

February 22, 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 Hughes
Councilman Romano
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Absent: Councilman Paolucci

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

MOTION BY Councilman Hughes, seconded by Councilwoman Walowit, to approve the minutes of the February 7, 2011 meeting as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett referred to a letter from Richard Filkins of NYS DOT reporting a pavement maintenance project is planned covering Route 146 from the vicinity of Vischer Ferry Road to the vicinity of Tallow Wood Drive. Work is planned for the night time hours. Supervisor Barrett said he is concerned with the pavement conditions and “washer board” effect around the Exit 9 shopping area and hopes this area will be paved at some point as well.

Supervisor Barrett, noting February 23rd is Wear Red Day in Clifton Park, introduced Katherine McCarthy of the American Heart Association and Reid Hartl, Koda Middle School student. Supervisor Barrett reviewed Reid’s volunteerism for the Heart Association. Ms. McCarthy explained Wear Red Day helps to raise awareness of heart disease. She said Reid Hartl is a great example as he was born with heart disease, had surgery when he was eight days old and is a healthy 13 year old.

Resolution No. 57 of 2011, a resolution recognizing American Heart Association Wear Red Day to raise awareness of heart disease.

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

WHEREAS, diseases of the heart are the nation’s leading cause of death and stroke is the third leading cause of death, and

WHEREAS, cardiovascular disease claims the lives of nearly 460,000 American females each year, approximately one death per minute, and

WHEREAS, each year 53% of all deaths are due to cardiovascular disease and 61% of stroke deaths occur in females, and

WHEREAS, too many women die each year because they are unaware that heart disease is their No. 1 killer, and

WHEREAS, in 2010 the direct and indirect cost of cardiovascular diseases in the U.S., including stroke, was estimated to be \$503.2 billion, and

WHEREAS, more women die of heart disease, stroke, and all other cardiovascular diseases than the next five leading causes of death combined, including all cancers, and

WHEREAS, only 21% of women consider cardiovascular disease their greatest health risk, and

WHEREAS, February is designated as American Heart Month, and

WHEREAS, “Go Red for Women” is the American Heart Association’s national call to increase awareness about heart disease, the leading cause of death for women, and to inspire women to take charge of their heart health, and

WHEREAS, all women should learn their own personal risk for heart disease, using tools such as the American Heart Association’s Go Red for Women Heart Check-up, Go Red For Women Better U and by talking to their healthcare provider, and

WHEREAS, making the right choices relating to proper nutrition, physical activity, doctor visits, and other lifestyle choices are essential to living a heart healthy life, and

WHEREAS, by choosing to speak up about heart disease we can save lives using the power of our very own voices; now, therefore, be it

RESOLVED, that the Clifton Park Town Board in recognition of the importance of the ongoing fight against heart disease and stroke, does hereby proclaim Wednesday, February 23, 2011 to be WEAR RED DAY in the Town of Clifton Park and urge all citizens to show their support for women and the fight against heart disease by commemorating this day by wearing the color red; and be it further

RESOLVED, that by increasing awareness and empowering women to reduce their risk for cardiovascular disease, we can save thousands of lives each year.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Supervisor Barrett said he and Councilwoman Walowit interviewed Teresa Cook for the part time animal control position last evening and decided to put the resolution on the agenda for this evening. He also referred to the proposed resolution to hire Donald Baker as temporary Animal Control Officer explaining Mr. Baker will help train Ms. Cook.

Resolution No. 58 of 2011, a resolution accepting easements necessary for the installation of sanitary sewer piping within the Rivercrest Sewer District Extension No. 1.

