

TOWN OF CLIFTON PARK TOWN BOARD MEETING

February 11, 2019

- I. **Call to Order/7:00 P. M.**
- II. **Pledge to Flag**
- III. **Roll Call**
- IV. **Approval of Town Board Minutes**
- V. **Communications/Announcements**
- VI. **Business**
 - **Resolutions for Consideration**
 - **Other Business**
- VII. **Open Public Privilege**

NOTE:

Each speaker shall state name and address prior to addressing the Board and shall be granted the floor for a single time frame of up to five minutes. The Board asks that members of the public respect the opportunity of the speaker at the podium to be heard, and asks that the public refrain from conducting side meetings within the meeting room. In an effort to ensure that the widest number of community viewpoints are heard, the Board asks members of groups or the public to withhold comment, if their viewpoints have already been presented.

The Board thanks everyone in attendance for their understanding and also for their desire to actively participate in the Town decision making process.

- VIII. **Adjournment**

Resolutions for Consideration
Clifton Park Town Board Meeting
February 11, 2019

<u>SOURCE</u>	<u>RESOLUTION</u>	<u>CONTACT</u>
1. Supervisor	Authorize the Supervisor to sign an agreement with California Transit Authority to perform at the 4 th of July Celebration	P. Barrett
2. Buildings & Grounds	Authorize the hiring of seasonal help for the Buildings & Grounds Department	P. Barrett
3. Supervisor	Approve an agreement for payment in lieu of taxes with Borrego Solar	P. Barrett
4. Supervisor	Adopt a local law amending Chapter 125-8 of Town Code, to add an exception to the provisions for tax penalties for withdrawal from a term conservation easement	P. Barrett
5. Supervisor	Approve the Salary Matrix for the 2019 Summer Pool Season and Summer Recreation Day Camps	P. Barrett
6. Supervisor	Approve the Director/Managers and the Salary Matrix for the 2019 Summer Pool Season	P. Barrett
7. Supervisor	Authorize the Supervisor to accept a proposal for professional engineering services for the design, bidding and construction phase support for a proposed streetscape improvement project along Clifton Country Road	P. Barrett
8. Supervisor	Authorize the establishment of the Community Action Fund Committee	P. Barrett
9. Planning	Authorize the Supervisor to sign an engineering contract with Barton & Loguidice for professional and design services for a culvert replacement under portions of Plank, Nadler and Bruno Roads.	P. Barrett

Resolution No. _____ of 2019, a resolution authorizing the Supervisor to sign a Service Agreement with CTA (California Transit Authority) Band to perform at the Town of Clifton Park's Annual July 4th Celebration on the Clifton Common.

Introduced by _____, who moved its adoption, seconded by _____.

WHEREAS, the Town of Clifton Park will once again be holding a July 4th Celebration on the Clifton Common complete with musical entertainment; and

WHEREAS, California Transit Authority is an Ensemble Band formed among former members of "Chicago," and other well-known National Music Acts; and

WHEREAS, the Town Board wishes to contract with CTA to provide musical entertainment for the celebration; and

WHEREAS, costs associated with the performance will be offset through a sponsorship with Prestige Services, Inc.; now therefore be it

RESOLVED, that the Town Supervisor is hereby authorized to sign a Service Agreement with CTA Band to perform on July 4, 2019 on the Clifton Common; and be it further

RESOLVED, that the comptroller is authorized to increase A-2042 (4th of July Celebration) by \$16,500 and increase A-7550-52 (Expenditures – 4th of July) by \$16,500.

Resolution No. _____ of 2019 a resolution authorizing the hiring of 2019 summer help for the Buildings and Grounds Department.

Introduced by _____, who moved its adoption, seconded by _____.

WHEREAS, openings exist for seasonal help in the Buildings and Grounds Department;
and

WHEREAS, Daniel Clemens, Buildings and Grounds Supervisor, has recommended that the individuals listed in Schedule A be hired to fill the positions; now therefore be it

RESOLVED, that individuals listed on Schedule A be hired as seasonal workers for Buildings and Grounds for the summer of 2019, to be paid, as noted, from A7110-E4000, effective immediately.

Resolution No. _____ of 2019, a resolution approving an agreement for payment in lieu of taxes with Borrego Solar/25 Ashdown Road Solar LLC.

Introduced by _____, who moved its adoption, seconded by _____.

WHEREAS, Section 487 (9) of the New York State Real Property Tax law authorizes Municipalities to enter into Payment in Lieu of Tax Agreements (PILOT) with Solar Energy developers within each taxing jurisdiction, under certain circumstances, and

WHEREAS, Borrego Solar 1460 Broadway, New York, New York 10036, has Subdivision and Site Plan approval, and has been issued a Special Use Permit for the construction of a 4 MW Solar Energy project at 25 Ashdown Road, Rexford, and

WHEREAS, Borrego Solar LLC has established 25 Ashdown LLC as the operating company to construct and hold the improvement related to the solar array and relative equipment, and

WHEREAS, the Town Board wishes to enter into a PILOT Agreement with 25 Ashdown Road LLC pursuant to RPTL § 487(9) ; now therefore be it

RESOLVED that the Supervisor is authorized to execute the attached PILOT agreement with 25 Ashdown Road LLC in the amount of \$29,400 annually, for a 15-year Term, attached.

