

TOWN OF CLIFTON PARK TOWN BOARD

September 19, 2022

The 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.

Present: Supervisor Barrett
Councilwoman Flood
Councilwoman Standaert
Councilman Morelli
Councilwoman Walowit
Town Clerk Brobston

Also Present: Town Attorney McCarthy
Mark Heggen, Comptroller
Matt Andrus, Information Specialist
Daniel Clemens, Buildings, Parks & Recreation Director
Dahn Bull, Highways Superintendent

ANNOUNCEMENTS AND COMMUNICATION

Supervisor Barrett stated the recent Farm Fest was a big success. He recommended continuing to support our local farms.

Supervisor Barrett announced the Country Knolls Pool Liner project has begun.

Daniel Clemens, Buildings, Parks & Recreation Director, stated the trail paving is complete and fencing on the Clifton Common is under way.

Councilwoman Flood thanked all the volunteers who helped with the recent Tag Sale at the Grooms Tavern. She stated t-shirts, \$15 and cookbooks, \$5, will continue to be available for sale at the Grooms Tavern, Riverview Orchards and the Parks & Recreation Dept. Proceeds go toward preserving history in the Town.

Councilwoman Flood announced Town Historian John Scherer will be conducting a historical bike tour of the Town on October 10, 2022 at 10am.

Councilwoman Flood announced that a meeting is planned with a Shenendehowa School administrator, Town Historian Scherer and herself for teacher training on a history project that would be incorporated into the schools.

RESOLUTIONS

Resolution No. 239 of 2022, a resolution authorizing Change Order #1 for a bid awarded for parking lot sealing and striping at the Clifton Common.

Introduced by Councilwoman Standaert who moved its adoption, seconded by Councilman Morelli.

WHEREAS, by Resolution No. 206 of 2022, the Town Board awarded a bid to Luizzi Asphalt Services for sealing and striping the parking lots at the Clifton Common, and

WHEREAS, Director of Buildings, Parks, and Recreation Daniel Clemens has submitted a request for additional funding, due to a discrepancy between the map provided of the project and the bid documents, which underrepresented the amount of square footage to be covered by the contractor, and

WHEREAS, the Director of Buildings, Parks & Recreation recommends accepting Change Order #1, to cover the additional square footage being sealed and striped at Clifton Common; now, therefore, be it

RESOLVED, that the Comptroller is authorized to transfer \$4,000 from A-00913 (Committed Fund Balance) to A-07112-200 (General Fund – Clifton Common – Equipment); and be it further

RESOLVED, that Mr. Clemens is authorized to accept Change Order #1 from Luizzi Asphalt Services, in an amount not to exceed \$4,000, for the additional sealing and striping of the parking lots at the Clifton Common.

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Director of Buildings, Parks & Recreation Clemens explained, the bid document square footage listed on the original bid specs included all blacktop and was misinterpreted by the company's that bid, did not include the roads blacktop nor the Senior Center parking lot. He requested the two lowest bidders to include the roadways and parking lot areas and submit price accordingly. Luizzi Asphalt Services were still the lower bid.

Resolution No. 240 of 2022, a resolution authorizing Christ Community Reformed Church to use Town roadways for their 5k bicycle road race, on October 2, 2022.

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

WHEREAS, Christ Community Reformed Church has requested the use of the Town of Clifton Park roadways as specified in the attachment hereto, for the purpose of holding a 5k bicycle road race on Sunday, October 2, 2022, from 7:30 PM until the last participant completes the course, and

WHEREAS, the event sponsors have coordinated with the Town's Superintendent of Highways for the safe use of Town roads; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes Christ Community Reformed Church to use Town roadways as specified in the attachment hereto, October 2, 2022, at 7:30 PM, for the purpose of holding a 5k bicycle road race; and be it further

RESOLVED, that this approval is expressly conditioned upon receipt prior to October 2, 2022, in the Office of the Highways Superintendent, of an insurance certificate in the amount of \$1,000,000 naming the Town of Clifton Park as an additional insured; and be it further

RESOLVED, that this approval is expressly conditioned upon the roads not being closed, but volunteers are permitted to temporarily stop traffic at each end of the course in the event both a vehicle and race participant arrive at the same time.

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 241 of 2022, a resolution supporting the abandonment and discontinuance of a portion of Old Plank Road.

