

October 5, 2020

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.

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

Also Present: Town Attorney McCarthy
 Dahn Bull, Superintendent of Highways
 Mark Heggen, Comptroller
 John Scavo, Director of Planning

MOTION BY Councilwoman Walowit, seconded by Councilwoman Standaert, to approve the minutes of the September 14 & 21, 2020 meeting as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATION

Supervisor Barrett stated he filed the 2021 Tentative Budget in the Town Clerk's office. The Supervisor gave the following highlights.

- No general fund property tax.
- Did not exceed the NYS tax cap.
- No fund balance monies were used to balance the budget.
- General Fund is proposed at \$18,081,131. A decrease of \$177,000.
- Highway Budget is proposed at \$5,747,000. A 1% decrease.
- Highway Fund tax is proposed to remain flat at 30.82 cents per \$1,000 of assessed value.
- Additional funds added for paving.
- EMS tax rate will increase from 25.197 cents per \$1,000 to 27.48 cents.
- A strong commitment to maintaining infrastructure.
- Town will continue to maintain medical benefits.
- New phone system.

Supervisor stated the town is consistently working to reduce expenses and become more efficient. The town's strong fiscal position was highlighted by a bond rating upgrade to AA2 by Moody's Investors Service. The town budget officers are always preparing for those downturns in the economy which has enabled the town to get through difficult times.

Supervisor Barrett announced the Community Action Fund, in its 2nd year, has raised, as of Oct. 1, \$15,000 in the account and continuing to collect. This fund is completely funded by donations of refundable bottles & cans. The committee has received 24 applications from non-profits for grants totaling \$17,665. Grants will be awarded by year end.

Supervisor Barrett announced the retirement of Jeff Vedder, Transfer Station Supervisor. Supervisor thanked Mr. Vedder for his 38 years of service for the town and wished him well.

Supervisor Barrett stated shredding day was held and a was great success. A donation of food items for the Jonesville Food Pantry was requested from the residents for this free shredding service. Approximately 1,500 pounds of food was collected for the pantry. He thanked all the volunteers and 3M Document Destruction for their free service.

Supervisor Barrett stated a discussion group, that he will be leading, will meet this week as part of an effort to make sure that the divisions that has been seen across the country concerning people of diverse backgrounds, do not occur here in our town. He envisions this group to turn into an action group working on town projects improving the town.

Councilwoman Walowit thanked Councilwoman Standaert, Parks & Recreation staff, and various other staff who helped with the recent National Night Out event. The town honored emergency response teams, fire departments, police agencies, nurses, doctors, and security force. Also offered were activities for kids, food vendors, businesses, and non-profit organization booths.

Supervisor Barrett announced the Sitterly Road intersection closure will be extended to allow utility work.

Supervisor Barrett announced Town Historian John Scherer, author, has available for sale in the Parks & Recreation Dept. a new book "More Bits of Clifton Park History".

SWEARING IN OF COUNCILMAN MORELLI

Town Clerk Brobston read the following resolution.

Resolution No. 177 of 2020, a resolution appointing Anthony Morelli to the Clifton Park Town Board.

Introduced by Supervisor Barrett, who moved its adoption, seconded by Councilwoman Standaert.

WHEREAS, a vacancy exists on the Clifton Park Town Board due to the resignation of James Romano, effective October 1, 2020, and

WHEREAS, pursuant to New York State Town Law Section 64 Sub 5, the Clifton Park Town Board has the authority to appoint an individual to the Town Board to fill such seat for the remainder of Mr. Romano's term, pending an election to be held in November 2021, and

WHEREAS, Anthony Morelli, 29 Gloucester Street, Clifton Park, has indicated his interest in being appointed to the Town Board for the remainder of Mr. Romano's term, and

WHEREAS, Anthony Morelli grew up in Saratoga County, attending Christian Brothers Academy, and upon graduation enrolling at Rensselaer Polytechnic Institute on a four-year Navy ROTC Scholarship, and

WHEREAS, Anthony Morelli served as an officer on active duty in the U.S. Navy for ten years before transitioning into the Navy Reserves, where he was recalled to active duty for 2 one-year deployments, and has completed over 20 years of military service, and

WHEREAS, Mr. Morelli holds a Bachelor of Science from Rensselaer Polytechnic Institute, a Master of Business Administration from The George Washington University, and a Juris Doctor from Albany Law School, and

WHEREAS, Anthony Morelli is an attorney in private practice with a focus on family and criminal law and serves on the Board of Directors for the Saratoga County Bar Association, and

WHEREAS, Anthony Morelli currently serves his community as a board member for Miss Shen Softball, as well as being an active parishioner of Saint Edward the Confessor Church, and

