

December 5, 2011

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 Paolucci
Councilman Hughes
Councilman Romano
Supervisor Barrett
Town Clerk O'Donnell

Absent: Councilwoman Walowit

Also Present: Town Attorney McCarthy
Richard Kukuk, Superintendent of Highways
Michael Handerhan, Supervisor of Buildings and Grounds
Mark Heggen, Comptroller
Myla Kramer, Director of Parks, Recreation and Community Affairs
Michael O'Brien, Collection System Manager

MOTION BY Councilman Hughes, seconded by Councilman Romano, to approve the minutes of the November 14 and 21, 2011 meetings as presented.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano
Walowit, Supervisor Barrett

Noes: None

Absent: Councilwoman Walowit

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett announced the Blood Drive will be held on December 14, 2011 in the Wood Room from noon to 6:00 pm.

PRESENTATION OF KEY TO CLIFTON PARK

Supervisor Barrett presented the **Key to Clifton Park to Raleigh Powell** for his lifesaving action on November 27, 2011. The Supervisor also noted Raleigh has established a benefit fund for the Keefer's at SEFCU.

Ron Brudzdenski, Chief of Vischer Ferry Fire Company, acknowledged Raleigh Powell's action saving the life of Mrs. Grace Keefer, stating because of Raleigh's actions, the fire department was able to pay attention to the fire suppression efforts. Chief Brudzdenski said he has no doubt Raleigh's actions on November 27th were the single biggest contributor to Mrs. Keefer escaping serious injury from the fire and to say his actions were commendable and heroic would be an understatement.

Raleigh Powell said he just acted instinctively and thinks others would do the same thing. He thanked all members of the fire companies in attendance this evening for all they do on a regular basis.

Supervisor Barrett announced Raleigh's name will be added to the Hometown Hero plaque.

Resolution No. 285 of 2011, a resolution recognizing Clifton Park Army Reservist Raleigh Powell for his heroism and bravery.

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

WHEREAS, town resident Raleigh Powell, age 20, is an army reservist, college student, and part-time pizza delivery driver for Clifton Park restaurant Upper Crust, and

WHEREAS, while working on November 27, 2011, Raleigh smelled smoke and saw flames coming from the Keefer residence at 267 Lapp Road, and

WHEREAS, thinking quickly and acting decisively without concern for his personal safety, Raleigh ran from his car to assess the fire and determine whether anyone was still in the house, and

WHEREAS, Raleigh broke several windows with his bare arms to locate and pull town resident Grace Keefer to safety amid the dense smoke and flames, and

WHEREAS, fire department officials determined that Raleigh's actions saved the life of Mrs. Grace Keefer and allowed first responders from Vischer Ferry, West Crescent and Jonesville Fire Departments to immediately focus on extinguishing the flames and preventing the fire from spreading, and

WHEREAS, Raleigh's calm and quick response under pressure exemplifies his military training and demonstrates a level of heroism and bravery that all Clifton Park residents should admire and respect, and

WHEREAS, Raleigh has also demonstrated exceptional compassion and positive sense of community by establishing a relief fund for the Keefers through an account at SEFCU in Clifton Park, and

WHEREAS, the Town Board will make information concerning these ongoing efforts available at the Town's website; now, therefore, be it

RESOLVED, that the Town Board pauses in its deliberations to honor Clifton Park resident and Army Reservist Raleigh Powell for his heroism and bravery.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,
Supervisor Barrett

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Mr. & Mrs. Keefer's daughter expressed her deep gratitude to Raleigh Powell.

PRESENTATION TO THE BOARD

Alex Gutelius, member of the Community Arts and Culture Commission and Director of the Clifton Park Halfmoon Library, reviewed the Commission's 2011 year-end report, attached. There are openings on the Commission and anyone interested can contact Director of Parks, Recreation and Community Affairs, Myla Kramer. Ms. Gutelius said the Arts and Culture grant will be reinitiated in 2012 to be awarded in 2013. The Commission is planning a logo contest, as well as a second annual music series tied in with Farmfest in 2012 and the Roundtable in May.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 286 of 2011, a resolution approving an agreement and order with the New York State Department of Environmental Conservation.

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

WHEREAS, any non-residential use of pesticides is regulated by the Department of Environmental Conservation (DEC) pursuant to Article 33 of the Environmental Conservation Law, which requires certain certifications and departmental registrations, and

WHEREAS, Michael Handerhan, Supervisor of Buildings & Grounds, is certified as a Commercial Applicator pursuant to ECL 33-0101 (10), and

WHEREAS, following an inspection of Buildings and Grounds records in May 2011, the Department has alleged that Mr. Handerhan's DEC Registration, was allowed to expire and was not renewed in 2009 as required by department regulations, and

WHEREAS, the Department has also alleged an equipment violation in connection with application equipment, and

WHEREAS, the Town immediately cooperated with the Department in bringing all required registrations and equipment into compliance, and

WHEREAS, Department staff has referred the violations to counsel for enforcement and seeks to impose a payable penalty for the omissions identified in the May 2011 inspections, and

WHEREAS, the Town has made clear that there was no misapplication of pesticides or any instance of environmental damage, harm or injury to any person, property or specie resulting from the administrative omissions alleged as a result of the inspection; now, therefore, be it

RESOLVED, the Town Board authorizes the Supervisor to execute the attached Consent Order and authorizes payment by the Comptroller of \$1,625 to the Department of Environmental Conservation, to be paid from A-7110-24 (Buildings & Grounds-General Maintenance).

