

June 18, 2012

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

Also Present: Town Attorney McCarthy  
Richard Kukuk, Superintendent of Highways  
Mark Heggen, Comptroller

MOTION BY Councilman Romano, seconded by Councilwoman Walowit, to approve the minutes of the June 4, 2012 meeting as presented.

**ROLL CALL VOTE**

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

Noes: None

**MOTION CARRIED**

**ANNOUNCEMENTS AND COMMUNICATIONS**

Supervisor Barrett reviewed events planned for the 4<sup>th</sup> of July.

**PRESENTATION BY SHENENDEHOWA COMMUNITY COALITION**

Evan Williamson of the Prevention Council of the Coalition reviewed activities of the Coalition, particularly a recent underage alcohol usage survey done with 9<sup>th</sup> through 12<sup>th</sup> graders. He asked the town to partner with the coalition by having town security be aware of home parties and awareness messages posted at high traffic areas such as the Common.

**PUBLIC PRIVILEGE ON RESOLUTIONS**

No one wished to be heard.

Resolution No. 164 of 2012, a resolution reducing the 2012 Dog Park permit rate from \$30 to \$15, effective July 1, 2012 through December 31, 2012.

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

WHEREAS, requests have been received by the Town Clerk's Office regarding prorating the 2012 Dog Park permit rate through December 31, 2012, and

WHEREAS, Town Clerk Patricia O'Donnell has recommended that the 2012 Dog Park permit rate be reduced from \$30 to \$15, effective July 1, 2012 through December 31, 2012; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Town Clerk to reduce the 2012 Dog Park permit rate from \$30 to \$15, effective July 1, 2012 through December 31, 2012.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 165 of 2012, a resolution approving and authorizing the Supervisor to sign an application to the New York State Comptroller for Audit and Control for approval of the formation of Ballston Lake Water District and construction of improvements for the District.

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

WHEREAS, the Town Board of the Town of Clifton Park, New York (the “Town”) has authorized the establishment of the Ballston Lake Water District (the “District”) and the acquisition and construction of improvements for the District, subject to receipt of approval of the New York State Comptroller in accordance with Town Law Section 209-f and Part 85 of the New York State Comptroller’s Regulations, and

WHEREAS, at the direction of the Town Board, the Town Attorney has prepared an application for permission of the State Comptroller (the “Application”) a copy which is attached to this resolution;

NOW, THEREFORE, be it resolved by the Town Board of the Town of Clifton Park as follows:

1. The Town Board believes the contents of the Application to be accurate.
2. The Town Board has previously determined that the formation of the District and the acquisition, construction and installation of the proposed improvements thereto are in the public interest and will not constitute an undue burden on the property which will bear the cost thereof.
3. The real property to be assessed the cost of the proposed improvements will be benefited by the proposed improvements and no benefited property has been excluded.
4. This resolution is adopted in accordance with Section 85.3 of the New York State Comptroller’s Regulations.
5. The Supervisor is authorized to execute the attached application to the New York State Department of Audit and Control, Office of the Comptroller.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 166 of 2012, a resolution authorizing the transfer of funds from Meadow Estates Park District Fund Balance to Meadow Estates-General Maintenance and Addison Estates-General Maintenance, in order to have additional landscaping work done at the park district.

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

WHEREAS, additional landscaping is needed at the Meadow Estates/Addison Estates Park District at an estimated cost of \$2,000, and

WHEREAS, in order to complete the additional work, it is necessary to complete a budget transfer; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Meadow Estates/Addison Estates Park District, hereby authorizes the transfer of \$1500 from Meadow Estates Park District Fund Balance to SP12-7142-24 (Meadow Estates-General Maintenance) and to also transfer \$500 from Meadow Estates Park District Fund Balance to SP12-7148-24 (Addison Estates-General Maintenance).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 167 of 2012, a resolution in connection with a block party to be held in the Fairway Woods subdivision on July 14, 2012.

