

May 6, 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  
Deputy Town Clerk Brobston

Also Present: Town Attorney McCarthy  
Richard Kukuk, Superintendent of Highways  
Mark Heggen, Comptroller  
Myla Kramer, Director of Parks, Recreation and Community Affairs

MOTION BY Councilman Hughes, seconded by Councilwoman Walowit to approve the minutes of the April 15, 2013 meeting as presented.

**ROLL CALL VOTE**

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

Noes: None

**MOTION CARRIED**

**ANNOUNCEMENTS AND COMMUNICATIONS**

Supervisor Barrett reminded residents that the next Town Board meeting on May 13, 2013 at 7pm will be held at the Grooms Tavern. Open house will take place between 4-7pm.

Supervisor Barrett thanked volunteers and 3N Document Destruction who helped with the recently held Shredding Day. He announced 16,500 lbs. of paper was collected to be shredded and recycled and 1,525 lbs. of food was donated for the service.

**PRESENTATIONS**

Supervisor Barrett presented Resolution No. 115 of 3013 to Nicholas Jennings, congratulating him upon receiving his Eagle Scout award.

Nicholas Jennings gave an overview of his Eagle Scout Project. He thanked his troop for their support, Ace Hardware and Home Depot. He will be continuing his education at SUNY Oswego majoring in linguistics and theatre.

Supervisor Barrett recognized the winners of the towns Arbor Day Poster Contest. He thanked the Shenendehowa Elementary School teachers for their cooperation and partnership on this project. The theme this year was "Trees Are Terrific in All Shapes and Sizes". Winners by age were: Grady Ceccucci, Joseph Anthony Hess, Shaelin Gier, Victoria Helsom, Cheney Smith, Nick Bagramian, Erika Macken and Kate Bartoletti.

PUBLIC HEARING REGARDING HISTORIC CONSERVATION EASEMENT  
AT 214 RIVERVIEW ROAD, REXFORD 7:20 PM

Deputy Town Clerk Brobston read the public hearing notice as published in the April 22, 2013 Daily Gazette.

Mark Kazmierczak, Historic Preservation Chairman, gave a brief history for 214 Riverview Road. He explained the house is 181 years old and the property is in the Vischer Ferry Historic District, called the John Clute Home. Owners are James & Nancy Douglass.

Supervisor Barrett thanked the owners for their willingness to preserve their property.

Councilman Whalen stated Clifton Park has a long proud history to the Erie Canal days.

No one else wished to be heard. Public hearing closed at 7:25pm.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 115 of 2013, a resolution honoring Nicholas Jennings for attaining the rank of Eagle Scout.

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

WHEREAS, Nicholas Jennings has been a member of Boy Scout Troop 30 for eight years and on February 21, 2013 achieved the rank of Eagle Scout, scouting's highest rank, and

WHEREAS, for his Eagle Scout Project Nicholas constructed nesting boxes and a climbing cage for North Country Wild Care, located in Lake George, New York, to aid in their efforts to rehabilitate injured or orphaned local wildlife and eventually release them back into the wild, and

WHEREAS, Nicholas obtained donations of the necessary materials and organized the workforce needed to prepare and assemble the items, and

WHEREAS, Nicholas's steady persistent progress through the ranks to achieve this prestigious award demonstrates his determination to prepare himself for a meaningful, productive role in society; now, therefore, be it

RESOLVED, that the Clifton Park Town Board recognizes and honors Nicholas Jennings for attaining the rank of Eagle Scout.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 116 of 2013, a resolution approving the abandonment of excess right of way on Old Route 146.

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

WHEREAS, the town has rights to surplus right of way on Old Route 146 in the vicinity of Plank Road, as shown in the attached map, and

WHEREAS, Paul Massaroni, owner of adjacent property at 629 Plank Road, wishes to construct an additional commercial building at the 629 Plank Road Plaza, and

WHEREAS, the landowner has asked that the town abandon a highway right of way over an approximate .64 acre triangular area of the plaza to facilitate compliance with the site plan regulations for the development, and

WHEREAS, Section 205 of the highway law provides authority for the abandonment of right of way not traveled or used for more than six years, and

WHEREAS, the Highway Superintendent has recommended that the town abandon the .64 acre of the right of way while retaining ownership and maintenance of the customary sixty foot right of way along Old Route 146 throughout its length; now, therefore, be it

RESOLVED, that the Town Board consents to the abandonment of the .64 acre of right of way existing at Plank Road Plaza, 629 Plank Road, as depicted in the attached renderings.

