Alternative Valuation Methods" – Journal of Property Economics,  
co-published by American Society of Appraisers, American Society of Farm Managers and Rural  
Appraisers, International Association of Assessing Officers and National Association of  
Independent Fee Appraisers, Volume 1, Issue 1, 2004  
The Appraisal of Rural Property, 2<sup>nd</sup> Edition, 2000, co-published by ASFMRA and Appraisal Institute – Dairy  
Farm Chapter  
"Timberland Assessments" – Farming, January 2001  
"Gas Pipelines: Are They a Detriment or an Enhancement for Crops?" Journal of ASFMRA, 2000;  
republished in International Right-of-Way Magazine, Dec. 2000  
"Timberland Valuation" – CFA News, Catskill Forest Association, Inc., Fall 1999  
"Understanding Development Rights from Both the Appraiser and Consultant Perspective" Seminar for  
ASFMRA, May 1997  
"Farm Assessment Problems" (5-part series) - New York Farmer, 1996-1997  
"Conservation Easements & Valuation Issues" - Appraisal Views, Valuation International, Ltd., 2<sup>nd</sup> Quarter,  
1996  
Rural Appraisal Manual, ASFMRA, 6<sup>th</sup> Edition, 1986 - Revision Committee  
"Using the Income Approach for Specialized Agricultural Properties"-Journal of the ASFMRA, April 1985  
(ASFMRA 1985 Gold Quill Award)  
"Do You Need a Professional Appraiser?" - American Agriculturist, January 1983

# CNY Pomeroy Appraisers, Inc.

## *TEACHING AND LECTURING EXPERIENCE:*

Upstate NY Chapter (Appraisal Institute): Valuations in Indian Land Claims, Eminent Domain Analysis, Catastrophic Event, Natural (Tourist) Attraction, Current Use v. Highest and Best Use, Land Under Elevated Highway, Avigation Easements, Wind Development Rights, Utility Easements, Determination of Economic Units, Market Value Impact from Solar Systems on Residential Properties, Effects of Stigma, Landlocked and Restricted Access Land

ASFMRA & Northeast Chapter: Agricultural Valuation, Conservation Easements, Avigation Easements, Wind Development Rights, Dairy Farms, Cost Approach; Utility Easements

ASFMRA Ohio Chapter: Conservation Easements

International Right-of-Way Association Chapter 18: Conservation Easement Valuation, Avigation Easements, Wind Development Rights, Effects of Stigma, Landlocked and Restricted Access Land

NYS Assessors Association: Farm Valuation, Income Capitalization Approach, Conservation Easement Valuation, Waterfront Valuation, Mini-Marts and Convenience Stores, Partial Interests Valuation, Appraisal Report Review, Mixed-Use Property Valuation

NYS Association of County Directors: Conservation Easements: Alternative Valuation Methods

Cornell Cooperative Extension: Farm Assessment Problems, Agricultural Conservation Easements

Cornell University: Appraisal Issues, Eminent Domain, Conservation Easements, Indian Land Claims

Federal Land Bank: Highest & Best Use Analysis

US Army / Tug Hill Tomorrow Land Trust / Ducks Unlimited: Fort Drum Army Compatible Use Buffer Program (2012): Conservation Easements

New York Farm Show / Woodsmen's Field Days (2010, 2011, 2012): Conservation Easements

Ohio State University: Conservation Easement Valuation

Onondaga Community College: Real Estate Principles

Onondaga County Assessors Assoc.: Farm Valuation, Conservation Easements, Convenience Stores, Property Classifications and Current Use v. Highest and Best Use Issues

## *COURT EXPERIENCE:*

Testified before US Federal District Court\*; NY State Court of Claims; NY State Supreme Court^; Massachusetts Court; Commissions and Hearings throughout NY State;

^2010 NY Court of Appeals favorable decision on current use valuation certiorari project (Gordon v. Town of Esopus);

2 Appellate Division favorable decisions on current use and economic unit valuation for certiorari (Adirondack Mountain Reserve v. Towns of Keene and North Hudson; Corvetti v. Town of Lake Pleasant)

\*1981 Oneida Nation Land Claim was reviewed and upheld by the US Supreme Court (March 1984)

## *PROFESSIONAL EXPERIENCE:*

Career responsibilities bridge a wide scope of public, institutional and private assignments dealing with eminent domain, mortgage financing, tax matters, zoning, easements, estate planning, and general valuation questions. Projects include Indian land claims, rights-of-way acquisition, railroad valuation, urban redevelopment, waste disposal, water use and hydro-power valuation matters, watersheds, airports, pipeline and powerline corridors, agricultural crop analysis, and environmental analysis. Assignments have dealt with office buildings, shopping centers, most types of commercial and industrial properties, apartment complexes, hotels and motels, churches, schools, all types of agricultural properties, timberland, freshwater and tidal wetlands, all types of recreational and residential properties, conservation easements, and utility line easements.