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

WHEREAS, by petition filed with the Town Clerk, and submitted to the Highways Superintendent on June 13, 2022, JTD Holdings, Baggs Land Development, and Clifton Hospitality LLC, petitioned the Town for the discontinuance of approximately 580 linear feet of paved roadway, known as Old Plank Road, as depicted in the attached map prepared by Environmental Design Partners, dated February 24, 2022, and labeled “Map 1 of 1,” attached, and

WHEREAS, the Petition, duly signed and acknowledged by authorized representatives of the Petitioners on April 5, 2022, April 29, 2022, and April 26, 2022, and included copies of filed deeds demonstrating the ownership of all real property on both sides of the paved portion of Old Plank Road for the distance for which the petition seeks the discontinuance thereof, consistent with New York State Highway Law §207, and

WHEREAS, a record and deed review shows that the Town’s interest in the subject highway was acquired by “user” for highway purposes only, and

WHEREAS, the Highways Superintendent has advised that the subject portion of Old Plank Road, constituting 580 linear feet of paved roadway maintained by the Town for Highway Purposes, is no longer necessary for such purpose, and

WHEREAS, the Petition demonstrates good cause for the discontinuance of subject roadway consistent with New York State Highway Law §207, and

WHEREAS, the Highways Superintendent has not acted on the petition; now, therefore, be it

RESOLVED, that the Town Board wishes the Highways Superintendent to take action on the petition filed on June 13; and be it further

RESOLVED, that the Petition filed with the Town Clerk on June 13, 2020, including its exhibits, maps descriptions, and deeds, are hereby incorporated by reference.

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Attorney McCarthy explained this application was filed in June 2022. He stated it is an Abele Builders project and acquired support and signatures from entities in the area in question for the discontinuance of the road. He stated it meets NYSHL Chapter 207. He stated it is the Highways Superintendents decision and he understands the Highways Superintendent has deemed that portion of the roadway in question was unnecessary for highway purposes and was in favor of doing this, but for some reason no action was taken as of September 7.

Highways Superintendent Bull stated, he submitted the resolution request to the Town Board. He explained he has a philosophical disagreement with Chapter 207. He explained when roads are dedicated to the Town, it is a Town Board action, and he thinks the Town Board should have the input on a road being abandoned as well. He explained it says it is 500 linear feet, but it’s a two-laned road, so it is 1,180 linear lane feet. He feels it is a big win for everyone involved. There is some stormwater apparatus at the end of the cul-de-sac that the Town would not have to be responsible for. The roadway is a very steep decline. Once the roads are abandoned, the Highway

Department will work with the developer to put in a hammer turnaround for buses and service vehicles.

Attorney McCarthy stated as mentioned, this road was not dedicated to the Town.

Highways Superintendent Bull explained it is still a public road and Town asset.

Attorney McCarthy questioned that the Superintendent has a philosophical disagreement with NYSHL Chapter 207.

Highways Superintendent Bull stated yes, any other Town does it the same way through a resolution by the Town Board.

Attorney McCarthy questioned if the Superintendent submitted a resolution to the Town Board?

Superintendent Bull stated he sent the resolution request the past Tuesday.

Attorney McCarthy stated he did not see the resolution request by the Superintendent.

Councilman Morelli questioned if the Superintendent is stating he has a philosophical disagreement with the law. NYSHL 207 Chapter 207 was read.

Interpretation of the law ensued.

Superintendent Bull stated he doesn't see the issue with getting the Town Board on board. No other Towns allow the Superintendent to unilaterally make this decision. He stated he feels more comfortable if the Town Board understands the request.

Attorney McCarthy questioned why it took so long for the resolution to be brought forward.

Councilman Morelli questioned if there is a deadline for the resolution.

Attorney McCarthy answered, forthwith.

Superintendent Bull stated if the Town Board votes on it right now, he would be happy to sign it right after the meeting. He thanked Attorney McCarthy for putting it all together and working on it. He stated he is more comfortable having the Town Board making that decision.

Councilwoman Standaert questioned if there is any harm in the Town Board passing the resolution?

Attorney McCarthy answered, no, that is why it was put on the agenda, the harm was two months delay.

Supervisor Barrett stated, that's why he put the resolution forward for consideration and is having the desired effect.

No one wished to be heard.

PUBLIC PRIVILEGE

Maryanne Stanton, Dorsman Dr., stated opposition towards a proposed cell tower that is currently before the ZBA. The structure is not in keeping with the residential character of the community. Petition submitted in opposition.

Superintendent Bull stated he will submit proof of the email sent on September 13 regarding request for resolution for discontinuance of Old Plank Road.

Clerk's Note: Copy of email dated Tuesday, September 13, 2022, was place on file in the Town Clerk's Office on Tuesday, September 20, 2022.

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 7:32 PM

Teresa Brobston
Town Clerk