Resolution No. _____ of 2019, a resolution adopting Local Law No. ____ of 2019, amending Chapter 125-8 of Town Code, to add an exception to the provisions for tax penalties for withdrawal from a term conservation easement.

Introduced by _____, who moved its adoption, seconded by _____.

WHEREAS, the Town maintains an active term conservation easement program, allowing landowners to apply for reduced assessments on real property in exchange for Term Agreements to refrain from developing property pursuant to chapter 125 of the Town Code, and

WHEREAS, pursuant to section 125-8 of the Town Code, the Assessor is directed to assess back taxes and penalties in cases where landowners withdraw from the program prior to expiration of the terms applied for, with certain exceptions; and

WHEREAS, the Town Board wishes to provide relief from the back tax and penalty provisions of section 125-8 of the Town Code in cases where the purpose of a landowner's application to withdraw from the term Conservation Easement Program is to convey a permanent Conservation Easement over the same lands covered within the term program, where the Town has expressed its willingness to acquire the development rights; and

WHEREAS, on February 4, 2019, the Town Board held a public hearing on the proposal to add section 125-8 C (3) as an exception to the penalty provisions of the term conservation easement program. Now therefore be it

RESOLVED, that Town Board hereby adopts Local Law ____ of 2019, a local law to amend §125-8 of the Town Code, as attached.

§ 125-8 Penalty for violation or cancellation.

[Amended 5-3-2004 by L.L. No. 1-2004; 12-1-2008 by L.L. No. 8-2008]

If there is a substantial violation of the terms and conditions of the term easement agreement or if said agreement is canceled by the Town Board upon petition, the Town will assess rollback taxes and a penalty, and the current owner(s) of said property must pay to the Town of Clifton Park the amounts calculated pursuant to Subsection B below. In the following subsection, "substantial" will be defined as a one-hundred-percent increase in the density of the parcel which will trigger a review and final determination by the combined efforts of the Town Assessor, Director of Planning and Open Space Coordinator. The determination of substantial as it relates to historic resources will be referred to the Historic Preservation Commission, as it has expertise in this area and will review the project to make a determination on the penalty.

A. Cancellation. A request to cancel the owner's term easement agreement must be made in writing to the Town Assessor. The Assessor will calculate the penalty in consultation with the Town Attorney, Director of Planning, Open Space Coordinator and Historic Preservation Commission as is applicable and make recommendations to the Town Board for terms and conditions of acceptance.

B. Penalty calculation.

(1) The penalty calculation will be applied to all taxes granted abatement under and pursuant to the easement agreement, and said taxes are to include the state, county, town, school districts and all special improvement districts and other taxing units to which the property is subject. Said back taxes shall be limited as follows: Any easement broken before its 11th year will be subject to a five-year maximum rollback; an easement broken between its 11th and 15th year will be subject to a four-year maximum rollback; an easement broken in its 16th year or later will be subject to a three-year maximum rollback.

(2) The penalty will be calculated on the basis of the previous year's tax abatement multiplied by a factor equal to the term of the easement divided by the current year of the easement. This factor shall not exceed five.

(3) The penalty shall be assessed against all land under easement.

C. Penalty exceptions.

(1) Property covered by a conservation easement that is destroyed by fire or natural disaster will not be penalized unless the future use of the land or buildings is changed.

(2) The penalty shall be assessed against all the land under easement except in the case of the death of a sole owner, in which case the penalty will be assessed only against that portion which is to be developed or changed in use within one year of the date of death. Thereafter, the penalty and back taxes will be levied upon the land under easement.

(3) The penalty shall not be assessed against land under easement where the owner and Town Board express an agreement, in writing, for the conveyance of a permanent easement or easement over such lands to the Town, and the acceptance of such easement by the Town Board.

D. Funds collected by the Town as penalties under this section shall be deposited into the Town's dedicated Open Space Capital Reserve Fund.

Resolution No. _____ of 2019, a resolution accepting the salaries and hourly rates for Day Camp and Pool Staff for the 2019 Summer Season.

Introduced by _____, who moved its adoption, seconded by _____.

WHEREAS, the Town Board wishes to hire Management and Staff to operate the Day Camps and three Town-owned pools for the 2019 Season; and

WHEREAS the Town Board also wishes to establish a salary matrix for seasonal personnel to be hired to operate Summer Day Camps and Town-owned pools for the 2019 season; now therefore be it

RESOLVED, that the Town Board hereby establishes Schedule A for the rates of pay for seasonal personnel associated with the Summer Recreation Day Camps; and be it further

RESOLVED, that the Town Board hereby establishes Schedule B for the rates of pay for seasonal personnel associated with the Town Pools.