Paul Massaroni, adjacent property owner at 629 Plank Rd., presented a map of the area in question. He explained he is trying to put a building up and if he acquires this piece of property it can be credited for additional green space. It is currently used as green space by the town.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 117 of 2013, a resolution appointing Jamie Hanley to the Community Arts and Culture Commission.

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

WHEREAS, an opening exists on the Community Arts and Culture Commission, and

WHEREAS, Jamie Hanley has been recommended to fill the opening, and

WHEREAS, Mrs. Hanley's presence on the Community Arts and Culture Commission will confer a benefit to the town; now, therefore, be it

RESOLVED, that Jamie Hanley, 67 Rolling Brook Drive, Clifton Park, is hereby appointed to the Community Arts and Culture Commission for a three year term, term to expire December 31, 2015.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 118 of 2013, a resolution appointing Richard Shakerly as a member of the Emergency Services Advisory Board from West Crescent Fire District and appointing William Bryans, Jr., as an alternate member from West Crescent Fire District to the Emergency Services Advisory Board.

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

WHEREAS, openings exist for a member and an alternate member from West Crescent Fire District to the Emergency Services Advisory Board, and

WHEREAS, Richard Shakerley, 4 Easton Drive, Clifton Park, has been recommended to serve as a member of the Emergency Services Advisory Board from West Crescent Fire District, and William Bryans, Jr., 1440 Crescent Road, Clifton Park, has been recommended to serve as an alternate member from West Crescent Fire District to the Emergency Services Advisory Board; now, therefore, be it

RESOLVED, that Richard Shakerley is hereby appointed to fill the unexpired term of Michael Pickel as a member of the Emergency Services Advisory Board from West Crescent Fire District, term to expire December 31, 2014; and be it further

RESOLVED, that William Bryans, Jr., is hereby appointed as an alternate member from West Crescent Fire District to the Emergency Services Advisory Board, to fill the unexpired term of Richard Shakerley, term to expire December 31, 2014.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 119 of 2013, a resolution authorizing the Supervisor to sign a lease agreement with DeLage Landen (through Electronic Business Products) for a Lanier Digital copier for use by the Town Clerk's office.

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

WHEREAS, a need has been identified by the Town Clerk's office for a new copier, and

WHEREAS, quotes have been received for the lease of a photocopy and scanner for the Town Clerk's office, and

WHEREAS, the Town Clerk recommends that the Board select DeLage Landen for a monthly service amount of \$189 and .004 for black and white and .04 for color services, and

WHEREAS, the recommendation for DeLage Landen is based upon the service history with the company and the respective bidders; now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to enter into a lease agreement with DeLage Landen (through Electronic Business Products) for a Lanier MP C 3502 Digital copier for thirty six (36) months at a cost not to exceed \$189 per month (\$6,804 for thirty-six months) plus .004 per copy for black and white services and .04 for color services, as budgeted in item A-1410-003 (Town Clerk copier).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 120 of 2013, a resolution approving a utility easement for Alberto and Nevia Carlos for a water line and connection to Clifton Park Water Authority.

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

WHEREAS, the Town owns a certain strip of land between 6 Settler's Lane (SBL 258.12-2-22) and 23 Patroon Place (SBL 258. 12-1-47) in Dutch Meadows, and

WHEREAS, Alberto and Nevia Carlos have petitioned the Town Board with a request for an easement to access approximately 216 feet of the unimproved strip of town land for the purpose of constructing, owning and maintaining a water line for connection to public water through the Clifton Park Water Authority, and

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

WHEREAS, the easement area is not necessary for municipal or highway purposes, now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign the attached easement agreement with Alberto and Nevia Carlos, 615 MacElroy Road, Clifton Park, New York, for an easement 15.9 feet 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 water 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. 121 of 2013, a resolution authorizing the Supervisor to execute a renewal contract with Integrys Energy New York.

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

WHEREAS, the town's most recent electricity supply contract with Integrys Energy of New York expired on May 1, 2013, and

WHEREAS, Integrys Energy is part of the Municipal Electric and Gas Alliance, with competitive pricing through various wholesale supply sources, and

WHEREAS, the town wishes to renew its wholesale electric supply contract for the remainder of 2013 to ensure price and budgetary stability for the town's electricity needs; now, therefore, be it

RESOLVED, that the Supervisor is authorized to execute the attached eight month contract with Integrys Energy New York, through January 4, 2014.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

No one wished to be heard.

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 7:45 p.m.

Teresa Brobston  
Deputy Town Clerk