

June 10, 2013

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
John Scavo, Director of Planning

ANNOUNCEMENTS AND COMMUNICATIONS

None

REPORT TO THE BOARD FRIENDS OF CLIFTON PARK OPEN SPACE

Frank Berlin, Main Street, Jonesville, Friends of Clifton Park Open Space, distributed information from Saratoga PLAN. Mr. Berlin said the town has already put into play much of the information mentioned by Saratoga PLAN. He said the Friends, in conjunction with Siena College, have completed the Natural Resources Survey for the western part of town and will give to the town for distribution to the Planning Department, ECC and Zoning Board.

Bill Koebbeman displayed a map of woodlands and habitats, showing natural resource values and ratings of parcels. He said from the meeting with the town a year ago significant changes have been made in the software and the way data is displayed. Mr. Koebbeman explained how the map and software can assist the town. He commended the town on the preservation of open space.

Councilman Romano asked if the software can be adapted to town use and current parcels.

Mr. Berlin acknowledged building will occur in western Clifton Park but this is an opportunity to review before this happens. Software was given to the Supervisor.

Supervisor Barrett, noting the Open Space Plan was adopted 13 years ago, is a living, breathing document and each plan undertaken and completed follows the Comprehensive Plan. He said connecting green areas makes the area more valuable for residents, as well as wildlife habitats. He thanked the Friends of Clifton Park Open Space for their efforts.

PUBLIC PRIVILEGE ON RESOLUTIONS

From the floor, Jim Baisley, Barkwood Lane, referring to the resolution authorizing the demolition of 467 Vischer Ferry Road, questioned the term "unsafe building" used in the resolution and how did the "building get unsafe". Supervisor Barrett said it was planned to demolish the building and plans for the area had been discussed at a prior Town Board meeting. The building had been looked at for offices for the town but the expense would be too great to make it useful. Mr. Baisley stated according to the code a public hearing should be held regarding the demolition. Supervisor Barrett said there was a fair amount of water damage when property was purchased, as well as structural deficiencies and it wouldn't be cost effective to use as town offices. The Supervisor said the town hall property was landlocked before the purchase of this property and now there will be room for expansion of the town hall in the future if necessary. Town Attorney McCarthy stated it is not necessary to have a public hearing since the town owns the building. Mr. Baisley said he is concerned about taking the building down with

no public hearing and is thinking about taxpayers' interests. Town Attorney McCarthy referred to Section 77-4 of the Town Code. (letter attached from Director of Building, Steven Myers).

Resolution No. 146 of 2013, a resolution approving a utility easement for Ernest Remillard, 12 Westview Court, Clifton Park, for a sewer line and connection to Saratoga County Sewer District (SCSD).

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

WHEREAS, the town owns a certain strip of land identified as SBL 283-7-1-15, recorded at the Saratoga County Clerk's Office, Book 1408 of Deeds at Page 239 and said strip is located east running parallel to 12 Westview Court, identified as SBL 283.-1-24-111, and

WHEREAS, through a 25 foot utility easement from the Town of Clifton Park to the SCSD a trunk line runs through the town owned strip, and

WHEREAS, Ernest Remillard has petitioned the Town Board with a request for an easement within the town land to connect a six inch sewer lateral from his house to a SCSD sewer trunk line manhole, and

WHEREAS, the Town Board supports the expansion of the use of public sewer wherever feasible in the interest of public health and safety, and

WHEREAS, utility use of the easement area does not conflict with municipal or highway purposes; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign the attached easement agreement with Ernest Remillard, 12 Westview Court, Clifton Park, for an easement 25 foot wide as described in Exhibit A to the easement, and be it further

RESOLVED, that the homeowner will be responsible for the acquisition of any necessary environmental permits for the construction and maintenance of the sewer line; and be it further

RESOLVED, this resolution is subject to a permissive referendum pursuant to New York State Law 64 (2).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 147 of 2013, a resolution authorizing the demolition and removal of the unsafe structure at 467 Vischer Ferry Road, Clifton Park (Tax Parcel No. 271.-5-37).

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

WHEREAS, the town acquired the structure at 467 Vischer Ferry Road, Clifton Park, by deed on or about January 5, 2011, and

WHEREAS, Chapter 77 of the Clifton Park Town Code provides that the Town Board may order, after notice and a hearing, the demolition and removal of a building upon its finding that the building is unsafe, dangerous and has deteriorated beyond its usefulness and habitability, and

WHEREAS, Steven Myers, Director of Building and Zoning, has submitted a written report pursuant to Town Code Section 77-4, and has reported his opinion that a residential structure at 467 Vischer Ferry Road is unsafe and not fit for use as a habitable residential building, and

WHEREAS, the Town Board accepts the report of Steven Myers pursuant to Section 77-5 of the Town Code; now, therefore, be it

RESOLVED, as owner of the structure and land at 467 Vischer Ferry Road, the Town Board waives notice pursuant to Section 77-6 of the Town Code and accepts the report by Building Inspector Steven Myers.

It was noted property will be used for town needs in the future.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 148 of 2013, a resolution awarding the bid for the demolition of the unsafe building at 467 Vischer Ferry Road, Clifton Park.

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

WHEREAS, on June 7, 2013, bid quotes were received for the above referenced contract, and

WHEREAS, the low bidder for the building demolition at 467 Vischer Ferry Road project is KEK Excavators, Palatine Bridge, New York, in the amount of \$39,460, and

WHEREAS, as per letter from McDonald Engineering dated June 10, 2013, McDonald Engineering has reviewed the bids and has recommended to the Town Supervisor that KEK Excavators 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 in the amount of \$39,460 to KEK Excavators, to be paid with a transfer of \$39,460 from Unassigned Fund Balance to A-1620-200 (General Fund-Town Hall Operations-Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Kathleen Losi, Stoney Creek Drive, presented a petition signed by 126 residents of the Stoney Creek subdivision requesting that the streets in the development be paved immediately due to dangerous conditions of the roads. She reported the Clifton Park Water Authority is requesting homeowners grant easements so the 8 inch water main can be replaced with a 12 inch main and is requesting the Highway Department to do road work in conjunction with the main replacements. Highway Superintendent Kukuk agreed that the pavement has deteriorated; noting much of the pavement is 35 years old and does need to be paved. He said this is dependent on

the paving budget and CHIP money. Supervisor Barrett responded the paving budget is \$1 million per year, however, if deemed appropriate that more is needed, the Town Board will consider it.

Sandy Roth, Sweet Brier Drive, liaison to the Town Board for Hazardous Waste Day, announced the 19th Hazardous Waste Day will be held on September 7, 2013 from 8:00 am to 4:00 pm. Registration forms will be available on line and in the town hall on June 28th.

Mr. Roth thanked Councilman Hughes for his years of service and accomplishments, particularly the town Ethics Law which has been looked at throughout the state.

Frank Berlin, Main Street, Jonesville, updated the Board on the Girl Scouts who have been sowing seeds in hopes of creating a meadow on the closed landfill at the Transfer Station. He noted Pam Marshall donated seeds. Mr. Berlin also reported on a project to make honey bee boxes. Supervisor Barrett thanked Mr. Berlin, Isabel Prescott and Pam Marshall for their work on a meadow at the landfill.

Supervisor Barrett reported the paving by Okte school has been completed.

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 7:54 p.m.

Patricia O'Donnell
Town Clerk