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

WHEREAS, the residents of the Fairway Woods subdivision wish to conduct a block party on Saturday, July 14, 2012, 3:00 - 10:00 pm from 34 Tipperary Way to Fairleigh Way 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 from 34 Tipperary Way to Fairleigh Way on July 14, 2012 from 3:00 - 10:00 pm for their party activities, but must not block off the roadway 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, Councilman Hughes, Councilman Romano, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 168 of 2012, a resolution in connection with a block party to be held in a portion of the Country Knolls South subdivision on July 14, 2012.

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

WHEREAS, the residents of the subdivision wish to conduct a block party on Saturday, July 14, 2012, 4:00 - 8:00 pm and request the use of all of Whispering Hills Drive, Longview Drive at the corner of Whispering Hills Drive and a corner of Sleepy Hollow Drive and Whispering Hills 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 all of Whispering Hills Drive, Longview Drive at the corner of Whispering Hills Drive and corner of Sleepy Hollow Drive and Whispering Hills Drive, July 14, 2012 from 4:00 - 8.00 pm for their party activities, but must not block off the roadway 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, Councilman Hughes, Councilman Romano,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 169 of 2012, a resolution authorizing the Highway Department to enter onto private property on Waite Road in order to extend a drainage ditch.

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

WHEREAS, State Highway Law provides that town highway departments may enter upon private land to perform work necessary for highway drainage, with Town Board and County Highway approval, and

WHEREAS, homeowners in the vicinity were complaining that the existing culvert that runs under Waite Road is under water and does not discharge water properly away from their parcels of land, and

WHEREAS, in a report prepared by John M. McDonald Engineering, P.C., stated that the existing 18 inch corrugated metal culvert that conveys storm water from the west side of Waite Road to the east side was deteriorated and failing, and both the inlet and outlet pipe were completely under water, and

WHEREAS, the Town Highway Department was planning on replacing the culvert pipe, however, there is no existing outlet channel to divert the water flow properly out of the pipe, and

WHEREAS, the property owners on the outlet side of the culvert pipe have agreed to allow the town to channel the storm water from the culvert pipe and divert flow to the common property line to provide positive drainage away from the outlet, and

WHEREAS, Highway Superintendent Richard Kukuk has requested authorization to enter onto private property, 563 and 565 Waite Road, to extend the drainage ditch pursuant to Highway Law Section 147; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Highway Department to acquire appropriate easements to enter onto private property at 563 and 565 Waite Road to extend the drainage ditch pursuant to Highway Law Section 147, pending authorization from the Saratoga County Highway Department, and be it further

RESOLVED, that the easement for entry onto private land shall be subject to review and approval by the Town Attorney; and be it further

RESOLVED, that the Highway Department's entry onto private land shall be at no cost to or charge from the homeowners at 563 and 565 Waite Road, Clifton Park.

Superintendent of Highways Kukuk reviewed the planned repair and said residents are aware of the plans.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 170 of 2012, a resolution awarding the bid for the Grooms Tavern Interior Renovations in the Town of Clifton Park.

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

WHEREAS, on May 30, 2012 bids were received for the above referenced contract, and

WHEREAS, the low bid for Grooms Tavern Interior Renovations was submitted by A. J. Arpey, Inc. in the total bid amount of \$39,304, and

WHEREAS, as per letter from McDonald Engineering dated June 4, 2012, McDonald Engineering has reviewed the bids and has recommended to the Town Supervisor that the total bid in the amount of \$39,304 submitted by A. J. Arpey, Inc., be accepted as the lowest most responsible bidder; now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced bid to A. J. Arpey, Inc. in the amount of \$39,304 to be paid from A-1627-200 (Grooms Tavern), as designated by Resolution No. 202 of 2011.

Mark Kazmierczak, Chairman of the Historic Preservation Commission, said improvements consist of a small kitchenette, a new mantel that will be a replica of the old one, and a small portion of the floor will be replaced.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Beverly Czub, Miller Road, asked that the flags on Vischer Ferry Road be straightened.

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 8:00 p.m.

Patricia O'Donnell, Town Clerk