

September 3, 2013

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 Whalen  
Councilwoman Standaert  
Councilman Romano  
Councilwoman Walowit  
Supervisor Barrett  
Town Clerk O'Donnell

Also Present: Town Attorney McCarthy  
Richard Kukuk, Superintendent of Highways  
Mark Heggen, Comptroller  
Barbara McHugh, Director of Community Development

MOTION BY Councilman Whalen, seconded by Councilman Romano to approve the minutes of the August 19, 2013 meeting as presented.

**ROLL CALL VOTE**

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

Noes: None

MOTION CARRIED

**ANNOUNCEMENTS AND COMMUNICATIONS**

Supervisor Barrett reminded residents of Hazardous Waste Day on September 7<sup>th</sup>.

Supervisor Barrett announced bids will be opened on September 13<sup>th</sup> for the Clifton Country Road Median Improvements on the north and south entrances of the road. Improvements to include plantings, decorative street lights, clock and stone structures and will be an important part of the future of the Exit 9 area.

The Supervisor announced Farm Fest is scheduled for September 21 and 22.

**PUBLIC PRIVILEGE ON RESOLUTIONS**

No one wished to be heard.

Resolution No. 197 of 2013, a resolution authorizing the Supervisor to sign Change Order No. 1 with William J. Keller & Sons Construction for softball drainage improvements.

Introduced by Councilman Romano, who moved its adoption, seconded by Councilwoman Standaert.

WHEREAS, Resolution No. 165 of 2013 authorized a contract with William J. Keller & Sons Construction in an amount of \$263,910.63 for softball drainage improvements, and

WHEREAS, a change order was prepared by McDonald Engineering which provides the breakdown of individual item costs, and

WHEREAS, the change order results in an increase of \$8,673 for softball drainage improvements from the awarded amount of \$263,910.63 to arrive at a new contract amount of \$272,583.63; now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to sign Change Order No. 1, dated July 24, 2013, to William J. Keller & Sons Construction for an increase of \$8,673; and be it further

RESOLVED, that the increased contract amount of \$8,673 is to be paid from A-7112-200 (Clifton Common-Equipment), additional cost will not increase the overall budget.

Supervisor Barrett explained there were some utilities that were placed in the ground many years ago and not marked or noted on any maps. This cost relates to additional work requested by the league for additional piping from the surface of the playing field into the main pipe in between the fields.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 198 of 2013, a resolution authorizing the residents of Countryman Estates North subdivision to conduct a block party on September 28, 2013.

Introduced by Councilwoman Standaert, who moved its adoption, seconded by Councilman Whalen.

WHEREAS, the residents of Countryman Estates North plan to conduct a block party within the subdivision on September 28, 2013, from 3 - 8 P. M. and have requested permission to use Patriot Circle for their party activities; now, therefore, be it

RESOLVED, that the residents, with the approval and advice of the Town Highway Superintendent, have permission to use Patriot Circle on September 28, 2013 from 3 - 8 P.M. for their party activities, but must not block off the streets and make sure emergency vehicles can gain access to the street if needed, and be it further

RESOLVED, that the residents shall be responsible for all clean-up activities on town property or on the street right-of-way resulting from the social activity; and be it further

RESOLVED, that a copy of this resolution be sent to the applicable fire department, ambulance corps, sheriff's department and the state police.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 199 of 2013, a resolution authorizing the residents of Crescent Estates subdivision to conduct a block party on September 21, 2013.

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

WHEREAS, the residents of Crescent Estates plan to conduct a block party within the subdivision on September 21, 2013, from 12 - 4 P. M. and have requested permission to use Walnut Dr. at Parkwood Dr. to Irene Drive for their party activities; now, therefore, be it

RESOLVED, that the residents, with the approval and advice of the Town Highway Superintendent, have permission to use Walnut Dr. at Parkwood Dr. to Irene Dr. on September 21, 2013 from 12 - 4 P.M. for their party activities, but must not block off the streets and make sure emergency vehicles can gain access to the street if needed, and be it further

RESOLVED, that the residents shall be responsible for all clean-up activities on town property or on the street right-of-way resulting from the social activity; and be it further

RESOLVED, that a copy of this resolution be sent to the applicable fire department, ambulance corps, sheriff's department and state police.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 200 of 2013, a resolution authorizing the residents of Hunter Meadows subdivision to conduct a block party on September 21, 2013.

