

October 14, 2014

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  
Deputy Town Clerk Brobston

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

**ANNOUNCEMENTS AND COMMUNICATIONS**

Supervisor Barrett congratulated the Clifton Park Soccer Club for their success at the recent tournament held on the Clifton Common.

Supervisor Barrett announced that the Youth Court had their first training. A video was made for those who couldn't attend but are still interested. He stated sign-ups are still welcome by calling the Supervisor's office.

**PUBLIC PRIVILEGE ON RESOLUTIONS**

No one wished to be heard.

Resolution No. 250 of 2014, a resolution awarding the bid for the Longkill II Park District Playground Equipment Improvements Project.

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

WHEREAS, Resolution No. 84 of 2014 approved the renovation and improvement of the George T. Smith Park in the Longkill II Park District for a total estimated maximum cost of \$205,000 for the project, and

WHEREAS, Resolution No. 85 of 2014 authorized the issuance of up to \$135,000 in serial bonds to pay the cost thereof, and

WHEREAS, on June 5, 2014 bids were opened for the project and Pat Corsetti, Inc. was the sole bidder but for an amount in excess of the authorized bonded amount, when coupled with previously completed improvements to the tennis courts, and

WHEREAS, the bid was brought within the bonded authority by deleting items of playground equipment from the bid, and

WHEREAS, the park district came to an agreement with Pat Corsetti, Inc., for an amount of \$102,270, per the attached list of items, agreed on to be installed, and

WHEREAS, this amount brings the total cost of the improvements to the George T. Smith Park within the overall budget and bonded authority, and

WHEREAS, McDonald Engineering recommends the Town Board award the work for the Longkill II Park Playground Equipment Improvements Project to Pat Corsetti, Inc. in the amount of \$102,270; now, therefore, be it

RESOLVED, that the Town Board, as Commissioners of the Longkill II Park District, hereby accepts the bid of Pat Corsetti, Inc., Mamaroneck, New York, for an amount of \$102,270 for the Longkill II Park District Playground Equipment Improvements Project.

Stuart Feuerstein, Torrey Pines, Longkill II Park District Chair, distributed photos of the before and after of the basketball courts at the George T. Smith Park showing improvements. It was greatly improved. He stated they worked hand in hand with the contractor to adjust the cost and equipment to get what was needed for the playground. He distributed copies of the new playground structures.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 251 of 2014, a resolution authorizing the Highway Department to enter private land for highway purposes.

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

WHEREAS, sand and silt from the town’s drainage system and roadways has collected within the storm water detention area adjacent to Summerlin, Mayfield and Vischer Ferry Roads in the Summer Hill subdivision, and

WHEREAS, NYS Highway Law §147 authorizes the Highway Department to enter privately owned lands for the purposes of opening an existing ditch or drain to provide for the free passage of water for the drainage of highways and infrastructure, and

WHEREAS, McDonald Engineering has advised that removal of the sandy deposits and silting in the detention area will positively impact the operation of the drainage area systems, and

WHEREAS, silt and vegetative material from within the surrounding area has also collected within the detention area, contributing to loss of function of the area as a natural drainage area, and

WHEREAS, the removal of sandy deposits and vegetative material from the detention area will ensure adequate drainage function beneath Vischer Ferry Road and the downstream storm water infrastructure and provide discharge at designed velocities, and

WHEREAS, the Summer Hill Homeowner’s Association has consented to the work and has also agreed to contribute to the cost of cleaning out the silt and vegetative material that has also collected within the detention area, contributing to the impairment of the drainage function of the area, and with highway equipment, and

WHEREAS, Highway Superintendent Richard Kukuk has estimated that the work will require a four man crew and equipment over two days at an overall estimated cost of \$3,491, using reimbursement rates for equipment established by FEMA for similar work, and

WHEREAS, the Summer Hill Homeowners’ Association will contribute two thirds of the cost of the work based on the relative volume of the material within the area impeding existing drainage functions; now, therefore, be it

RESOLVED, that the Highway Department is authorized, pursuant to Highway Law §147, to enter upon the lands of the Summer Hill Homeowners' Association to clear the detention pond identified above of vegetative materials from the drainage areas, as well as sands and salt from the roadway drainage systems, and be it further

RESOLVED, that the Summer Hill Homeowners' Association will reimburse the Highway Department \$2325.14 for the work, and be it further

RESOLVED, that the town Highway Department will continue to monitor the storm water detention area on an annual basis to ensure that further deposits of sand and sediment from the town roadways and drainage system are not impeding the functioning of the detention area.

Supervisor Barrett stated the town has been in conversation with Summer Hill subdivision HOA about the pond situation last year and this spring. He explained the main cause was that the water table has been so high. He stated the salt and sand from the roadway probably added to the cause. He stated the town will continue to monitor the pond.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 252 of 2014, a resolution awarding a contract for the purchase and installation of techno metal posts for the construction of elevated boardwalks over NYSDEC regulated wetlands to advance the West Sky Trail.

