

## **Clifton Park Town Board Meeting Minutes**

**November 4, 2002**

The regular meeting of the Town Board of the Town of Clifton Park was held in the Town Office Building at 7:00 p.m., Supervisor Barrett presiding.

### **PLEDGE OF ALLEGIANCE TO THE FLAG**

Present: Councilman Speckhard  
Councilman Roth  
Councilwoman Walowit  
Supervisor Barrett  
Town Clerk O'Donnell

Absent: Councilman Paolucci

Also Present: Town Attorney Trainor  
Louis Gerard, Superintendent of Highways  
Michael O'Brien, Environmental Specialist  
Michael Shahan, Town Administrator

MOTION by Councilman Roth, seconded by Councilwoman Walowit, to approve the minutes of the October 15 and 21, 2002 meetings as presented.

### **ROLL CALL VOTE**

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

Noes: None

Absent: Councilman Paolucci

### **MOTION CARRIED**

### **ANNOUNCEMENTS AND COMMUNICATIONS**

Supervisor Barrett congratulated Peter Clinton for a successful fall soccer season and expressed appreciation to Pat Haffner and Mike Handerhan and their staffs for their assistance.

### **REPORTS**

Reports for October from Animal Control, Parks, Recreation and Community Affairs and

Justice Court were filed with the Town Clerk.

#### PRESENTATION ON GROOMS TAVERN

Town Historian John Scherer gave a slide presentation on renovations taking place at the Tavern, and reviewed the history and potential usage of various areas of the building.

Supervisor Barrett thanked the volunteers involved with Grooms Tavern and the Buildings and Grounds Department for their work.

Supervisor Barrett presented the following resolution to life long Clifton Park resident Edgar Shopmyer in recognition of his volunteer services and dedication to the residents of the Capital District.

Resolution No. 272 of 2002, a resolution honoring lifetime Clifton Park resident Edgar Shopmyer.

Introduced by Supervisor Barrett, who moved its adoption, seconded by the entire Town Board.

WHEREAS, Edgar Shopmyer, 349 Vischer Ferry Road, Clifton Park, has been a lifetime resident of Clifton Park and an active member of the Mohawk Valley Grange in charge of voting for the School Election Board, and

WHEREAS, Mr. Shopmyer is a past Chairman of the Calvary United Methodist Church Building Committee, is very active in the Shenendehowa United Methodist Church and has been a certified Lay Speaker since 1969, and

WHEREAS, Mr. Shopmyer continues to be an active community volunteer, including being one of the founding members of the Shenendehowa Senior Citizens Center and serving on the Advisory Council of the Aging in Saratoga County; now, therefore, be it

RESOLVED, that Edgar Shopmyer, 349 Vischer Road, Clifton Park, is hereby honored and thanked by the Clifton Park Town Board for his many years of volunteer service to others in our community and is hereby congratulated on the occasion of his being recognized for his service by the Capital District Senior Issues Forum.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 273 of 2002, a resolution appointing Laura Thompson to the Arts and Culture Citizens Advisory Committee.

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

WHEREAS, Francine Rodger has indicated that the Arts and Culture Citizens Advisory Committee currently has vacancies for new members, and

WHEREAS, the Town Board has reviewed the qualifications of Laura Thompson, 808 Foxwood Drive, Clifton Park, and recommends that she be appointed as a member of the Arts and Culture Citizen's Advisory Committee; now, therefore, be it

RESOLVED, that Laura Thompson, 808 Foxwood Drive, Clifton Park, is hereby appointed as a member of the Arts and Culture Citizens Advisory Committee to serve at the pleasure of the Board.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 274 of 2002, a resolution in support of Legislation Amending §4545 of the Civil Practice Law and Rules.

