

TOWN OF CLIFTON PARK TOWN BOARD

November 6, 2023

The meeting of the Town Board of the Town of Clifton Park was held in the Town Office Building at 7:02 p.m. Supervisor Barrett presiding.

Present: Supervisor Barrett
Councilman Morelli
Councilwoman Walowit
Councilman O’Hara
Town Clerk Brobston

Absent: Councilwoman Reid

Also Present: Town Attorney McCarthy
Mark Heggen, Comptroller
Norah Hofer, Communications and Technology Coordinator
Jennifer Viggiani, Open Space Coordinator
Walter Smead, Assessor

MINUTES

August 7, October 10 & 16, 2023, Meeting Minutes with proposed amendments:

MOTION by Councilwoman Walowit, seconded by Councilman Morelli, to approve the Town Board minutes of August 7, October 10 & 16, 2023, with amendments.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilman O’Hara,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilwoman Reid

MOTION CARRIED

September 5 & 11, October 2, 2023, Meeting Minutes:

MOTION by Councilman Morelli, seconded by Councilman O’Hara, to approve the Town Board minutes of September 5 & 11, October 2, 2023, as presented.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilman O’Hara,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilwoman Reid

MOTION CARRIED

ANNOUNCEMENTS & COMMUNICATIONS

Supervisor Barrett invited residents to the dedication of the Veteran’s Memorial Walkway Improvements Project to be held Friday, November 10 at 1:00 PM on the Clifton Common. He stated engraved brick pavers are available to be purchased. Additional information can be found on cliftonpark.org.

Supervisor Barrett stated the Town's ten new pickleball courts, located on MacElroy Road near Veteran's Park, are coming along. The project, weather permitting, should be completed soon.

Supervisor Barrett stated the Town's new Project Adventure course project is underway at Collins Park. Clearing has occurred to make way for the new elements that will be installed in the Spring. The Supervisor explained, Project Adventure, a popular activity over the years, is a great way for youth to get out of their comfort zone and experience elements that they may never have the opportunity to do. A fun way to team builds and gain confidence.

Councilman Morelli reminded residents of the Veteran's Day Dash to be held on Friday, November 10 at the Shenendehowa School Campus beginning at 10 AM.

Councilman Morelli reminded residents of a resolution passed on August 7, proclaiming Clifton Park as a Purple Heart Town. He stated the signs had been erected at the entrances of the Town.

Councilman Morelli thanked Starpoint Church for teaming up with the Town and volunteers who participated at the recently held Trunk or Treat on October 27. The event was a huge success with possibly over 4,000 kids participating.

Councilman O'Hara announced this coming Friday and Saturday, in conjunction with Veteran's Day, residents will have the opportunity to participate in the Poppy Drive, a tradition dating back to WWI. All funds raised are for veterans in need.

Councilman O'Hara reminded residents of the Crystal Knot Community Commemoration, the night of broken glass when the Nazi's started to put the pressure on the Jewish Community, when the Holocaust and WWII began. Councilman asked residents of Clifton Park to be aware of hate crimes and stand tall and up against it and not just let it go by.

Supervisor Barrett stated Councilwoman Reid, who is still in our thoughts, are expecting a child any day now and wish her and husband John all the best. The supervisor announced he and his wife welcomed a newborn boy on October 24th, an exciting time!

PRESENTATION-HONORING AVM & EPILEPSY AWARENESS MONTH

Supervisor Barrett read Proclamation and Resolution No. 250 of 2023, highlighting and making residents aware about AVM (arteriovenous malformation) Awareness Month for October and Epilepsy (brain disorder) Awareness Month, a nationwide effort in November. The Proclamation was presented to Daniel McEvily for his advocacy for AVM & Epilepsy and making sure others are aware and understand the diseases.

PRESENTATION OF COMMUNITY ACTION FUND GRANT AWARDS

Supervisor Barrett announced, this effort started several years ago, the Community Action Fund provides an opportunity for community non-profit organizations to apply for funding to support programs and projects that would result in a tangible benefit to Clifton Park and its residents. Financial support of the Community Action Fund is generated by the resident's donation of bottles and cans that can be redeemed for a deposit collected at the Transfer Station.

Twenty-seven awards were presented totaling \$11,680 in available funds.

PUBLIC HEARING ON THW WITHDRAWAL OF FUNDS FROM THE OPEN SPACE CAPITAL RESERVE FUND FOR THE PURCHASE OF MAPLE HILL FARMS PERMANENT CONSERVATION EASEMENT DEED 7:44 PM

Town Clerk Brobston read aloud the Legal Notice that was advertised on October 19, 2023, in the Daily Gazette.