# CNY Pomeroy Appraisers, Inc.

## COMMUNITY ACTIVITIES:

- Onondaga County Waste-to-Energy Facility: Citizens Advisory Committee (1991-2000), Chairman (1993-1994); Property Value Stabilization, Sub-Committee Chairman (1991-2000)
- Town of Onondaga: Environmental Advisory Council (1976-81); Fire Training Center Bylaws (Chairman 1986); Length Of Service Awards Program (Town Committee Chairman 1989-91, 2000-02, 2004-05, 2017-18, 2019)
- Onondaga Central Schools Committees: Facilities Advisory (1989-90); Citizens Advisory (1994-96); Building Planning (1994-96); Facilities Development (1997); Academic/Building Advisory (2000-2003); Capital Project Advisory (2005-12); Citizens' Budget Advisory (2015-16)
- St. Camillus Health & Rehabilitation Center: Trustee (1987-1992); Development Comm. (1990-1992)
- Cornell University: Alumni Admissions Ambassador Network (1989-2006); Alumni Career Link (1989-present)
- South Onondaga Fire Department: Member (1970-present); President (1978-85, 1989-94, 2000-2014); Immediate Past President (2014-2023); Director (1985-87; 1988-89; 1994-2000); supervised new fire station construction (1990-91); Life Member (since 2004); Length of Service Awards Program Trustee/Administrator (1989-present)
- Onondaga County Volunteer Firemen's Association Red Jacket Distinction Award - 2012
- New York State Emergency Medical Technician for over 30 years
- Corpus Christi Catholic Church: Building Committee (1991-92); Lector (2006-2016)
- South Onondaga Water District – proposed and approved (2000-01)

UNIQUE ID NUMBER 46000000060	State of New York Department of State <b>DIVISION OF LICENSING SERVICES</b>	FOR OFFICE USE ONLY Control No. 1544461
PURSUANT TO THE PROVISIONS OF ARTICLE 6E OF THE EXECUTIVE LAW AS IT RELATES TO R. E. APPRAISERS:		EFFECTIVE DATE MO 10 DAY 08 YR 21
FISHER DONALD A C/O POMEROY APPRAISAL ASSOCIAT LIBERTY SQUARE 100 EAST SENECA ST MANLIUS, NY 13104		EXPIRATION DATE MO 10 DAY 07 YR 23
HAS BEEN DULY CERTIFIED TO TRANSACT BUSINESS AS A R. E. GENERAL APPRAISER		
<small>If Where Witness, The Department of State has caused its official seal to be hereunto affixed.</small> <b>ROSSANA ROSADD</b> <b>SECRETARY OF STATE</b>		
<small>008-1088 (Rev. 3/01)</small>		

## Meg Springli

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**From:** Al DeKrey <al@mcgrathandco.com>  
**Sent:** Thursday, June 16, 2022 10:39 AM  
**To:** Jennifer Viggiani  
**Subject:** Re: Request for Quote for Appraisal of Conservation Easement - Maple Hill Farm in Town of Clifton Park - Purchase of Development Rights Project

Hi Jennifer - I am over the moon busy, so will have to pass on this one. But thanks for contacting me.

Al DeKrey

On Tue, Jun 14, 2022 at 2:38 PM Jennifer Viggiani <[JViggiani@cliftonpark.org](mailto:JViggiani@cliftonpark.org)> wrote:

Good afternoon, Mr. DeKrey,

Attached please find the Town of Clifton Park's kind request for an appraisal quote for a 72-acre farm in the Town of Clifton Park. We have a NYS DAM FPIG Round 18 grant, and a small Saratoga County grant towards this great project.

We hope you'll have time to consider sending us your interest and quote. Please let us know if you need any additional information.

Have a great afternoon!

Sincerely,

Jennifer Viggiani

Open Space Coordinator  
Town of Clifton Park – Planning Department

One Town Hall Plaza

Clifton Park, NY 12065

[www.cliftonpark.org](http://www.cliftonpark.org)

[www.cliftonparkopenspaces.org](http://www.cliftonparkopenspaces.org)

518-371-6054

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Please note the new address below.