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

WHEREAS, the residents of the Hunter Meadows subdivision plan to conduct a block party within the subdivision on September 21, 2013, from 10:00 A.M. to 12:00 midnight and have requested permission to use Hunter Meadows off of Pine Hill Bend, for their party activities; now, therefore, be it

RESOLVED, that the residents, with the approval and advice of the Town Highway Superintendent, have permission to use Hunter Meadows off of Pine Hill Bend, September 21, 2013 from 10:00 A.M. to 12:00 midnight for their party activities, but must not block off the streets and make sure emergency vehicles can gain access to the street if needed, and be it further

RESOLVED, that the residents shall be responsible for all clean-up activities on town property or on the street right-of-way resulting from the social activity; and be it further

RESOLVED, that a copy of this resolution be sent to the applicable fire department, ambulance corps, sheriff's department and the state police.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 201 of 2013, a resolution authorizing the transfer of \$20,486 from emergency repairs into bridge repair to cover the cost of engineering services for Carlton Road bridge repair.

Introduced by Councilman Romano, who moved its adoption, seconded by Councilwoman Standaert.

WHEREAS, Highway Superintendent Richard Kukuk determined that the bridge at Carlton Road was in need of immediate repairs which could not await the competitive bidding process, and

WHEREAS, Resolution No. 191 of 2013, declared a public emergency pursuant to General Municipal Law Section 103(4) due to damage to Carlton Road bridge, and

WHEREAS, highway engineering consultant acted as architectural engineer and consultant for the Carlton Road bridge investigation and repair, and

WHEREAS, Foit-Albert had previously submitted an invoice for \$12,500 for engineering services to develop plans and conduct the Carlton Road bridge investigation, invoice having been paid with funds from the General Fund A-601, and

WHEREAS, Foit-Albert has submitted an additional invoice for \$7,985.80 for the finalization of plans and Department of Transportation (DOT) approval, as well as supervision of the repair work, and

WHEREAS, it is necessary to transfer \$20,486 from emergency repairs into bridge repair to cover the cost of engineering services; now, therefore, be it

RESOLVED, that the Comptroller is authorized to transfer \$20,486.00 from DA5110-21 (Emergency Repairs) to DA5120-135 (Bridge-Engineering Services) to cover the cost of engineering

services for Carlton Road bridge repair and to repay the General Fund for preliminary engineering costs of the Carlton Road bridge.

Superintendent of Highway Kukuk explained the bulk of the amount incurred when Foit-Albert studied the overall condition of the structure and this bill of \$12,500 has been paid. The \$7985.80 covers the hourly wages for a senior engineer who worked closely with the contractor and NYS DOT.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 202 of 2013, a resolution authorizing Heliosage, Inc. to submit an amended application to New York State Energy Research and Development Authority (NYSERDA), for funding for a solar project at the Transfer Station.

Introduced by Councilwoman Standaert, who moved its adoption, seconded by Councilman Whalen.

WHEREAS, by Resolution No. 80 of 2013, the Town Board authorized the Supervisor to execute a Letter of Intent to partner with Heliosage, Inc. to apply for NYSEDA funding for a solar project at the closed Town of Clifton Park Landfill, and

WHEREAS, Heliosage, Inc. submitted an application to NYSEDA on March 15, 2013 for the second "round" of funding applications under Program Opportunity Notice 2589, and

WHEREAS, the Clifton Park project was not funded as part of the Round 2 funding awards, and

WHEREAS, the Town Board wishes to authorize Heliosage, Inc. to submit a revised application for Round 3 funding with adjusted projections for pricing; now, therefore, be it

RESOLVED, that Heliosage, Inc. is authorized to submit a revised application to NYSEDA for funding of a solar project for the Clifton Park Landfill based on a Power Purchase Agreement with the Town of Clifton Park with energy cost at \$.069 per KWH, growing at 1.5% annually over the term of the agreement.