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

WHEREAS, through an anomaly in the treatment of collateral sources in tort actions as set forth in CPLR §4545, public employers are presently treated differently than private employers, and

WHEREAS, legislation has been introduced in the NYS Senate, amending CPLR §4545 to standardize the treatment of collateral sources in tort actions against private employers and public employees, and

WHEREAS, this legislation would be a benefit to the Town of Clifton Park and its taxpayers; now, therefore, upon the recommendation of the Town Attorney, be it

RESOLVED, that the Town Board hereby supports and recommends the enactment of Senate Bill S2979A, and its companion bill in the Assembly; and be it further

RESOLVED, that the Town Clerk is directed to forward a copy of this resolution to Assemblyman Robert Prentiss, Senator Joseph Bruno, Speaker Sheldon Silver and Honorable James M. McGuire, Counsel to the Governor.

Town Attorney Trainor explained this is a resolution of support for a movement begun with the Office of the Corporation Counsel of the City of New York to afford the same opportunity for municipalities that private defendants would get in a tort lawsuit.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

#### DECLARED ADOPTED

Resolution No. 275 of 2002, a resolution accepting a conveyance of the following streets, and easements.

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

WHEREAS, a condition of approval of Country Knolls West Section 60 of the Town of Clifton Park Planning Board required that the developer convey roads and easements to the Town of Clifton Park, and

WHEREAS, a Bond has been provided to the Town Planning Department as security for the contractor to complete all remaining punch list items;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board accepts the conveyance of the following streets, and easements briefly described as follows:

Street Name of Owner  
Mapleline Road Country Club Acres, Inc.

Storm Water Management Easement  
Storm Drainage Easement-North Side of Mapleline Road  
Storm Drainage Easement-South Side of Mapleline Road

and be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt of an approval by the Town Attorney, Highway Superintendent and Town Engineer, of all necessary documents, and upon payment of all taxes and assessments, and be it further

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

RESOLVED, that in accordance with the provisions of Section 171 of the Highway Law of the State of New York, consent be and the same hereby is given to the Superintendent of Highways of the Town of Clifton Park make an Order laying out the aforescribed Town Highways, said Town Highways to consist of the lands described in the aforesaid deeds(s); and be it further

RESOLVED, that the Town Superintendent of Highways be and he is hereby authorized to post a thirty (30) miles per hour speed limit for the herein described highway(s) together with all necessary regulatory signs; and be it further

RESOLVED, that the Town Board hereby authorized the installation of a stop sign on Mapleline Road at its easterly intersection of Van Patten Drive, as required by the Planning Board and Town Highway Superintendent for proper traffic control.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 276 of 2002, a resolution accepting a conveyance of the following streets.

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

WHEREAS, as a condition of approval of the Windsor Pointe Subdivision of the Town of Clifton Park Planning Board required that the developer convey the roads to the Town of Clifton Park, and

WHEREAS, a Bond has been provided to the Town Planning Department as security for the contractor to complete all remaining punch list items;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board accepts the conveyance of the following streets, briefly described as follows:

Street Name of Owner  
Birch Hill Road Ushers Road L.L.C.  
Castlegate

and be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt of an approval by the Town Attorney, Highway Superintendent and Town Engineer, of all necessary documents, and upon payment of all taxes and assessments, and be it further

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

RESOLVED, that in accordance with the provisions of section 171 of the Highway Law of the State of New York, consent be and the same hereby is given to the Superintendent of Highways of the Town of Clifton Park make an Order laying out the aforescribed Town Highways, said Town Highways to consist of the lands described in the aforesaid deeds(s), and be it further

RESOLVED, that the Town Superintendent of Highways be and he is hereby authorized to post a thirty (30) miles per hour speed limit for the herein described highway(s) together with all necessary regulatory signs; and be it further

RESOLVED, that the Town Board hereby authorized the installation of a stop sign on Castlegate at its northerly intersection of Birch Hill Road and on Birch Hill Road at its westerly intersection of Beresford Road, as required by the Planning Board and Town Highway Superintendent for proper traffic control.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 277 of 2002, a resolution accepting a conveyance of the following streets, and easements.