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

WHEREAS, the Town of Clifton Park has created the Rivercrest Sewer District Extension No. 1 in the Town of Clifton Park (“District”) to provide sewer service (“Improvements”) to a portion of the Town, and

WHEREAS, the installation of the Improvements requires the Town to acquire easement rights from landowners within the District, and

WHEREAS, McDonald Engineering has prepared legal descriptions for easements necessary for the installation of the sanitary sewer piping; now, therefore, be it

RESOLVED, that the Town Board hereby accepts the following easements necessary for the installation of the improvements within the Rivercrest Sewer District Extension No.1:

	Address	SBL
Lawrence D. and Judy M. Anderson	1643 Route 146	269.19-1-34.1
Melvin L. Crenshaw	962 Riverview Road	269.18-1-60
John and Gloria B. Ericson	938 Riverview Road	269.19-1-37
Kevin Fountain and Tina Tian Jing Fountain	930 Riverview Road	269.19-1-34
Kenneth W. Smith	954 Riverview Road	269.18-1-58
Lesley H. Smith, Lynn A. Holmes and John H. Holmes	964 Riverview Road	269.18-1-63
Mark Tessier	942 Riverview Road	269.18-1-36
Richard D. Wang and Karen P. Wang	14 Rivercrest Drive	269.18-1-48
Meredith F. Williams	958 Riverview Road	269.18-1-59

And, be it further

RESOLVED, that the Town Attorney is hereby directed to record the easements and necessary paperwork with the office of the Saratoga County Clerk on behalf of the Town of Clifton Park.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 59 of 2011, a resolution authorizing the Supervisor to sign a contract with Solar Liberty Energy Systems for the installation of a photovoltaic solar project on the town highway garage roof and to authorize the Supervisor to sign the NYSERDA RFP Progress Payment Request as each milestone triggering a progress payment is reached.

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

WHEREAS, Resolution No. 17 of 2011 awarded the contract to Solar Liberty Energy Systems as the lowest bidder for the installation of the Photovoltaic Solar Project System on the town highway garage roof and also authorized C.T. Male Associates to prepare the contract accordingly; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign a contract with Solar Liberty Energy Systems for the installation of a photovoltaic system on the roof of the town highway garage; and be it further

RESOLVED, that the Supervisor is authorized to sign the NYSERDA RFP Progress Payment Request Form as each milestone triggering a progress payment is reached.

Director of Community Development McHugh explained NYSERDA reserves the right for final approval but won't look at it until the town approves the contract. It was noted this does not qualify for net metering.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 60 of 2011, a resolution amending Resolution No. 55 of 2011 authorizing the hiring of Theresa Trump as a Co-Instructor for the Tiny Hands Summer Club.

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

WHEREAS, Resolution No. 55 of 2011 authorized the hiring of Theresa Trump as a Co-Instructor for the Tiny Hands Summer Club but did not contain the wage information for the position; now, therefore, be it

RESOLVED, that Resolution No. 55 of 2011 is hereby amended to state that Theresa Trump be paid \$90 per week, not to exceed \$540 through August 17, 2011, to be paid from A-7310-E-4520 (Summer Rec.-Other Programs).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 61 of 2011, a resolution hiring Donald Baker as a temporary Animal Control Officer for up to ninety days.

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

WHEREAS, a need exists for a temporary Animal Control Officer for up to ninety days, and

WHEREAS, former Animal Control Officer Donald Baker has been recommended to fill the temporary position; now, therefore, be it

RESOLVED, that authorization is hereby given to hire Donald Baker, 2560 Route 9, Malta, New York, as a temporary Animal Control Officer for up to ninety days, effective immediately, at Grade 7, Step 5, \$25.72 per hour, to be budgeted from A-3510-E4000 (Animal Control-Employee).

Supervisor Barrett explained Mr. Baker had been the town Animal Control Officer for 10 years and at this point additional manpower and expertise is needed.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 62 of 2011, a resolution authorizing the purchase of mosquito dunks for use by town residents.

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

WHEREAS, the Town of Clifton Park has an on going West Nile Virus preventative program and dunks are needed to continue the program, and

WHEREAS, Michael Montague, Environmental Specialist, has requested authorization to purchase seven thousand or seventy cases of mosquito dunks, one hundred dunks in each case for distribution to town residents, and

WHEREAS, quotes were solicited for the purchase of dunks and the lowest quote was received from Summit in Baltimore, Maryland, for .6785 per dunk, and

WHEREAS, Michael Montague has recommended that the quote of Summit be accepted in an amount of \$4,749.50 for seventy cases of dunks; now, therefore, be it

RESOLVED, that the quote of Summit in an amount not to exceed \$4,749.50 is hereby accepted for the purchase of seventy cases of mosquito dunks, to be paid from A-4010-024 (Community Services-Public Safety).