Supervisor Barrett stated, through different projects that have taken place in the Town, the Town initiated this option, the Town has been able to collect and set aside monies to be used for preservation of property projects in the future. This is certainly a project worthwhile in that regard. The Town has worked with three other farm owners since the Town began this process of permanently preserving property. The current proposed property is located at the corner of Rte. 146A & Ashdown Road. Supervisor thanked Open Space Coordinator Jennifer Viggiani, Director of Planning & Zoning John Scavo and Town Attorney McCarthy for preparing this opportunity and agreement.

Daniel Mathias Jr., Birch Hill Rd., member of the Town's ECC, spoke in support of the project and stated the purchase of a permanent conservation easement for the Maple Hill Farm is consistent with the goals and intent of the Municipal Agriculture and Farmland Protection Planning Grant program. It will protect this farmland in perpetuity, and he applauds the Town Board for proposing this acquisition. He stated the provision of the proposal to redeposit subsequent disbursements from grant sources to the Open Space Capital Resource Fund is critical. The amount of funding that has been coming into this fund has been declining in recent years and if the future implementation of the Farmland Protect Plan or other open space acquisitions are to take place, the strength of this capital fund is paramount. He urged the Town Board to move forward with this acquisition.

Frank Berlin, Main Street, applauds the Town for the idea of working with the owners of these properties and working with the easements and getting the land which fits into being a Green Belt in the western part of Town. Mr. Berlin explained the Friends of Open Space has made a drone video of the Town to possibly present to the Town Board at a future meeting.

Supervisor Barrett stated, in the first meetings of putting this together in 2000, many were against the permanent conservation easement program and thought the Town was going to take their property and it did take time to explain the programs that the Town was going to talk about implementing were all volunteer programs. Once the initial concerns were elevated, residents saw very clearly that not only is the Town not going to take the land, but actually it might work to benefit to partner with the Town. These programs have been beneficial to the Town and property owners.

Councilman Morelli thanked the volunteers, especially the Open Space Committee for all their years of dedication to the project.

Councilman O'Hara congratulated the volunteers who spent years with the vision and goals to help the Town balance green and growth.

Public hearing closed at 7:56 PM.

RESOLUTIONS

Resolution No. 239 of 2023, a resolution authorizing the Supervisor to execute closing documents for the acquisition of a permanent conservation easement over 71± acres of farmland on Ashdown Road, and appropriating funds for the purchase.

Introduced by Councilman Morelli, who moved its adoption, seconded by Councilman O'Hara.

WHEREAS, by Resolution No. 150 of 2019, the Town Board authorized the Supervisor to sign a master grant contract with the State Department of Agriculture and Markets, through the Department's Farmland Protection Implementation Grant Program (FPIG), to support the purchase of a permanent conservation easement over the operating farmlands known as Maple Hill Farm, at 110 Ashdown Road, otherwise identified as SBL 263.-2-8.1, for a grant value to cover up to 75% of the total project costs, and

WHEREAS, the total project costs are \$456,915, consisting of transaction costs including title insurance, title search, survey, appraisal, staff time, legal fees, recording fees, stewardship fee, and baseline report, as well as the value of the development rights to be acquired, and

WHEREAS, the Planning Department estimates that the Town's reimbursement from the State Department of Agriculture and Markets Farmland Protection Grant will be \$342,686, and

WHEREAS, by Resolution No. 6 of 2020, the Town Board authorized the Supervisor to execute a Farmland and Open Space Grant Contract with the County of Saratoga for additional funding of \$14,000 to support the Maple Hill Farm development rights purchase, which will also operate as a reimbursement Grant, and

WHEREAS, the acquisition will permanently protect valuable farmlands within the Town, the County and the State of New York, and permanently extinguish the development rights for the property in accordance with the Deed of Conservation Easement, and

WHEREAS, following the completion of property surveys by Environmental Design Partners, Title search and related work by SMPR Title, and the professional property appraisal by CNY Appraisers, Inc., the value of the development rights to be acquired was appraised at \$421,700, and

WHEREAS, property owners Kurt and Juliette Swartz, have agreed to contribute \$16,125 through a bargain sale donation, which results in a final acquisition cost of \$405,575, and

WHEREAS, the Town Board has previously committed to fund the purchase price in the first instance, and seek reimbursement of the contractual grant funds from the State of New York and the County of Saratoga, and to fund the local cash and in-kind match resulting in a net cash contribution by the Town in the amount of \$73,429, as well as \$10,675 credited for in-kind services in the form of staff time and legal services, and