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

WHEREAS, as a condition of approval of the Summerhill Subdivision, the Town of Clifton Park Planning Board required that the developer convey roads and a certain easement to the Town of Clifton Park, and

WHEREAS, a Bond has been provided to the Town Planning Department as security for the contractor to complete all remaining punch list items; now, therefore, be it

RESOLVED, that the Town Board accepts the conveyance of the following streets, and easements briefly described as follows:

Street Name of Owner

Portion of Summerlin Drive (Phase III) The Michaels Development Group, L.L.C.

Danbury Court (Phase IV)

Drainage Easement "L"

and be it further

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

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

RESOLVED, that in accordance with the provisions of section 171 of the Highway Law of the State of New York, consent be and the same hereby is given to the Superintendent of Highways of the Town of Clifton Park make an Order laying out the aforescribed Town Highways, said Town Highways to consist of the lands described in the aforesaid deeds(s),and be it further

RESOLVED, that the Town Superintendent of Highways be and he is hereby authorized to post a thirty (30) miles per hour speed limit for the herein described highway(s) together with all necessary regulatory signs, and be it further

RESOLVED, that the Town Board hereby authorizes the installation of a stop sign on Danbury Court at its westerly intersection of Summerlin Drive, as required by the

Planning Board and Town Highway Superintendent for proper traffic control.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 278 of 2002, a resolution authorizing the installation of a street light at the entrance to the Country Knolls West-Section No. 60 Subdivision.

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

WHEREAS, the Country Knolls West-Section No. 60 Subdivision was previously approved by the Town of Clifton Park Planning Board and the installation of a street light is warranted at this time; now, therefore, be it

RESOLVED, that authorization is hereby granted for the installation of a street light at the entrance to the Country Knolls West-Section No. 60 Subdivision at the Mapleline Road and Van Patten Drive intersection, said subdivision is located on Van Patten Drive intersection in the Town of Clifton Park, and be it further

RESOLVED, that such street light shall be a charge to the Town of Clifton Park Lighting District No. 1 and a copy of this authorization shall be forwarded to the Niagara Mohawk Power Corporation.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 279 of 2002, a resolution authorizing the installation of two street lights at the entrances to The Oaks Subdivision.

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

WHEREAS, The Oaks Subdivision was previously approved by the Town of Clifton Park Planning Board and the installation of street lights is warranted at this time; now, therefore, be it

RESOLVED, that authorization is hereby granted for the installation of a street light at the entrance to The Oaks Subdivision at the Avenue of the Oaks (north entrance) and Vischer Ferry Road, and Avenue of the Oaks (south entrance) and Vischer Ferry Road, said subdivision is located on the west side of Vischer Ferry Road in the Town of Clifton Park; and be it further

RESOLVED, that such street lights shall be a charge to the Town of Clifton Park Lighting District No. 1 and a copy of this authorization shall be forwarded to the Niagara Mohawk Power Corporation.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

#### DECLARED ADOPTED

Resolution No. 280 of 2002, a resolution appointing Jeffrey Vedder as Transfer Station Supervisor.

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

WHEREAS, due to the retirement of Ronald Bruzdinski, a vacancy exists for Transfer Station Supervisor, and

WHEREAS, the Town Board has recommended that Jeffrey Vedder, 742 Carlton Road, Clifton Park, be appointed to fill this position; now, therefore, be it

RESOLVED, that Jeffrey Vedder, 742 Carlton Road, Clifton Park, is hereby appointed to the position of Transfer Station Supervisor, Grade 9, Step 4, \$43,407 effective December 22, 2002 to be paid with a transfer from A-8160-74 (Transfer Station-Overtime) to A-8160-E46 (Transfer Station-Heavy Equipment Operator).

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

#### DECLARED ADOPTED

With regard to the following resolution, Supervisor Barrett explained there is overwhelming support for both water and sewer. He said a little more information is needed regarding the sewer and a resolution regarding sewers will be presented in the next week or two.

