

July 3, 2017

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: Supervisor Barrett
Councilman Whalen
Councilwoman Standaert
Councilman Romano
Councilwoman Walowit
Town Clerk O'Donnell

Also Present: Town Attorney McCarthy
Dahn S. Bull, Superintendent of Highways
Mark Heggen, Comptroller
John Scavo, Director of Planning
Matthew Andrus, Information Specialist

MOTION BY Councilman Romano, seconded by Councilwoman Walowit, to approve the minutes of the June 12 and 19, 2017 meetings as presented.

Councilman Whalen abstained from voting on the June 12th minutes due to his absence from the meeting.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

The Town Clerk announced the NSCP production of "Fiddler on the Roof" opens on July 14th for seven performances on the Clifton Common stage.

TOWN HISTORIAN ANNUAL PRESENTATION

Town Historian, John Scherer, reviewed his annual report for 2016, attached.

PUBLIC PRIVILEGE ON RESOLUTIONS

Supervisor Barrett, in response to a question from the floor regarding \$600,000 to be used for paving projects said the money will be put back in the unassigned fund balance.

Resolution No. 168 of 2017, a resolution increasing revenues and expenditures to reflect a \$2,500 Justice Court Assistance Program Grant that the Clifton Park Town Court has received.

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

WHEREAS, the Clifton Park Town Court has received a \$2,500 Justice Court Assistance Program Grant to purchase computer hardware, and

WHEREAS, grant requirements call for the transfer and recognition of funds prior to expenditure; now, therefore, be it

RESOLVED, that the budget will be increased by \$2,500 in appropriations, A-3089 (NY Government Aide) and expenditures will be increased the same \$2,500 in A-1110-4 (Justice-Equipment-Computer).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 169 of 2017, a resolution awarding the contract to Tholin Trucking & Excavation, Inc. for the Upper Quad Pavilion Drainage Project at Clifton Common.

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

WHEREAS, Michael Handerhan, Buildings & Grounds Supervisor, has recommended that drainage in the upper quad area of the baseball fields be improved, and

WHEREAS, on June 21, 2017, bids were received for the completion of the Drainage Project, per specifications proposed by McDonald Engineering, and

WHEREAS, McDonald Engineering has recommended that the bid of Tholin Trucking & Excavation, Ballston Spa, NY, be accepted as the lowest most responsible bidder in an amount of \$8,800; now, therefore, be it

RESOLVED, that the contract for the Upper Quad Pavilion Drainage Project at Clifton Common be awarded to Tholin Trucking & Excavation in an amount not to exceed \$8,800, and be it further

RESOLVED, that authorization is hereby granted to the Comptroller to transfer \$8,800 from A-00913 (Committed Fund Balance) to A-07112-00200 (Clifton Common-Equipment), and increasing appropriation and expenditures to budget by the same amount.

Supervisor Barrett stated cell tower receipts on the Common will be used for the projects.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 170 of 2017, a resolution authorizing the residents of Tipperary Way in Fairway Woods subdivision to conduct a block party on July 29, 2017.

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

WHEREAS, the residents of the Fairway Woods plan to conduct a block party within the subdivision on July 29, 2017 from 3:00 - 8:00 P.M. and have requested permission to use the cul-de sac of Tipperary Way for their party activities; now, therefore, be it

RESOLVED, that the Town Highway Superintendent, recommends that the request be approved, for the use of a portion of Tipperary Way in front of No. 63, July 29, 2017 from 3:00 - 8:00 P.M. to be used for party activities, so long as those activities do not block off the streets, 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, the ambulance corps, the sheriff's department and the state police.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 171 of 2017, a resolution repealing Resolution No. 101 of 2017 which authorized the transfer of up to \$600,000 from Unassigned General Fund to Highway Paving Account for 2017 paving projects.

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

WHEREAS, the Town Board has determined that additional funds should be made available to complete the 2017 paving project as presented by the Highway Superintendent, and

WHEREAS, in order to reconsider the funding mechanisms needed to complete the highway paving required for the 2017 season, the Town Board wishes to return funds committed to the Highway Fund by Resolution No. 101 of 2017; now, therefore, be it

RESOLVED, that authorization granted to the Comptroller by Resolution No. 101 of 2017 for the transfer of funds from the General Fund to the Highway Fund is hereby rescinded, and be it further

RESOLVED, that Resolution No. 101 of 2017 is hereby repealed.

Supervisor Barrett stated the town has extremely low debt and with interest rates at an historic low, the Board hopes to take advantage of pricing. A total of \$1.8 million has been allocated for road improvements. Councilman Whalen agreed it is important to take advantage of the current rates.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 172 of 2017, a resolution determining that the proposed project for the reconstruction and resurfacing of various town streets and roads, including sidewalks, curbs, gutters, drainage, landscaping, and grading or improving the rights of way, is a Type II Action for purposes of the New York State Environmental Quality Review Act.