Supervisor Barrett said Heliosage feels this application is strong and worthwhile to resubmit. He explained the concept is the same. Original application had the town paying \$.068 and now increased to \$.069. If selected, this could reduce utility costs over the next 20 years in an amount of at least \$1 million. The town will not be responsible for capital costs or maintenance costs.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 203 of 2013, a resolution authorizing and ratifying the renewal of the town's electricity contract with Integrys Energy Services of New York.

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

WHEREAS, the town's most recent electricity supply contract with Integrys Energy Services of New York is due to expire on January 4, 2014, and

WHEREAS, Integrys Energy Services is part of the Municipal Electric and Gas Alliance, with competitive pricing through various wholesale supply sources, and

WHEREAS, energy prices fluctuate on a daily basis and locking in future rates requires that future contracts be executed in a timely manner in response to such price movements, and

WHEREAS, the town wishes to renew its wholesale electric supply contract for calendar year 2014 to ensure price and budgetary stability for the town's electricity needs; now, therefore, be it

RESOLVED, that the Supervisor is authorized to execute the attached electric supply contract with Integrys Energy Services of New York, through January 4, 2015 and that the Town Board ratifies the commitment signed by the Supervisor on August 23, 2013.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 204 of 2013, a resolution authorizing the transfer of \$2,500 from Meadow Estates assigned fund balance to Meadow Estates general maintenance fund for additional landscape work in Meadow/Addison Estates.

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

WHEREAS, additional landscaping work is needed in Meadow/Addison Estates Park District at an estimated cost of \$2,500; now, therefore, be it

RESOLVED, that the Town Board, as Commissioners of the Meadow/Addison Estates Park District, authorizes the transfer of \$2,500 from assigned fund balance to SP12-7142-24 (Meadow Estates-General Maintenance) for additional landscape work needed in the Meadow/Addison Estates Park District.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 205 of 2013, a resolution proclaiming September 2013 as Town and National Preparedness Month.

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

WHEREAS, "National Preparedness Month" creates an important opportunity for every resident of the town to prepare their homes, businesses and communities for any type of emergency including natural disasters and potential terrorist attacks, and

WHEREAS, investing in the preparedness of ourselves, our families, businesses, and communities can reduce fatalities and economic devastation in our communities and in our nation, and

WHEREAS, the Federal Emergency Management Agency's *Ready* Campaign, Town Citizen Corps, and CERT and other federal, state, local, tribal, territorial, private, and volunteer agencies are working to increase public activities in preparing for emergencies and to educate individuals on how to take action, and

WHEREAS, emergency preparedness is the responsibility of every citizen of the Town of Clifton Park and all citizens are urged to make preparedness a priority and work together, as a team, to ensure that individuals, families, and communities are prepared for disasters and emergencies of any type, and

WHEREAS, all citizens of the Town of Clifton Park are encouraged to participate in citizen preparedness activities and asked to visit the websites of the *Ready* Campaign at Ready.gov or cliftonpark.org and become more prepared; now, therefore, be it

RESOLVED, that the Town of Clifton Park hereby proclaims September 2013 as Town and National Preparedness Month, and encourages all citizens and businesses to develop their own emergency preparedness plan, and work together toward creating a more prepared society.

Supervisor Barrett thanked the CERT teams for their work during the year.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 206 of 2013, a resolution authorizing CERT instructor/volunteer Ronald Volungus to attend CERT training at the State Preparedness Training Center in Oriskany, New York.

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

WHEREAS, the New York State Division of Homeland Security and Emergency Services is presenting a CERT Training Course October 15-18, 2013 in Oriskany, New York, and

WHEREAS, the Director of Community Development has recommended that CERT volunteer Ronald Volungus, 4 Applewood Drive, Clifton Park, be authorized to attend the course, and

WHEREAS, Mr. Volungus' attendance at the course will confer a benefit upon town residents; now, therefore, be it

RESOLVED, that Ronald Volungus is hereby authorized to attend the CERT training course being presented by the New York State Division of Homeland Security and Emergency Services October 15- 18, 2013; and be it further

RESOLVED; that the Comptroller is authorized to reimburse Mr. Volungus an amount not to exceed \$600 utilizing federal per diem rates for costs incurred for mileage and tolls to attend the seminar, to be paid from A-8762-001 (Travel-Mileage).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 207 of 2013, a resolution proclaiming September 17, 2013 through September 23, 2013 as Constitution Week in the Town of Clifton Park.