Resolution No. 281 of 2002, a resolution authorizing John M. McDonald Engineering, P.C. to proceed with the map, plan and report for the proposed Katherine Terrace Water District Extension.

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

WHEREAS, informational meetings were held on July 30, 2002 to inform residents of the proposed costs associated with the proposed water district extension, and

WHEREAS, a survey was conducted and the results were used to establish the properties that were in favor of the extension; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes Town Engineer, John M. McDonald Engineering, P.C. to proceed with the map, plan and report for the proposed Katherine Terrace Water District Extension, cost to be budgeted from A-1440-135 (Engineering-Engineering Services).

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

#### DECLARED ADOPTED

Resolution No. 282 of 2002, a resolution authorizing the Town Supervisor to sign an agreement for the management of the Town of Clifton Park's 175th Anniversary Family

Fun Fest.

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

WHEREAS, the Town of Clifton Park will be celebrating the 175th Anniversary of the founding of the Town in 2003, and

WHEREAS, the Town Board wishes to engage the services of The Zawislan Company to help with the management of the Clifton Park Family Fun Fest on May 17, 2003; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to enter into an agreement with The Zawislan Company for the management of the Clifton Park Family Fun Fest on May 17, 2003, at a cost not to exceed \$7,400 to be paid from A-8560-90 (Community Enhancement-Community Beautification).

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

#### DECLARED ADOPTED

Resolution No. 283 of 2002, a resolution authorizing the Supervisor to enter into a lease agreement with Clifton Park Assembly of God Church for use of the Locust Lane Clubhouse.

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

WHEREAS, the Clifton Park Assembly of God Church has asked the Town of Clifton Park Town Board to re-lease to them a portion of the Locust Lane Clubhouse, and

WHEREAS, the Town of Clifton Park wishes to renew such agreement; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to renew the lease agreement with the Clifton Park Assembly of God Church for a portion of the Locust Lane Clubhouse.

Town Administrator Shahren reported this is for the winter months, Sunday mornings and

Wednesday evenings, as the church uses the Grange in warmer months.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 284 of 2002, a resolution appointing Ralph Champney to the part-time position of Senior Dispatcher.

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

WHEREAS, due to the resignation of Johanna Monachino, a vacancy exists as a Senior Dispatcher, and

WHEREAS, Ralph Champney, 15 Barkwood Lane, Clifton Park, has been recommended to fill this position; now, therefore, be it

RESOLVED, that Ralph Champney, 15 Barkwood Lane, Clifton Park, is hereby appointed to the position of Senior Dispatcher, Grade 1, Step 4 (\$10.17 per hour) effective immediately to be paid from A6772-E666 (Community Support-Sub Driver).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 285 of 2002, a resolution awarding the bid for the Wooddale Drive Drainage Improvements.

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

WHEREAS, on October 28, 2002 bids were publicly opened for the above referenced contract, and

WHEREAS, the lowest responsible bidder for this contract is TKC General Engineering Contractors, in the amount of \$34,428, and

WHEREAS, McDonald Engineering has reviewed the bid and has recommended to the Town Supervisor that the bid of TKC General Engineering Contractors, Inc. be accepted; now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced bid to TKC General Engineering Contractors in the amount of \$34,428, money to come from funds previously designated for Capital Projects with a transfer to DA-5110-24 (General Repair-Maintenance).

Supervisor Barrett explained there was a lower bid but that contractor admitted to making a mistake and the town permitted him to withdraw from the bid.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

#### DECLARED ADOPTED

#### PUBLIC PRIVILEGE

No one wished to be heard.

MOTION by Councilwoman Walowit, seconded by Councilman Roth, to adjourn the meeting to the next regular meeting or any other meeting necessary for the conduct of Town business.

Motion carried at 8:10 p.m.

Patricia O'Donnell  
Town Clerk