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

WHEREAS, the Town Board is considering a project for the reconstruction, repaving, and resurfacing of various town streets and roads, including sidewalks, curbs, gutters, drainage, landscaping, and grading or improving the rights of way at an estimated maximum cost of \$1,000,000, and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations"), the town desires to comply with the SEQR Act and the Regulations with respect to the Project; now, therefore, be it

RESOLVED, by the members of the Clifton Park Town Board as follows:

1. The Project constitutes a "Type II Action" under 6 NYCRR § 617.5(B)(4), as it constitutes the resurfacing and repaving of existing Highways not involving the addition of new travel lanes;
2. The Project is not subject to further review pursuant to SEQRA.
3. This Resolution shall take effect immediately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 173 of 2017, a bond resolution authorizing the reconstruction and resurfacing of various town streets and roads, in the Town of Clifton Park, Saratoga County, New York, at a maximum estimated cost of \$1,000,000 and authorizing the issuance of not to exceed \$1,000,000 serial bonds to pay the cost thereof.

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

BE IT RESOLVED by the Town Board of the Town of Clifton Park, Saratoga County, New York (the "Town"), as follows:

Section 1. The Town of Clifton Park, Saratoga County, New York (the "Town") is hereby authorized to undertake the reconstruction and resurfacing of various Town streets and roads, including sidewalks, curbs, gutters, drainage, landscaping, and grading or improving the rights of way, with flexible pavement of a type described in Local Finance Law Section 11(a2)(20)(c), at an estimated maximum cost of \$1,000,000, and to issue not to exceed \$1,000,000 in serial bonds pursuant to the provisions of the Local Finance Law to finance the estimated costs of the aforesaid class of objects or purposes.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific objects or purposes is \$1,000,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of up to \$1,000,000 serial bonds (the "Bonds") of the Town authorized to be issued pursuant to this bond resolution and the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen (15) years, pursuant to subparagraph 20(c) of Section 11.00(a) of the Local Finance Law. The proposed maturity of the Bonds will be in excess of five years.

Section 4. Pursuant to Section 107.00(d)(9) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any bond anticipation notes issued in anticipation of the Bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be apportioned and assessed upon the several lots and parcels of land within the District, which the Town Board determines to be especially benefited by the Project, an amount sufficient to pay the principal of and interest on such obligations as the same becomes due and payable, but if not paid from such source, all the taxable real property in the Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on such obligations when due.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00 inclusive of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to sell and deliver the Bonds and any bond anticipation notes providing for substantially level or declining annual debt service, is hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 8. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Town's General Fund. It is intended that the Town shall then reimburse such expenditures with the proceeds of the Bonds and bond anticipation notes authorized by this resolution and that the interest payable on the Bonds and any bond anticipation notes issued in anticipation of the Bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by this resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Regulation Section 1.150-2.

Section 9. The validity of the Bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution, or a summary hereof, shall be published in the official newspapers of the Town for such purpose, together with a notice of the Clerk of the Town in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 11. The Town Supervisor, as chief fiscal officer of the Town, is hereby authorized to enter into an undertaking for the benefit of the holders of the Bonds from time to time, and any bond anticipation notes issued in anticipation of the sale of the Bonds, requiring the Town to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15c2-12.

Section 12. The Town Board hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 13. This resolution is subject to permissive referendum pursuant to Article 7 of the Town Law of the State of New York. The Town Clerk is hereby authorized and directed to within ten (10) days after the adoption of this resolution by the Town Board to post and publish a notice in the manner and form prescribed by Article 7 of the Town Law.

Section 14. This resolution shall take effect immediately.

Superintendent of Highways, Dahn Bull, reported there are 230 miles of roads that the Highway Department maintains, rebuilds and repairs. He said generally 4-5 percent of roads are taken care of but with this funding 10 percent can be done.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 174 of 2017, a resolution authorizing North American Cycle Sports to use town roadways for time trials for three evenings in July 2017.

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

WHEREAS, Resolution No. 134 of 2017 authorized the Capital Bicycle Race Club to use the Town of Clifton Park roadways for the purpose of time trials to qualify for future races on Wednesdays, June 7, 14, 21, and 28 starting at 6:15 PM until the last participant finishes, and

WHEREAS, due to inclement weather, the majority of these trials were postponed, and

WHEREAS, North American Cycle Sports has requested that the trials be rescheduled for July 5, 12, and 26, 2017, and that NACS be substituted for the Capital Bicycle Race Club as sponsoring body, and

WHEREAS, the Highway Superintendent recommends the approval of these events with times rescheduled as above; now, therefore, be it

RESOLVED, that the Town Board of the Town of Clifton Park hereby authorizes NACS to use town roadways, as specified in the attachment hereto, July 5, 12, and 26, 2017 at 6:15 PM, for the purpose of holding time trials, and be it further

RESOLVED, that this approval is expressly conditioned upon the roads not being closed but members of the Capital Bicycle Race Club are permitted to raise awareness of the trials at the intersection of Van Vranken and Riverview Roads and each end of the course; and be it further

RESOLVED, that this authorization is contingent upon receipt by the Highway Department of proof of adequate insurance naming the town as additionally insured.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 175 of 2017, a resolution hiring Susan H. Leonard as Director of the Clifton Park Senior Community Center.