Al DeKrey, MAI  
SCGRE A No. 46-8839  
Senior Vice-President  
McGrath & Company, Inc.  
1028 Main Street  
Fishkill, NY 12524  
845 896 5777  
845 896 5340 (fax)

[al@mcgrathandco.com](mailto:al@mcgrathandco.com)

Resolution No. \_\_\_\_\_ of 2022, a resolution hiring Water Safety Instructors for the Country Knolls Pool for the 2022 season.

Introduced by \_\_\_\_\_, who moved its adoption, seconded by \_\_\_\_\_.

WHEREAS, the Town Board wishes to hire additional qualified staff members for operation of the Town's pools, and

WHEREAS, Supervisor Barrett has recommended individuals listed in the attached Schedule A be hired to staff the Town Pools as indicated; now therefore be it

RESOLVED, that the individuals listed in the attached Schedule A be hired as seasonal staff for the Town Pools, as noted through the end of the 2022 pool season; and be it further

RESOLVED, that the individuals be paid as indicated on Schedule A, effective immediately.

## Schedule A

### WSI Hires A-7310-E4575 (General Fund - Summer Recreation - LTS Instructors)

First	Last	Street	Title	2022 Step	Rate
Sara	Casale	3 Tamian Pass	Water Safety Instructor	2	\$15.85
Mia	Scott	8 Hilltop Hollow Dr	Water Safety Instructor	2	\$15.85
Samantha	Kilian	52 Outlook Dr S	Water Safety Instructor	2	\$15.85
Emery	VanHeusen	8 Morningdale Ct	Water Safety Instructor	2	\$15.85
Rachel	Hughes-Robillard	52 Sterling Heights Drive	Water Safety Instructor	2	\$15.85
Sophie	Silaika	39 Addison Way	Water Safety Instructor	2	\$15.85
Maureen	Fieldhouse	21 Outlet Rd	Water Safety Instructor	3	\$16.10
Catherine	Wang	21 Stablegate Drive	Water Safety Instructor	1	\$15.60
Sean	Michalek	42 Jamison Drive	Water Safety Instructor	1	\$15.60
Carlie	Pazderski	42 Oregon Trail	Water Safety Instructor	1	\$15.60
Amanda Cassan	Tsakaloyannis	24 Fairview Ln	Water Safety Instructor	1	\$15.60
Katrina	Ryan	18 Goldfield Lane	Water Safety Instructor	1	\$15.60
Tyler	Jung	17 Trevor Ct	Water Safety Instructor	1	\$15.60

**Meg Springli**

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**From:** Town of Clifton Park <noreply@cliftonpark.org>  
**Sent:** Monday, June 27, 2022 12:23 PM  
**To:** Meg Springli  
**Cc:** Jean, Spiegel; Mark Heggen  
**Subject:** Resolution Request for TB Meeting: 07-05-2022 Parks, Recreation, and Community Affairs

An item has been submitted to the Resolution Request form for review.

**Department:** Parks, Recreation, and Community Affairs  
**Your email:** [astandaert@cliftonpark.org](mailto:astandaert@cliftonpark.org)

**Sponsor/Contact as shown on the agenda (i.e. P. Barrett, A. Standaert, D. Bull, etc.):** A. Standaert, L. Walowit

**Requested Meeting Date:** 07-05-2022

**Brief Description:** a resolution hiring returning and new American Red Cross Water Safety Instructors to conduct swim lessons at town owned pools

**Budget #:** <sup>730</sup> ~~A-734~~-E4575  
**Budget Description:** Summer Recreation, Swim Instructors  
**\$ Amount:** unknown

**Additional Comments/Details:** A training class is currently being conducted for the new hires. Diana Fraser anticipates having the final hiring list available Thursday, June 30th. Any questions regarding the specific hires, salaries, and starting dates should be directed to Diana Fraser

**COMPTROLLER APPROVAL or Comments:**

**ATTORNEY APPROVAL or Comments:**

## Meg Springli

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**From:** Mark Heggen <mheggen@cliftonpark.org>  
**Sent:** Monday, June 27, 2022 12:29 PM  
**To:** Meg Springli  
**Cc:** Jean, Spiegel  
**Subject:** RE: Resolution Request for TB Meeting: 07-05-2022 Parks, Recreation, and Community Affairs

Meg,

The account to be charged is = A-07310-E4575 (General Fund – Summer Recreation – LTS Instructors)