Supervisor Barrett said these chemicals can be purchased at any retail store and used by residents without a permit. He said everything was rectified right away. Supervisor Barrett feels this is unwarranted. Town Attorney McCarthy said it is clear to him that this could have been handled with a warning and was rectified within two days.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,
Supervisor Barrett

Absent: Councilwoman Walowit

Noes: None

DECLARED ADOPTED

Resolution No. 287 of 2011, a resolution declaring a public emergency pursuant to General Municipal Law Section 103(4), retroactive to May 20, 2011, and authorizing the transfer of \$19,150 from Dutch Meadows Sewer District No. 1 Undesignated Fund Balance to cover the cost of the repairs on Settlers Lane.

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

WHEREAS, General Municipal Law Section 103(4) authorizes municipalities to enter into contract for the work needed to be done without competitive bidding where the Town Board declares the situation to be a public emergency, and

WHEREAS, on May 20, 2011 a sinkhole was discovered in the road cutting off sewer service to a home on Settlers Lane, and

WHEREAS, Michael O'Brien, Collection System Manager, advised that the occurrence constituted an emergency with potential impact upon health, safety and welfare without immediate action and response, and

WHEREAS, Tom Kubricky Company, Inc. is an authorized emergency contractor for the Town of Clifton Park pursuant to Resolution No. 60 of 2010, and

WHEREAS, bid rates as awarded by the Clifton Park Sewer District were used for equipment and labor, and

WHEREAS, Michael O'Brien accepted the quote of Tom Kubricky Company, Inc. based on emergency circumstances necessary to repair the sewer line and prevent further damage to the area, in an amount of \$19,150 and has determined that the charges submitted pursuant to the quote were appropriate for the work that was required; now, therefore, be it

RESOLVED, that the Town Board hereby declares the potential damage threatened by the damage to the sewer line to be a public emergency requiring immediate action which cannot await competitive bidding, and be it further

RESOLVED, that payment is authorized to Tom Kubricky Company, Inc. for \$19,150, for repairs to a collapsed sewer main on Settlers Lane, in Dutch Meadows, to be paid with a transfer of \$19,150 from Dutch Meadows Sewer District No. 1 Undesignated Fund Balance to G5-8111-24 Dutch Meadows Sewer District No.1 (General Maintenance).

Collection System Manager O'Brien explained a pipe kept collapsing and it turned out to be a much bigger job than anticipated. Supervisor Barrett reported emergency contracts are bid out at the beginning of the year and Tom Kubricky Company, Inc. was the low bidder. Mr. O'Brien said it appears to be all right but is an area that needs to be monitored. Supervisor Barrett noted the age of the systems is 40 years plus.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,
Supervisor Barrett

Absent: Councilwoman Walowit

Noes: None

DECLARED ADOPTED

Resolution No. 288 of 2011, a resolution authorizing the Supervisor to accept a bid for municipal lease financing for the purchase of highway equipment and to sign all related documents.

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

WHEREAS, on November 29, 2011 bids were received for the leasing of highway vehicles, and

WHEREAS, after reviewing the bids, Comptroller Mark Heggen has recommended that the bid of JPMorgan Chase Bank, N.A. be accepted for municipal lease financing for the

purchase of highway equipment at an interest rate of 2.22% for a seven (7) year period; now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to accept the bid of JPMorgan Chase Bank, N.A. for the purchase of highway equipment, at an interest rate of 2.22% for a seven (7) year period, to be budgeted from 2012 budget and subsequent annual budgets; and be it further

RESOLVED, that the Supervisor is hereby authorized to sign all related documents subject to the review and approval of the Town Attorney.

Superintendent of Highways Kukuk explained this is for two new Mack Granite trucks with stainless steel bodies and snow plows. He said this is the eighth and ninth new vehicles since he came into office. He reported there are still seven trucks that are older than 15 years and still in service. Superintendent Kukuk said these trucks are the same configuration NYS DOT purchases and are off state contract. Comptroller Heggen said three bids were received and this was the lowest interest costs, shorter term and the first payment not due until 2012.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,
Supervisor Barrett

Absent: Councilwoman Walowit

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Bev Czub, Miller Road, spoke in favor of the truck purchase.

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

Motion carried at 7:52 p.m.

Patricia O'Donnell
Town Clerk