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

WHEREAS, an opening exists in the position of Clifton Park Senior Community Center, and

WHEREAS, Supervisor Philip Barrett recommends Susan Leonard, 21 Spruce Street, Clifton Park, be hired as the Director of the Clifton Park Senior Community Center; now, therefore, be it

RESOLVED, that Susan H. Leonard, 21 Spruce Street, Clifton Park, be appointed provisionally pending Civil Service certification as Director of the Clifton Park Senior Community Center, at Grade 5, Step 6, \$48,558 per year, effective immediately, estimate to be paid from a transfer of \$25,000 from A-6772-15 (Senior Support-other contractual) to A-6772-Exxxx (Senior Support-Employee).

Supervisor Barrett said Ms. Leonard has a clear understanding of the needs of the seniors. He stated Ms. Leonard is being appointed provisionally and will be required to take a Civil Service exam.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 176 of 2017, a resolution awarding the contract for professional engineering design services and create a capital project budget for the improvements to the Sitterly and Woodin Roads intersection project.

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

WHEREAS, the town has previously been awarded a NYSDOT Transportation Improvement Grant, awarding federal funding for improvements to the Sitterly and Woodin Roads intersection, PIN#1759.84, and

WHEREAS, the Sitterly Road Improvement project will connect the Town of Clifton Park with the Town of Halfmoon, and

WHEREAS, by Resolution No. 206 of 2015, the Town Board accepted the submission of interest and qualifications of M.J. Engineering and Land Surveying for preliminary engineering, design and construction management and inspection services for the Sitterly and Woodin Roads Congestion Mitigation and Intersection Improvements project, and

WHEREAS, M.J. Engineering and Land Surveying has prepared a scope of work and estimated cost schedule consistent with NYSDOT guidelines in the amount of \$244,000 for Engineering and Design services including professional engineering/design; ROW Incidentals; and ROW Acquisition for the Sitterly Road Project, and

WHEREAS, town staff has reviewed the proposed Engineering and Design Services Contract and scope of work, which is consistent with the proposal which MJ Engineering has submitted to the Town of Halfmoon for their own acceptance and own approval as a joint signee, and

WHEREAS, the project is now eligible for combined funding of through NYSDOT's "Intelligent Transportation System" (ITS) program totaling \$132,000 which will be shared as an 80% federal/ 20% local match, with local matching funds shared between the Towns of Clifton Park and Halfmoon through an Inter-Municipal agreement, with the remainder of the project costs estimated at \$1.821 million to be funded through state and federal funds; now, therefore, be it

RESOLVED, that the Town Board authorizes the Town Supervisor to sign this agreement and submit the fully executed signed agreement to the NYS Department of Transportation to activate the preparation and execution of a State-Local Agreement with the State of New York for the funding award, per NYS DOT's Local-Federal Aid Project Protocols, and be it further

RESOLVED, that the Comptroller is authorized to create Capital Projects Fund H48- "Sitterly and Woodin Road Traffic Improvements" to fund the town's local match obligation for the engineering and design services so authorized.

Supervisor Barrett explained along with traffic improvements, there will be a sidewalk up to the Crossings Boulevard. He reported public informational meetings will be held in the fall and winter. Director of Planning Scavo reported construction is scheduled for 2018-2019. Councilman Whalen stated the Planning Department has done an outstanding job in preplanning for this project.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 177 of 2017, a resolution appointing Terrance Cosgrove as a member of the Zoning Board of Appeals

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

WHEREAS, a vacancy exists on the Zoning Board of Appeals due to the resignation of Randall Gifford, and

WHEREAS, Mr. Gifford's term of office expires December 31, 2019, and

WHEREAS, Terrance Cosgrove, 8 Wall Street, No. 316, was appointed alternate member of the ZBA by Resolution No. 28 of 2017, and

WHEREAS, Supervisor Barrett recommends that Terrance Cosgrove be appointed as a member of the Zoning Board of Appeals to fill the unexpired term of Randall Gifford; now, therefore, be it

RESOLVED, that Terrance Cosgrove is hereby appointed to the Clifton Park Zoning Board of Appeals, term to expire December 31, 2019.

Supervisor Barrett thanked Mr. Gifford for his service on the Zoning Board of Appeals.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 178 of 2017, a resolution authorizing expenditure for new carpets and accessories at Clifton Park Senior Community Center.

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

WHEREAS, the Department of Buildings and Grounds has received quotes for new carpets at the Clifton Park Senior Community Center, and

WHEREAS, Supervisor Barrett recommends accepting the proposal of Northeast Commercial Interiors, Clifton Park, New York, in the amount of \$6,300 as the lowest responsible bidder, and

WHEREAS, the proposal includes a new 24 x 24 inch carpet tile floor, with installation and removal of existing carpet; now, therefore, be it

RESOLVED, that the Town Board authorizes Northeast Commercial Interiors to proceed with the proposal, attached, in an amount not to exceed \$6,300, to be paid from A-1624-200 (Senior Center-equipment).

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, 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 Whalen, 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