Mark

**Mark E. Heggen, CPA**  
Town Comptroller  
Town of Clifton Park  
One Town Hall Plaza  
Clifton Park, NY 12065

Telephone – 518-371-6651  
Fax – 518-371-1136

[mheggen@cliftonpark.org](mailto:mheggen@cliftonpark.org)

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**From:** Town of Clifton Park <noreply@cliftonpark.org>  
**Sent:** Monday, June 27, 2022 12:23 PM  
**To:** Meg Springli <mspringli@cliftonpark.org>  
**Cc:** Jean, Spiegel <JSpiegel@cliftonpark.org>; Mark Heggen <mheggen@cliftonpark.org>  
**Subject:** Resolution Request for TB Meeting: 07-05-2022 Parks, Recreation, and Community Affairs

An item has been submitted to the Resolution Request form for review.

**Department:** Parks, Recreation, and Community Affairs  
**Your email:** [astandaert@cliftonpark.org](mailto:astandaert@cliftonpark.org)

**Sponsor/Contact as shown on the agenda (i.e. P. Barrett, A. Standaert, D. Bull, etc.):** A. Standaert, L. Walowit

**Requested Meeting Date:** 07-05-2022

**Brief Description:** a resolution hiring returning and new American Red Cross Water Safety Instructors to conduct swim lessons at town owned pools

**Budget #:** A-7341-E4575  
**Budget Description:** Summer Recreation, Swim Instructors  
**\$ Amount:** unknown

**Additional Comments/Details:** A training class is currently being conducted for the new hires. Diana Fraser

anticipates having the final hiring list available Thursday, June 30th. Any questions regarding the specific hires, salaries, and starting dates should be directed to Diana Fraser

**COMPTROLLER APPROVAL or Comments:**

**ATTORNEY APPROVAL or Comments:**

Resolution No. \_\_\_\_\_ of 2022, a resolution authorizing the installation of two 10 x 12 gazebos for the Bocci Courts at the Clifton Park Senior Community Center

Introduced by \_\_\_\_\_, who moved its adoption, seconded by \_\_\_\_\_.

WHEREAS, by Resolution No. 179 of 2022, the Town Board accepted an anonymous a donation of two 10 x 12 cedar gazebos to provide shade at the Senior Community Center, and

WHEREAS, the Town Board wishes to have two gazebos installed at either end of the Bocci Court, and

WHEREAS, the Department of Buildings & Grounds sought price quotes for the installation of the structures, and Belleard Construction, 40 Dunsbach Rd., Clifton Park provided the only response in an amount not to exceed \$5,200.00; now, therefore, be it

RESOLVED, that Dan Clemens, Director of Buildings, Parks, and Recreation recommends Belleard Construction for the installation work at the senior center; and be it further

RESOLVED, that the quote of \$5,200.00 from Belleard Construction be accepted for the installation of the two donated gazebos, to be paid from A-1624-200 (General Fund – Senior Building – Equipment).

**ELECTRONIC RESOLUTION REQUEST**

Please type in this form. Scan and attach all backup materials.  
Must be submitted by email to [mspringli@cliftonpark.org](mailto:mspringli@cliftonpark.org)  
CC: [jspiegel@cliftonpark.org](mailto:jspiegel@cliftonpark.org)

SOURCE (DEPARTMENT): Senior Center CONTACT: Phil Barrett

REQUESTED MEETING DATE: July 5, 2022 (Subject to approval. Submissions received after NOON on the deadline date\* may be delayed to the next meeting)

BRIEF DESCRIPTION: \_\_\_\_\_  
Accept bid for the installation of two donated 10' x 12' gazebos at the senior center

BUDGET #: \_\_\_\_\_

BUDGET LINE\*\*: \_\_\_\_\_

\$ AMOUNT: \$5,200

**\*\*Please contact Comptroller x233 to verify Budget Line and # Resolution Requests without verified funding sources will not be placed on an agenda**

ADDITIONAL COMMENTS/DETAILS: Two pavillions were donated by a member.

The board approved accepting the donation at the June 14th board meeting.

We now need to approve Belleard Construction for the installtion of the pavillion.

