

TOWN OF CLIFTON PARK TOWN BOARD

June 2, 2025

The meeting of the Town Board of the Town of Clifton Park was held in the Town Office Building at 7:01 p.m. Supervisor Barrett presiding.

Pledge of Allegiance

Present: Supervisor Barrett
Councilman Morelli
Councilwoman Reid
Councilwoman Walowit
Councilman Manir
Town Clerk Ranze

Also Present: Town Attorney, Paul Pelagalli
Mark Heggen, Comptroller
Michael Woerner, Director of Parks & Recreation

MINUTES

MOTION by Councilwoman Walowit, seconded by Councilman Manir, to approve the Town Board minutes of May 19, 2025, as presented.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir,
Councilwoman Walowit, Supervisor Barrett

Noes: None

MOTION CARRIED

COMMUNICATIONS/ANNOUNCEMENTS

Councilwoman Reid – The Clifton Park Vischer Ferry Historic Nature Preserve Photo Contest is now open for submissions through September 1, 2025. This is the second year of the contest, and it’s open to all. New this year: participants will be divided into age and experience categories (minor/adult, professional/amateur), and a theme has been introduced – “History”, in honor of the Erie Canal bicentennial. Final voting will take place a Canal Fest on October 11–12 in Vischer Ferry. More information is available on the Town website and the contest Facebook page.

Councilman Morelli – Upcoming Events: Stewardship Hike – Wednesday at 1 PM at Veterans Park (meet at the pavilion); trail hike, warm weather expected. Learn to Fish Day – Saturday, June 7th, from 11 AM – 2 PM at Barney Road Pond, sponsored by the DEC. Bike Into History – Also Saturday, led by Town Historian John Scherer and Eric Hamilton; an 8 mile ride through the Vischer Area Hamlet and preserve, with historical stops. Helmets are Required.

RESOLUTIONS

Resolution No. 130 of 2025, a resolution authorizing the purchase of a compactor attachment for the Highway Department’s Bobcat E88 Excavator.

Introduced by Councilman Morelli, who moved its adoption, seconded by Councilman Manir.

WHEREAS, Dahn Bull, Superintendent of Highways, requested authorization to purchase excavating equipment for compaction of dig sites, and

WHEREAS, Bobcat of Schenectady, Burnt Hills, NY, has the PCF64 Plate Compactor attachment with hose kit and mounting cap, per the attached quote, at a total cost not to exceed \$7,655 for purchase under NYS Contract PC69396, and

WHEREAS, Mr. Bull has recommended the equipment be purchased from Bobcat of Schenectady, pursuant to the NYS Contract identified above; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Superintendent of Highways to purchase the PCF64 Plate Compactor attachment with hose kit and mounting cap from Bobcat of Schenectady, to be paid in a total amount not to exceed \$7,655 from DA-5130-229 (Highway – Machinery – Small Equipment).

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 131 of 2025, a resolution authorizing the hirings, promotions and step correction adjustments of seasonal employees for the 2025 Summer season.

Introduced by Councilwoman Reid, who moved its adoption, seconded by Councilman Manir.

WHEREAS, openings exist for seasonal employees, and

WHEREAS, Director of Parks & Recreation, Mike Woerner, recommends the hirings and promotions outlined in the attached Schedule A, and

WHEREAS, Mr. Woerner wishes to make step adjustments for three (3) counselors, also outlined in the attached Schedule A, that were originally approved in Resolution No. 80 of 2025; now, therefore, be it

RESOLVED that the Town Board authorizes the 2025 seasonal hirings, promotions and step correction adjustments as outlined in the attached Schedule A, to be paid as stated, effective immediately.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 132 of 2025, a resolution authorizing Anna Giarraputo to serve alcoholic beverages at a gathering to be held at Collins Park on August 17, 2025.

Introduced by Councilwoman Walowit, who moved its adoption, seconded by Councilwoman Reid.

WHEREAS, Anna Giarraputo is hosting a gathering at Collins Park and has requested permission to serve alcohol in the form of beer and wine at the event, and

WHEREAS, Anna Giarraputo has submitted a permit application for use of Town facilities at Collins Park on August 17, 2025 from 11:00am-5:00pm; now, therefore, be it

RESOLVED, that Anna Giarraputo, Clifton Park, is hereby authorized to serve beer and wine at a gathering to be held at Collins Park on August 17, 2025 from 11:00am-5:00pm.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Susan Moore – Residents raised concerns about the declining condition of the pond on Par Del Rio, overgrown vines on the golf course fence, poorly maintained trails, and dissatisfaction with a recent landscaping project. Questioning the landscaper’s qualifications and requested to review invoices, expressing concern about spending and expectations for fall plantings.