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

WHEREAS, Resolution No. 171 of 2014 allowed for the acceptance of a monetary contribution in the amount of \$41,725 from Belmonte Builders, LLC towards improvements to the West Sky Trail, and

WHEREAS, quotes were received by the Planning Department for the purchase and installation of techno metal posts within three NYSDEC regulated wetlands, on town owned land to facilitate construction of wooden elevated boardwalks over the wetland bodies, and

WHEREAS, the lowest quote was received from Techno Metal Post of Albany, 102 Willsie Road, East Berne, New York, in the amount of \$12,800, and

WHEREAS, Environmental Design Partnerships, LLP (EDP) has prepared and obtained the necessary NYSDEC and ACOE permits for the town to work within the regulated wetlands areas, and

WHEREAS, additional services in an amount not to exceed \$5,000 are required from EDP to stake the locations and elevations of the techno post installations and complete the required NYSDEC Notice of Intent (NOI) and Notice of Construction Termination (NOT) forms; now, therefore, be it

RESOLVED, that the Town Board awards the contract for the purchase and installation of techno metal posts for the construction of wooden elevated boardwalks to Techno Metal Post of Albany for an amount not to exceed \$12,800; and be it further

RESOLVED, that the Town Board authorizes the additional professional services from Environmental Design Partnership in an amount not to exceed \$5,000; and be it further

RESOLVED, that the funds to undertake such activities will be utilized from the monetary contribution received by the town from Belmonte Builders, LLC.

Planning Director Scavo stated two quotes were received and the one company is an owner-operator so as owners they don't have to pay prevailing wage rates. The other business is an owner with employees who are subject to prevailing wage rates for the employees. That was the reason for the large discrepancy in the pricing with the project. He stated he felt it was important for EDP to perform some of the site posting/staking work and file all paperwork with NYSDEC. He explained the Highway Department staff will assist with the underground utility locations with Dig Safely. The Buildings and Grounds Department, once the techno posts are in, will complete the boardwalk surface.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano,  
Councilwoman Walowit, Supervisor Barrett  
Noes: None

DECLARED ADOPTED

Resolution No. 253 of 2014, a resolution authorizing the Supervisor to sign and submit a 2014-2015 grant application to the National Park's Erie Canalway National Heritage Corridor.

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

WHEREAS, the Erie Canalway Grant Program provides grants to not-for-profit corporations and municipalities in support of important projects and programs throughout the corridor, and

WHEREAS, the town wishes to submit a grant application as part of a way-finding signage proposal for three large entrance signs at Vischer Ferry Nature and Historic Preserve access points: 1) Clute's Dry Dock, 2) Ferry Drive, 3) Sugar Hill and Power Dam Drive, and

WHEREAS, the town pledges support of town staff and resources, funds not to exceed \$1,500, and in kind services from the byway and the Clifton Park Friends of Open Space as part of a way-finding signage proposal; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign and submit a 2014-2015 grant application to the National Park's Erie Canalway National Heritage Corridor for a grant for new entrance signs to the Vischer Ferry Nature and Historic Preserve; and be it further

RESOLVED, that the cash contribution not to exceed \$1,500 be funded from A-1440-145 (Vischer Ferry Nature Preserve-Engineering).

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano,  
Councilwoman Walowit, Supervisor Barrett  
Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Elisa Baumeister, Garnsey Road, submitted a "Traffic Safety on Garnsey Road" petition. She explained the residents on Garnsey Road are very concerned with safety because of the speeding and aggressive drivers on their road. The residents have seen school buses, parcel delivery trucks and cars using excessive speed of 55 mph on the road. The residents are asking for a police presence to issue tickets on the street during the prime hours, 6:45am-8am and 4-6:30pm. She stated the speed indicator sign was placed on the road but did no good.

Annie Friedman, Leonardo Dr., speaking with regard to the Summer Hill stormwater detention area, asked if approval was received from Saratoga County Commissioner of Public Works as required in NYS Highway Law Chapter 147. She questioned if it was legal for the HOA to pay part of the fees for the repairs to the pond. She questioned why the town would not do the work on their property at 26A Leonardo Drive. Photos of a culvert and her property were distributed by Ms. Friedman.

Supervisor Barrett stated yes Saratoga County Commissioner of Public Works was contacted and they meet at the site. He stated every situation is different and you can't compare the two.

Joseph Cocuzzo, Leonardo Dr., stated last year stones from his property washed down to 26A Leonardo Dr., Ms. Friedman's property and his bridge was and still is are jeopardy. He questioned if the town will help with his situation or Ms. Friedman's property like the town is helping the Summer Hill subdivision.

Supervisor Barrett explained the Summer Hill subdivision pond is a different situation.

Jim Baisley, Barkwood Lane, had concerns with Moe Road multi trail not being completed, the riverfront development, Garnsey Park, open space signage, golf course, ice arena and the Stoney Creek Reservoir.

Supervisor Barrett explained the difficulty in balancing of all resident's requests and the need to follow master plans, financial responsibility and reality.

Richard Harlow, Grooms Road, stated concerns with the free mulch given out at the transfer station noting he has found pieces of plastic and metal in the mulch.

MOTION BY Councilman Whalen, seconded by Councilwoman Standaert to move into EXECUTIVE SESSION at 8:12pm. Motion unanimously carried.

MOTION BY Councilwoman Walowit, seconded by Councilman Whalen to return to the regular Town Board meeting at 8:22pm. Motion unanimously carried.

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

Motion carried at 8:24 p.m.

Teresa J. Brobston  
Deputy Town Clerk