Res. 179 of 2022 - accept donation of gazebos

*\*Typical Submission dates are Wednesday prior to the meeting, however, may be subject to change due to holiday schedules.*

Town of Clifton Park  
Buildings & Grounds

**Quote Cover Sheet**

**Date: June 28, 2022**

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**Description: Install two 10' x 12' gazebos at the Senior Center**

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**Vendor #1: TRE property solutions- declined - too busy**

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**Vendor #2: Belleard Construction - \$5,200.00**

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**Vendor #3: KDS - no reply**

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**Vendor #4: Relyea & son - no reply**

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**Vendor #5: Gallo Construction - no reply**

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**Vendor #6: JK construction - no reply**

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**Comments: Belleard has done several jobs for the town, including replacing windows at the senior center. He does good work, no issues. Price is fair in my opinion. DC**

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**Decision: Belleard Construction - \$5,200.00**

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## Town of Clifton Park Buildings & Grounds

One Town Hall Plaza • Clifton Park, New York 12065 • (518) 371-6651 Ext. 251 • Fax: (518) 371-1136

The Town of Clifton Park, through the Buildings & Grounds Department seeks price quotes from qualified entities to install two (2) 10'x12' gazebo kits, located at Clifton Park Senior Community Center, 6 Clifton Common Court, Clifton Park NY 12065.

Scope of work is as follows but not limited to:

Install/build two (2) 10-foot x 12-foot Meridian cedar gazebo kits being supplied by the town next to the Clifton Park Senior Community Center

Install footings according to code

Rough grade area when completed

Contractor is responsible for building permit application (town will pay fee) and scheduling of all required inspections

Contractor is responsible for contacting UdigNY for underground utility locations

Dispose of all waste properly

The Town requires proof of Liability Insurance with One Million Dollars naming the Town as an additional insured, as well as appropriate Workers Compensation Insurance and automobile insurance.

Prevailing wage rate as described by New York State must be paid. The Town of Clifton Park reserves the right to reject any and all quotes.

The Town of Clifton Park reserves the right to require a performance bond.

Please contact Sue Leonard at [sleonard@cliftonpark.org](mailto:sleonard@cliftonpark.org) 518-371-6651 extension 320 for an appointment to do a site visit.

Quotes are due by Monday June 27, 2022 at 2:00pm

SENT TO  
6 COMPANIES  
6/13/2022

# Proposal

Page # \_\_\_\_\_ of \_\_\_\_\_ pages

BELLERD CONTRACTOR  
 40 DUNS BACH RD  
 CLIFTON PARK NY 10665  
 578-424-4444

PROPOSAL SUBMITTED TO: TOWN CLIFTON PARK BUILD/GROWTH	JOB NAME GARBO	JOB #
ADDRESS ONE TOWN HALL PLAZA	JOB LOCATION SENIOR CTR	
CLIFTON PARK NY 10665	DATE 6/16/00	DATE OF PLANS N/A
PHONE # 578-371-6651	FAX # 578-371-1136	ARCHITECT N/A

We hereby submit specifications and estimates for: INSTALL 2 GARBO KITS 10' x 12'  
AT SENIOR CTR

INSTALL 8 10" PIPES 4 FT BELOW GRADE

CONTACT U DIGNY FOR UNDERGROUND UTILITY

REMOVE ALL WASTE MATERIAL & PATCH GRADE W/  
ASPH

\$200.00

We propose hereby to furnish material and labor - complete in accordance with the above specifications for the sum of:  
 \$ Two thousand two hundred <sup>00</sup>/<sub>100</sub> Dollars

with payments to be made as follows: \_\_\_\_\_

Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control.

Respectfully submitted: [Signature]

Note - this proposal may be withdrawn by us if not accepted within \_\_\_\_\_ days.

### Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

Signature \_\_\_\_\_

Date of Acceptance \_\_\_\_\_ Signature \_\_\_\_\_

## Dan Clemens

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**From:** Terry Elliott <terry@trepropertiesolutions.com>  
**Sent:** Wednesday, June 15, 2022 10:53 AM  
**To:** Dan Clemens  
**Subject:** Re: quote please

Dan, thanks for the request, however our schedule is full for the remainder of this year. Hope all is well. Terry

Sent from my iPhone

On Jun 13, 2022, at 7:33 AM, Dan Clemens <DClemens@cliftonpark.org> wrote:

Please see attached Request For Proposal.  
Please advise if you would like to provide a quote or not.

Thanks, Dan

**Daniel J. Clemens**  
Town of Clifton Park, NY  
Director of Buildings, Parks and Recreation  
Cell: 518-281-5065  
Office: 518-371-6651 ext. 248  
dclemens@cliftonpark.org

<Sr Ctr Gazebo #2 RFP 6.13.22.docx>  
<10x12 Meridian Cedar Gazebo 6.22.pdf>