WHEREAS, Director of Planning and Zoning John Scavo, recommends that the Town Board classify the purchase of a conservation easement for farmland protection purposes as an Unlisted Action pursuant to SEQRA; now, therefore, be it

RESOLVED, that the Supervisor is authorized to accept the attached Deed of Conservation Easement over the 71.262-acre farmlands known as Maple Hill Farm at 110 Ashdown Road, in exchange for the sum of \$405,575, and be it further

RESOLVED, that the Comptroller is authorized to pay up to \$405,575 to sellers Kurt and Juliette Swartz, as well as related closing and filing costs, from the Open Space Capital Reserve, with a transfer to A-01940-00200 (General Fund- Other Town Payments – Equipment), and be it further

RESOLVED, that the Planning Department is instructed to seek the full eligible reimbursements to the Town from the County of Saratoga and the New York State Department of Agriculture and Markets, in accordance with the terms of each grant contract, to be deposited in the Open Space Capital Reserve Fund; and be it further

RESOLVED, that the Town Board issues a Negative Declaration pursuant to the SEQRA, based on the information and analysis above, and any supporting documentation that the proposed action will not result in any significant adverse environmental impacts.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilman O'Hara,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

Resolution No.240 of 2023, a resolution appointing Mark Vena as a member of the Industrial Development Agency (IDA).

Introduced by Councilwoman Walowit, who moved its adoption, seconded by Councilman O'Hara.

WHEREAS, a vacancy exists on the IDA, and

WHEREAS, Mark Vena, Clifton Park, has been recommended to fill the position, and

WHEREAS, Mr. Vena has the background experience, education and training to act effectively as a member; now, therefore, be it

RESOLVED, that Mark Vena is hereby appointed as a member of the IDA for a 3-year term, term to expire December 31, 2026.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilman O'Hara,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

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Introduced by Councilwoman Walowit, who moved its adoption, seconded by Councilman O'Hara.

WHEREAS, a vacancy exists on the IDA, and

WHEREAS, Mark Vena, Clifton Park, has been recommended to fill the position, and

WHEREAS, Mr. Vena has the background experience, education and training to act effectively as a member; now, therefore, be it

RESOLVED, that Mark Vena is hereby appointed as a member of the IDA for a 3-year term, term to expire December 31, 2026.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilman O'Hara,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

Resolution No. 241 of 2023, a resolution authorizing the Assessor to re-levy delinquent sewer charges on the 2024 property tax bills.

Introduced by Councilman O'Hara, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, the Saratoga County Sewer District No. 1 has reported unpaid sewer bills, per the attached schedule, for the Saratoga County Sewer District No. 1; and

WHEREAS, the Sewer District requests that the Assessor re-levy the unpaid Saratoga County Sewer District No. 1 charges to ensure payment of the same; now, therefore, be it

RESOLVED, that the Town Board accepts the reported delinquent sewer charges for the Saratoga County Sewer District No. 1, per the attached schedule, and authorizes the Assessor to re-levy that amount on the property owners' 2024 Town and County Tax bills; and be it further

RESOLVED, that all proceeds be returned in February 2024, to the Saratoga County Sewer District No. 1.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilman O'Hara, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

Resolution No. 242 of 2023, a resolution authorizing the Assessor to re-levy delinquent water charges on the 2024 property tax bills.

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

WHEREAS, the Town of Ballston Water Department has reported unpaid Town of Ballston water bills for Town of Clifton Park users, per the attached; and

WHEREAS, the Town of Ballston Water Department asks that the Assessor re-levy the unpaid Town of Ballston water bills to ensure payment of the same; now, therefore, be it

RESOLVED, that the Town Board accepts the reported delinquent water charges for the Town of Ballston Water Department, per the attached, and authorizes the Assessor to re-levy that amount on the property owners' 2024 Town and County Tax bills; and be it further

RESOLVED, that all proceeds be returned in February 2024, to the Town of Ballston.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilman O'Hara, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

Resolution No. 243 of 2023, a resolution authorizing the Assessor to re-levy delinquent water charges on the 2024 property tax bills.

Introduced by Councilman Morelli, who moved its adoption, seconded by Councilman O'Hara.