It was noted the dunks are not harmful to animals or plants.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 63 of 2011, a resolution authorizing the Supervisor to sign a grant contract with the Dormitory Authority of the State of New York for Olde Nott Farm/Rivercrest Sewer Project.

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

WHEREAS, Resolution No. 287 of 2009 established the Rivercrest Sewer District Extension No. 1 and authorized acquisition and construction of improvements to the sewer system, and

WHEREAS, on June 21, 2010 the bid for general construction and electrical work was awarded to low bidder W.M. Schultz Construction, Inc. and Capital District Electric Co. in amounts of \$595,628.45 and \$82,412 respectively, and

WHEREAS, construction has been completed by both contractors, and

WHEREAS, the Town of Clifton Park was previously awarded a Capital Assistance Program Grant in the amount of \$125,000 towards the capital construction costs of the project; and

WHEREAS, the State Dormitory Authority, as the Agency administering state grants, requires execution of a grant contract for release of funds on a reimbursement basis; now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to sign the attached grant contract with the Dormitory Authority of the State of New York to receive a Community Capital Assistance Grant in the amount of \$125,000 for the purchase and installation of a sewer system and pump station in the Rivercrest Sewer District and to sign additional documents as needed in support of the grant application and administration.

Town Attorney McCarthy explained this is a formalization of the member item grant Assembly Reilly secured for the town as one of the funding sources for the 2010 portion of the project. Supervisor Barrett expressed appreciation to Assemblyman Reilly and noted the town is also receiving a larger state grant that was applied for in conjunction with the Town of Glenville. These grants have kept the costs down for the residents.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 64 of 2011, a resolution appointing Teresa Cook as a permanent part-time Animal Control Officer per Civil Service Certification.

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

WHEREAS, a vacancy exists for a part-time Animal Control Officer, and

WHEREAS, Teresa Cook, 139 Raylinsky Road, Ballston Lake, has been recommended to be appointed as a permanent part-time Animal Control Officer; now, therefore, be it

RESOLVED, that Teresa Cook, 139 Raylinsky Road, Ballston Lake, is hereby appointed as a permanent part-time Animal Control Officer for the Town of Clifton Park, per Civil Service Certification at Grade 3, Step 3 (\$16.01 per hour) as budgeted from A-3510-E4000 (General Fund-Animal Control-Part-time Employee).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

PUBLIC PRIVILEGE

Annie Friedman, Leonardo Drive, said she was here to respond to discussions from the last Town Board meeting. She stated "I concede" and said there is no way she can win anything in this forum. Ms. Friedman said she has reviewed the video of the February 7, 2011 Town Board meeting. She referred to Resolution No. 264 of 2010 and reiterated her concerns regarding the soil erosion around her driveway. She presented a FOIL to the Town Clerk. She reviewed her timeline of events. Ms. Friedman said she had a large portion of the stone wall removed expecting repairs would be made to the gabion.

Regarding Ms. Friedman's comment on February 7, 2011 that she had not received a response from the town, Supervisor Barrett stated there have been responses. Town Attorney McCarthy reviewed correspondence and emails between Ms. Friedman and himself and Ms. Friedman and the Highway Superintendent. He read an email dated Sunday, December 12, 2010 from Highway Superintendent Kukuk that stated the structures of concern are on private property and therefore are the responsibility of the property owner, and Ms. Friedman's response. In her email she stated "once we get the final word from you tomorrow that it is a no go we will have our blue stone wall reconstructed for safety reasons". On January 14, Mr. McCarthy stated "that decision was made based on our engineer's evaluation and the conclusion that there was no legal liability for the situation." Mr. Kukuk stated the site is on private property. Supervisor Barrett stated clearly the town has responded.

MOTION by Councilwoman Walowit, 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 7:55 p.m.

Patricia O'Donnell
Town Clerk