Town Attorney Paul Pelagalli – Advised Ms. Moore to submit a formal FOIL request to the Town Clerk to obtain the invoices.

Councilman Morelli – Toured Clifton Knolls earlier in the day and observed significant improvements since their last visit. Unclear whether the upgrades were done by residents or Dirt and Décor, the positive changes were evident, and many people were enjoying the trails.

Supervisor Barrett – Emphasized that the beautification project was never meant to match high-end venues like Belmont of exclusive golf courses. While those places feature elaborate floral displays, the town’s goal was modest neighborhood enhancement. The area is looking nice and can expect continued improvement.

Rosemary Scalomero – Shared her observations as a frequent walker in Clifton Knolls, expressing that the flowers look better than last year. Objected Susans earlier accusation that they were laughing and noted a personal concern about Susan’s attitude towards her.

Supervisor Barrett MOVED for the Town Board, Town Attorney, and Town Clerk, to go into Executive Session to discuss a legal matter, and contract negotiations seconded by Councilman Morelli. All yes. MOTION CARRIED.

Councilwoman Walowit MOVED to return to the regular Town Board meeting, seconded by Councilman Morelli, Councilman Manir Abstained, All yes. MOTION CARRIED. The Town Board returned to the regular Town Board meeting at 7:59 p.m. Action was taken.

Resolution No. 133 of 2025, authorizing the Town Attorney to answer the Callanan and Dolomite Verified Complaint and to file and serve a Third-Party complaint for a declaratory judgment.

Introduced by Councilwoman Walowit, who moved its adoption, seconded by Councilwoman Reid.

WHEREAS, on May 12, 2025 the Town of Clifton Park was served with a verified complaint brought against the Town by Callanan Industries, Inc. and Dolomite Products Company, Inc. seeking payment of \$417,032.87 for provision of services, materials, and supplies to the Town for paving and repair of Town roadways in 2024, and

WHEREAS, N.Y.S. Town Law §65 requires a town board resolution authorizing the Town Attorney to defend and/or commence litigation on behalf of the Town, and

WHEREAS, the Town Attorney must also commence a Third-Party action seeking a declaratory judgment as whether there was a valid §284 agreement for 2024; whether the Supervisor is authorized to approve payment for services, materials, and supplies provided for

paving and repair of Town roads in 2024; and whether the Superintendent of Highways is responsible for such payments; now therefore, it is hereby

RESOLVED, that the Town Attorney is authorized to file and serve an answer to the Verified Complaint brought by Callanan Industries, Inc. and Dolomite Products Company, Inc; and be it further

RESOLVED, that the Town Attorney is authorized to file and serve a Third-Party complaint against Dahn Bull, as the Superintendent of Highways for the Town of Clifton Park, seeking the aforementioned declaratory judgment.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Abstain: Councilman Manir

DECLARED ADOPTED

Town Attorney Paul Pelagalli – Callanan Industries and Dolomite provided \$417,000 in asphalt in 2024 without a valid Section 284 agreement between the Town Board and Highway Superintendent. As a result, the Town Supervisor is not authorized to pay the invoice, and the town is now being sued. I am requesting board approval to respond to the lawsuit and file a third-party action to determine if a valid agreement existed and whether the Highway Superintendent may be personally liable.

Supervisor Barrett – For the second year in a row, the Highway Superintendent proceeded with paving projects without a valid Section 284 agreement, despite repeated requests and warnings. As a result, the town is being sued by Callanan Industries and Dolomite for \$417,000. The Town Supervisor cannot authorize payment without a valid agreement, and per the 1991 State Comptroller’s opinion, the Highway Superintendent may be personally liable. The Town Board is moving forward with a third-party legal action to protect the town’s interests and prevent this issue from recurring.

Councilman Morelli – Expressed concern about escalating legal costs related and urged that the litigation be resolved as quickly as possible to avoid increasing expenses, including attorney fees and potential interest. Asking to be kept updated and emphasized the importance of a swift resolution.

Town Attorney Paul Pelagalli – Initiating third-party action as a declaratory judgment action, it will hopefully bring things to a head more quickly and cut down on our expenses.

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 8:13 PM

Stephanie Ranze
Town Clerk