WHEREAS, the Clifton Park Water Authority (CPWA) has reported unpaid Clifton Park Water Authority water bills for Town of Clifton Park users, per the attached; and

WHEREAS, the Water Authority requests that the Assessor re-levy the unpaid CPWA bills to ensure payment of the same; now, therefore, be it

RESOLVED, that the Town Board accepts the reported delinquent water charges for the Clifton Park Water Authority, per the attached, and authorizes the Assessor to re-levy that amount on the property owners' 2024 Town and County Tax bills; and be it further

RESOLVED, that all proceeds be returned in February 2024, to the Clifton Park Water Authority.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilman O'Hara,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

Resolution No. 244 of 2023, a resolution authorizing the Assessor to re-levy delinquent sewer charges on the 2024 property tax bills.

Introduced by Councilwoman Walowit, who moved its adoption, seconded by Councilman O'Hara.

WHEREAS, Michael O'Brien, Collection Systems Manager, has reported unpaid sewer bills, per the attached schedule, for users of the Olde Nott Farm Sewer District, and

WHEREAS, the Sewer District requests that the Assessor re-levy the 2022 unpaid Olde Nott Farm Sewer user charges to ensure payment of the same; now, therefore, be it

RESOLVED, that the Town Board accepts the reported delinquent sewer charges for the Olde Nott Farm Sewer District, per the attached schedule, and authorizes the Assessor to re-levy that amount on the property owners' 2024 Town and County Tax bills; and be it further

RESOLVED, that all proceeds be returned in February 2024, to the Olde Nott Farm Sewer District.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilman O'Hara,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

Resolution No. 245 of 2023, a resolution authorizing the Assessor to re-levy delinquent sewer charges on the 2024 property tax bills.

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

WHEREAS, Michael O'Brien, Collection Systems Manager, has reported unpaid sewer bills, per the attached schedule, for users of the Rivercrest Sewer District Extension No. 1, and

WHEREAS, the Sewer District requests that the Assessor re-levy the unpaid 2022 Rivercrest Sewer District Extension No. 1 user charges to ensure payment of the same; now, therefore, be it

RESOLVED, that the Town Board accepts the reported delinquent sewer charges for the Rivercrest Sewer District Extension No. 1, per the attached schedule, and authorizes the Assessor to re-levy that amount on the property owners' 2024 Town and County Tax bills; and be it further

RESOLVED, that all proceeds be returned in February 2024, to the Rivercrest Sewer District Extension No. 1.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilman O'Hara,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

Resolution No. 246 of 2023, a resolution authorizing the Assessor to re-levy the expense of repairs or maintenance against the land on which such building is located, as provided for in Section 77-12 of the Town Code.

Introduced by Councilman O'Hara, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, in February of 2012, the Town Board adopted Resolution No. 40 of 2012 to respond to isolated incidents where the abandonment of properties or extended foreclosure process results in neglect to real property, and

WHEREAS, Section 77-12, of the Town Code, as amended, requires that records of costs and expenses incurred in providing such maintenance be reported to the Town Board no later than November 1st of each year, and

WHEREAS, the Code Enforcement Officer has reported the identification of (10) vacant, abandoned, or foreclosure properties meeting criteria outlined in Section 77-10, and

WHEREAS, maintenance performed and contracted by the Buildings and Grounds Department, pursuant to Section 77 of the Town Code, has been completed by the Department of Buildings and Grounds and the Department of Building and Zoning Code Enforcement, on all (10) properties at a cost of \$2,095, per the attached exhibit, and

WHEREAS, the Code requires that the Town Board authorize the Assessor to re-levy the unpaid bills on affected properties, for the next tax roll to ensure re-payment to the Town consistent with Resolution No. 40 of 2012; now, therefore, be it

RESOLVED, that the Town Board authorizes the Assessor to re-levy the unpaid bills on the respective properties as delineated on Schedule A, to this Resolution for the 2024 Town and County Tax bills; and be it further

RESOLVED, that all proceeds be returned in February 2024, to the Town of Clifton Park.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilman O’Hara,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

Councilman O’Hara requested assessing what the true cost for the service is compared to what the Town charges.

Resolution No. 247 of 2023, a resolution amending a consolidated real estate permit from New York State Canal Corporation.

Introduced by Councilman O’Hara, who moved its adoption and seconded by Councilwoman Walowit.