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

WHEREAS, September 17, 2013 marks the 226<sup>th</sup> anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention, and

WHEREAS, the United States Constitution was the first document of its kind in the world and has paved the way for millions of people since that have sought democracy and freedom, and

WHEREAS, the Clifton Park Town Board proudly recognizes that this document has secured the Blessings of Liberty for many generations of Americans by instilling power in We the People, and

WHEREAS, it is fitting and proper to officially recognize this magnificent document that is the supreme law of our nation and the anniversary of its creation, and

WHEREAS, public law 915 guarantees the issuing of a proclamation each year by the President of the United States designating September 17 through 23 as Constitution Week; now, therefore, be it

RESOLVED that the Town Board proclaims September 17, 2013 through September 23, 2013 as Constitution Week in the Town of Clifton Park and encourages all residents to re-familiarize themselves with this powerful document and reaffirm the ideals of the Framers.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 208 of 2013, a resolution approving the Health Reimbursement Arrangement Plan Agreement with CDPHP for September 1, 2013 through September 1, 2014.

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

WHEREAS, by Memorandum of Agreement dated July 14, 2011 with the Town's Collective Bargaining Units, and by subsequent agreements effective September 1, 2011, the Town entered into a high deductible HMO Health Plan for employees, retirees and their dependents, and

WHEREAS, by Resolution No. 220 of 2012 the Town Board authorized an Administrative Agreement with Capital District Physician's Healthcare Network, Inc. (CDPHP) for the health reimbursement arrangement for the period September 1, 2012 through September 1, 2013, and

WHEREAS, the town wishes to renew the agreement with CDPHP for the administration of the health reimbursement arrangement associated with the town's High Deductible HMO Health plan through September 1, 2014, now; therefore, be it

RESOLVED, that the attached Health Reimbursement Arrangement Plan Document is hereby approved by the Board in the form presented, and be it further

RESOLVED, that the Supervisor is authorized to execute the attached Health Reimbursement Arrangement Plan Document and related administrative agreements with CDPHP for the continuation of the Health Reimbursement Arrangement Plan, and be it further

RESOLVED, that the employer shall be the sponsor of the HRA and shall be the administrator of the HRA for purposes of ERISA, and be it further

RESOLVED, that the employer hereby appoints the administrative agent to assist it with the administration of the HRA and to perform all such non-discriminatory duties related thereto, and be it further

RESOLVED, that the Administrative Agent shall be instructed to take such actions that are deemed necessary and proper in order to implement the HRA, and to set up adequate accounting and administrative procedures to provide benefits under the HRA; and be it further

RESOLVED that the duly authorized agents of the employer shall act as soon as possible to notify the employees of the employer of the adoption of the HRA by delivering to each employee a copy of the summary description of the HRA in the form of the Summary Plan Description presented to this meeting, which form is approved.

Supervisor Barrett reported the town has saved hundreds of thousands of dollars since the implementation of the plan. He thanked the union bargaining units and employees for making this plan a reality.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Jim Baisley, Barkwood Lane, expressed concern with the new cliftonpark.org site. Supervisor Barrett said he will contact the company regarding changes.

Beverly Czub, Miller Road Rexford, reported the Shenendehowa Adult Community Center has seen an increase in membership. She noted the Harvest Dinner will be held at the senior center on Friday, September 20<sup>th</sup>.

MOTION BY Supervisor Barrett, seconded by Councilwoman Walowit, to move into Executive Session to discuss litigation.

Return to regular meeting at 8:04 p.m.

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

Motion carried at 8:05 p.m.

Patricia O'Donnell  
Town Clerk