WHEREAS, Mr. Morelli previously served town residents as a volunteer member of the Town Environmental Conservation Commission, Zoning Board, and Industrial Development Agency rising to the position of Chairman, and

WHEREAS, Anthony Morelli has submitted his resignation from his current role as Deputy Town Attorney and Counsel to the Town Planning Board, and

WHEREAS, Anthony Morelli has lived in Clifton Park for over 15 years where he is raising his three children, Andrew, Morgan, and Addison; now, therefore, be it

RESOLVED, that Anthony Morelli has the experience and qualifications that make him uniquely suited to be a member of the Clifton Park Town Board, and be it further

RESOLVED, that Anthony Morelli, 29 Gloucester Street, Clifton Park, is hereby appointed to the Clifton Park Town Board effective immediately through December 31, 2021, pursuant to New York State Town Law 64 (5); and be it further

RESOLVED, that the sum of \$4,157 be paid over the remainder of the year with a transfer from A-1010-E385 (Legislative Board – J. Romano) to A-1010-E0720 (Legislative Board – A. Morelli).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Honorable Judge Paul Pelagalli swore in Councilman Morelli who was surrounded by his family.

AIR IONIZATION PROJECT PRESENTATION

Shadrach Treat, Siemens representative, explained the indoor air ionization system to be installed at the Senior Center. He stated the ionization equipment is used to purify the air, contaminates like COVID-19, Mrsa, hair particles etc. The equipment artificially creates non-ozone ions in the airstream and pushes it into the rooms. It is installed in the air handling units. The bacteria will be killed in the air. The unit will be running 24/7 to continue keeping the facility clean. The unit will be self-cleaning.

Supervisor Barrett stated the Buildings and Grounds staff will be installing the unit.

Councilwoman Walowit requested testing periodically to assure the unit is working. She suggested the systems be installed in the Town Hall and Justice Court buildings.

Mr. Treat suggested the use of an ion meter tool for testing.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 178 of 2020, a resolution assigning Deputy Town Attorney Robert Wilcox as the Planning Board Counsel.

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

WHEREAS, due to the resignation of Anthony Morelli from the Town Attorney staff, a need exists for an attorney to be assigned to the Planning Board, and

WHEREAS, Mr. Wilcox served as the Attorney for the Clifton Park Water Authority from 1996 to 2008, and was an Assistant County Attorney from 2008 to 2018, where he advised the Sewer Department, Sheriff's Department, Probation Department, as well as performing certain prosecutorial duties on behalf of the office, and

WHEREAS, Mr. Wilcox has been an Assistant Town Attorney since January 2020 and has six years of experience on the Clifton Park Industrial Development Agency, and

WHEREAS, Robert Wilcox has agreed to take on duties previously performed by Anthony Morelli in addition to his other assigned duties; now, therefore, be it

RESOLVED, that Robert Wilcox is hereby appointed as the Assistant Town Attorney to the Town Planning Board for the remainder of Mr. Morelli's unexpired term, at a salary as budgeted, effective immediately; and be it further

RESOLVED, that the sum of \$5,633 be paid over the remainder of the year with a transfer from A-1420-E720 (Town Attorney – A. Morelli) to A-1420-E877 (Town Attorney – R. Wilcox).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 179 of 2020, a resolution awarding the contract for an indoor air ionization system at the Clifton Park Senior Community Center.

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

WHEREAS, the Town Board wishes to authorize improvements to the indoor air quality at the Senior Community Center, and

WHEREAS, the Department of Buildings and Grounds solicited proposals for air ionization devices to be installed within the existing HVAC system at the Senior Community Center, based on a request for proposals, and

WHEREAS, Siemens Industry, Inc. submitted the lowest responsive proposal to provide the system in an amount not to exceed \$5,384, to be installed by town staff, and

WHEREAS, the air ionization system will improve indoor air quality by reducing and controlling harmful pathogens, viruses, bacteria, and certain volatile organic compounds at the center; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign purchase orders and contract documents in an amount not to exceed \$5,384, authorizing Siemens Industry, Inc. to provide the system, to be paid from A-1624-200 (Clifton Park Senior Community Center – Equipment); and be it further

RESOLVED, that the Comptroller is authorized to transfer \$ 5,384 from A-1620-200 (Town Hall – Equipment) to A-1624-200 (Clifton Park Senior Community Center-Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 180 of 2020, a resolution adopting Local Law No. 7 of 2020, to establish the Edison Club Planned Development District II and to repeal the existing planned development district previously established for the premises by amending Local Law No. 2 of 1967, as amended by Local Law No. 8 of 1999, of the Town Code, entitled “Local Law Relating to Zoning for the Town of Clifton Park”, and repealing Local Law No. 8 of 1999.