WHEREAS, by Resolution No. 280 of 2021, the Town Board authorized the acceptance of an updated and consolidated Real Estate Occupancy Permit from the New York State Canal Corporation for the stewardship, use and occupancy of the Vischer Ferry Nature and Historic Preserve, and

WHEREAS, the updated permit contains a paragraph within its “General Permit Conditions” section that does not apply to the nature of the walking and hiking trails within the Preserve, and

WHEREAS, Canal Corporation has now forwarded a clarifying permit without unnecessary language regarding the trails within the Preserve; now, therefore, be it

RESOLVED, that the Supervisor is authorized to accept and execute the attached Real Estate Permit, No. C-OC-202100217-R-001, from the New York State Canal Corporation.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilman O’Hara,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

Attorney McCarthy stated there is a paragraph in the general conditions, which go out to all of their permit holders, which didn’t apply here because the trails that were in the nature preserve were constructed for the purpose of providing pedestrian traffic inside the preserve.

Resolution No. 248 of 2023, a resolution authorizing the Supervisor to enter an agreement for Government Accounting Standards Board (GASB) 75 Actuarial Valuation Services for the year ending December 31, 2023.

Introduced by Councilwoman Walowit, who moved its adoption, seconded by Councilman O’Hara.

WHEREAS, the Comptroller sent a request for proposals to vendors in the area for actuarial services, and

WHEREAS, on October 25, 2023, the Town received a single proposal from Jefferson Solutions, Inc., Clifton Park, New York, for an estimated total cost of \$4,095, which is in conformance with the request, and

WHEREAS, the Comptroller has recommended that Jefferson Solutions, Inc. is knowledgeable and has prepared GASB 75 reports throughout the area, and these services will determine the liability for retiree benefits other than pensions and will confer a benefit to the Town, and

WHEREAS, the Town Board wishes that these services will be completed for the full year 2023; now, therefore, be it

RESOLVED, that the Supervisor is authorized to enter into an agreement with Jefferson Solutions, Inc. for GASB 75 Actuarial Valuation Services for an estimated amount of \$4,095 for the year ending December 31, 2023, to be paid from A-1320-00015 (General Fund - Auditor - Other Contractual).

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilman O'Hara,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

Resolution No. 249 of 2023, a resolution awarding the contract for a cloud-based accounting system upgrade.

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

WHEREAS, an upgrade to the Town's accounting system is required to comply with federal reporting and system requirements, and

WHEREAS, Comptroller Mark Heggen, requested a quote from MIP Fund Accounting for the accounting system upgrade, which was received on October 5, 2023, and

WHEREAS, the quote from MIP Fund Accounting, details the proposed upgrade of the Town's current accounting system to a cloud-based accounting system, including migration of data and online training, at a cost not to exceed \$11,940.34, and

WHEREAS, Mr. Heggen recommends that the quote from MIP Fund Accounting be accepted; now, therefore, be it

RESOLVED, that the Supervisor is authorized to execute the attached contract from MIP Fund Accounting, and the Comptroller is authorized to pay the contract price, not to exceed \$11,940.34, from A-01315-00004 (General Fund - Comptroller- Computer) with transfers of \$1,500 from A-01315-00200 (Comptroller's Office – Equipment), \$2,000 from A-01320-0019 (Auditor – Auditing Expense) and \$4,100 from Contingency to A-01315-00004 (Comptroller's Office – Computer).

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilman O'Hara,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

Resolution No. 250 of 2023, a resolution honoring AVM & Epilepsy Awareness Month.

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

WHEREAS, AVM Awareness Month held in October and Epilepsy Awareness Month, a nationwide effort in November, are both important to raise awareness about and change the conversation around brain aneurysms, epilepsy, seizures, and side effects, as well as to improve and save lives through care, advocacy, research and new therapies, and public health and education, and

WHEREAS, an arteriovenous malformation (AVM) is a complex tangle of arteries and veins that bypass normal brain tissue and directly diverts blood from the arteries to the veins, potentially resulting in devastating ruptures, seizures, or death. Many patients do not recognize the symptoms or understand they are at risk of a brain AVM, and

WHEREAS, epilepsy is a brain disorder characterized by recurrent and unprovoked seizures that can affect people of all ages, races, ethnic backgrounds, and social classes, and

WHEREAS, the fourth most common neurological disorder, epilepsy affects approximately 3.4 million people in the U.S., while 18 in 100,000 people have an AVM in the brain in the U.S., and

WHEREAS, while protections exist in the Americans with Disabilities Act and related civil rights laws, people with epilepsy still encounter discrimination in areas including employment, education, and housing, and

WHEREAS, through action together on Epilepsy Awareness Month and during other awareness initiatives, including International Epilepsy Day, AVM Awareness Month, and Brain Awareness Week, it is important to increase public knowledge about epilepsies, strokes, brain bleeds, and seizure first aid; now, therefore, be it