Resolution No. _____ of 2019, a resolution authorizing the hiring of Pool Management for the 2019 Season, per "2019 Summer Pool Directors/Managers Schedule A".

Introduced by _____, who moved its adoption, seconded by _____.

WHEREAS, the Town Board wishes to hire Management and Training Staff to operate the three Town-owned pools for the 2019 Season; and

WHEREAS, the Town Board wishes to rehire the returning Pool Director and Managers - Duane Nichols, Brian Czerpak, Bruce Sutphin, and Michael Stone as per "Schedule A 2019 Summer Pool Directors/Managers", now, therefore be it

RESOLVED, that the individuals listed above and on the attached Schedule A are hereby hired as staff for the three Town-owned pools; and be it further

RESOLVED, that all hires are effective with start dates and ending dates as per the attached "Schedule A 2019 Summer Pool Directors/Managers " in accordance with the adopted rates of pay in the previous Resolution No. ___ of 2019.

Resolution No. _____ of 2019, a resolution authorizing the Supervisor to accept a proposal for professional engineering services for the design, bidding and construction phase support for a proposed streetscape improvement project along Clifton Country Road

Introduced by _____, who moved its adoption, seconded by _____.

WHEREAS, the Planning Director, John Scavo solicited bids from qualified engineering firms for engineering services relative to streetscape improvements along a portion of Clifton Country Road, and

WHEREAS, MJ Engineering and Land Surveying, P.C. has submitted a proposal for the engineering services in the amount of \$20,650.00, and

WHEREAS, Mr. Scavo, recommends the retention of M.J. Engineering for the work, based on their experience and familiarity with project needs; now, therefore be it

RESOLVED that the Supervisor is authorized to approve the attached proposal for the design, bidding and construction support services from MJ Engineering & Land Surveying, P.C., and be it further

RESOLVED that the comptroller is authorized to compensate MJ Engineering & Land Surveying in an amount not to exceed \$20,650.00 for engineering services prior to construction, from A-3310-215; and be it further

RESOLVED that the comptroller is authorized to transfer \$10,000.00 from A-1440-135 to A-3310-215.

Resolution No. _____ of 2019, a resolution authorizing the establishment of a Community Action Fund Committee.

Introduced by _____, who moved its adoption, seconded by _____.

WHEREAS, the Town Board wishes to appoint a Committee who will manage a process to support non-profit community programs and organizations that directly support people in Clifton Park, and oversee the collection of bottles and cans donated in support of the program, and

WHEREAS, Supervisor Barrett and Councilwoman Walowit have expressed a willingness to serve on the Committee as representatives of the Town, and

WHEREAS, Supervisor Barrett recommends that Matt Grattan, 5 Belmonte Lane, Clifton Park, Janine Mika, 14 Plaid Place, Clifton Park, and Greg Szczesny, 26 Castle Pines, Clifton Park be appointed as resident representatives to serve on the Committee; now, therefore be it

RESOLVED, that the Town Board establishes the Clifton Park Community Action Fund Committee as attached; and be it further

RESOLVED, that the Comptroller is hereby directed to create the Community Action Fund account.

Resolution No. _____ of 2019, a resolution authorizing the Supervisor to sign and execute an engineering contract with Barton & Loguidice, D.P.C. for professional engineering and design services for a culvert replacement project under portions of Plank, Nadler and Bruno Roads, and authorize a transfer from unassigned fund balance.

Introduced by _____, who moved its adoption, seconded by _____.

WHEREAS, Highway Superintendent Dahn Bull has requested authority to determine the feasibility of repairing or replacing culvert pipes under portions of Plank, Nadler and Bruno Roads, and

WHEREAS, work in these areas may require permits from outside regulatory agencies including the Army Corps of Engineering and DEC, and

WHEREAS, the Town Board has been made aware by the Highway Department that the culvert pipes within the project area are in need of repair, and

WHEREAS, the Town Highway Superintendent has received and recommends the board consider advancing a scope of services from professional design and engineering services bid packet preparation, and construction inspection services from Barton & Loguidice, D.P.D., to develop detailed design drawings, facilitate necessary permitting and bid specifications and construction inspection services with the aforementioned project; now, therefore be it

RESOLVED, that the Town Supervisor is authorized to execute a professional engineering services agreement with Barton & Loguidice, D.P.D., for the engineering design and stormwater permitting of a plan to rehabilitate and replace culverts under portions of Plank Road, Nadler Road, and Bruno Road; and be it further

RESOLVED, that the Total compensation for services and reimbursable expenses for Barton & Loguidice, D.P.D., shall not exceed \$47,253.00 for said services without additional Town Board written authorization and approval; and be it further

RESOLVED, that said amount shall be paid from account A-8540-135, with a transfer from unassigned fund balance.