RESOLVED, that the Town Supervisor of the Town of Clifton Park, New York, on behalf of the Town Board, do hereby proclaim November 2023 as AVM and Epilepsy Awareness Month in the Town of Clifton Park and encourage residents to take action together in order to overcome the challenges of living with epilepsies and accelerate therapies to stop seizures, find cures and save lives.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilman O'Hara,
Councilwoman Walowit, Supervisor Barrett
Noes: None
Absent: Councilwoman Reid

Supervisor Barrett stated, the Town Board recently received a memo from the Highways Superintendent about stormwater projects that have already been done except for one at Woodcliff Drive, which he has been sending inquiries about for many months and still not done yet. He thanked the Highway Managers for their work on this. He stated there is another stormwater project at Berkshire Drive West that needs to be taken care of. The funding through the ARPA program, that the Town allocated by the Town Board, was never spent by the Highway Department authorizing the Highway Department to do the projects. Supervisor stated if the Highways Superintendent does not act on this very soon, the Town Board will take action.

The following Resolution was read.

Resolution No. 251 of 2023, a resolution authorizing the Highways Superintendent to spend up to \$50,000 for stormwater maintenance for Berkshire Drive West.

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

WHEREAS, an issue exists between properties on Berkshire Drive West with a compromised stormwater pipe, and

WHEREAS, an issue exists with the stormwater pipe that runs between homes near the driveway of 28 Berkshire Drive West, and

WHEREAS, Supervisor Barrett asked Collection System Manager Michael O'Brien to televise the pipe on two occasions to identify the cause for the sink holes occurring in the nearby yards of the homes, and

WHEREAS, a normal course of action in these instances is a process of lining the current pipe; now, therefore, be it

RESOLVED, the Town Board authorizes the pipe near 28 Berkshire Drive West to be lined, utilizing up to \$50,000 of funds allocated by the Town Board two years ago as part of the ARPA program for stormwater maintenance.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilman O'Hara,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

Councilman O'Hara stated he is still gathering information concerning stormwater management from other residents.

Councilwoman Walowit stated she was curious as to why these stormwater projects were not completed when the money has been allocated.

Supervisor Barrett stated the paving program was recently posted on the website. He explained not on the agreement are roads that were not done were not part of the 284 Agreement, Lexington Drive, Willard Drive and Maxwell Drive, however, there was one road that was not on the Agreement and was paved and that is Willow Springs. The deviation from the Agreement is very concerning, and that is outlined in Highway Laws. Supervisor stated he did contact the contractor Evolution and told them that the bill for Willow Springs will not be paid in a timely manner, because that road was not part of the 284 Agreement and as outlined in Highway Law the Highway Superintendent may be personally liable for those expenses if they deviate from the Agreement. The Town Board allocated an additional amount of \$300,000 for Lexington, Carriage and Westchester Drives and associated Courts. The supervisor explained if the idea of paving Willow Springs came before the Town Board, they would probably allocate the money for it, because there is still hundreds of thousands of dollars of money in recent years that has not been spent. He stated he has referred this matter to Legal because he doesn't believe he should or can be authorized to pay the invoice.

No one wished to be heard.

PUBLIC PRIVILEGE

Judy Kaiser, Ashdown Rd., explained a water issue they have been experiencing on their property. Pictures were distributed for viewing. She stated a solar farm was built adjacent to their property in 2019, it was going fine until they noticed water coming onto their property. The solar farm was built on the side of their property in the back, so the trees and vegetation were taken down and all the water was flooding the property from all points. A natural DEC stream runs through one paddock and into the woods. She spoke to the Supervisor, and it was recommended she spoke with Scott Reese, the Town's Stormwater Management Officer, and he came out and said the flooding was because of rain. They have not had this issue for thirteen years and have never had this issue until the solar farm was built. Mr. Reese suggested calling DEC. She stated

Jed Hayden from DEC came out and visited the property and recognized the natural stream which was ok. She questioned Mr. Hayden as to why the solar farm didn't have a retention pond. He responded that the State didn't approve or allow it. She stated her property continues to be flooded. She contacted Jed Hayden, DEC again in February 2023, and he said he would talk with his colleagues and get back to her. He has not. She explained her attorney sent a letter to Borrego Solar Farm Company, and they have not responded. Every year it is getting progressively worse.

Supervisor Barrett stated he will follow-up with Scott Reese the next day.

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

Motion carried at 8:46 PM

Teresa Brobston
Town Clerk