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

WHEREAS, an application has been presented to the Town Board for a change in the Zoning Code to establish a new planned development district encompassing the existing Edison Club Golf complex, reducing the number of golf holes from 27 to 18, and providing for residential housing units within the complex, and

WHEREAS, the proposal includes authorization for the conversion of the existing and historic clubhouse facility and its adaptive re-use as a senior care facility, the relocation of a convenience store and gasoline pumps with direct access to the property, as well as the retention of swimming pool and tennis court facilities on the premises, and the construction of a new clubhouse facility on the grounds, and

WHEREAS, on January 28, 2019, the Planning Board provided an advisory opinion to the Town Board, supporting the project for up to 215 residential housing units, and recommending approval of zoning legislation to approve the application with recommendations for site plan detail, and

WHEREAS, on September 21, 2020, the Saratoga County Planning Board issued a review letter under Section 239-m of the NYS General Municipal Law, recommending the approval of the zoning change with recommendations, and

WHEREAS, the Town Board conducted a public hearing on the proposed legislation on September 21, 2020, to receive comment for and against the proposal, and

WHEREAS, the planned development district legislation requires that the club convey a deed of conservation easement to the Town of Clifton Park, over 162.9 acres of core golf course property, in a form substantially compliant with Exhibit C to the legislation, attached, ensuring that the property remain a golf course or recreation asset in perpetuity, providing substantial public benefits to the town, and

WHEREAS, the Town Board has reviewed the proposed zoning amendment pursuant to the State Environmental Quality Review Act and has issued a negative declaration pursuant to the act; now, therefore, be it

RESOLVED, that the Town Board determines that the proposal is consistent with the goals of the town’s comprehensive plan and with the objectives of Section 208-71 A of the Town Code, and be it further

RESOLVED, that Local Law No. 8 of 1999 is hereby repealed, and be it further

RESOLVED, that Local Law No. 2 of 1967, is hereby amended, and Local Law 7 of 2020, attached, is hereby adopted, establishing the Edison Club Planned Development District II, and be it further

RESOLVED, that the Planning Board is directed to review appropriate mitigation measures relative to the planned phasing and access points consistent with the determination of non-significance issued by the board on September 21, 2020, and be it further

RESOLVED, that the town’s Zoning Map is hereby amended by adoption of the supplemental Zoning Map, attached; and be it further

RESOLVED, that the Town Clerk file said notice with the New York State Department of State as required by law.

ROLL CALL VOTE

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

Noes: None

Abstain: Councilman Morelli

DECLARED ADOPTED

Supervisor Barrett stated this project, with the 163 acres of permanent conservation easement, would be the best use of the land for preserving the open space. The senior care facility would not need a Certificate of Need, per Mr. Hochman of SunKar who represented the senior care facility at the public hearing. The proposed configuration of the new Stewarts store will create a much safer intersection at Riverview and Rte. 146/Balltown Roads. The project will tie into the Olde Nott Farm Sewer System benefitting those residents in that sewer district.

Planning Director John Scavo gave an overview of the Edison Club PDD II. He explained the 4 development areas could come in as separate site plans before the Planning Board. The lot-line adjustment with Stewarts and the Edison Club for the transfer of land will be completed. He explained under the site plan review process it will give the town and the applicant design professionals the opportunity to review detail plans. The Planning Board will design a phasing of the plan. Residents can follow the project and receive alerts by viewing the progress on the town website.

Supervisor Barrett stated the Edison Club came before the town with the proposed amendments on the existing PDD in 2017.

Resolution No. 181 of 2020, a resolution authorizing a change order to the contract with M. Sullivan Construction for installation of a gate at the entrance to the Bernini Drive tennis court.

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

WHEREAS, by Resolution No. 175 of 2020, the Town Board awarded the contract to replace the tennis and basketball courts at the park on Bernini Drive to M. Sullivan Construction in the amount of \$157,500, and

WHEREAS, the quote submitted also included options for a front entrance gate and fencing and a gate of the east side area, at costs of \$1,100 and \$5,700 respectively, and

WHEREAS, the Dwaaskill Park District wishes to proceed with the Alternate Item #1 for a 12’ wide double gate at the entrance to the court at a cost not to exceed \$1,100; now, therefore, be it

RESOLVED, that the Town Board, as commissioners for the Dwaaskill Park District, authorizes a change order for the installation of Alternate Item #1 in the amount of \$1,100, to be paid from SP4-7135-200 (Dwaaskill Park – Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 182 of 2020, a resolution to authorize Environmental Design Partnership to perform construction engineering services for the Bernini Dr. Court Replacement Project.

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

WHEREAS, Resolution No. 175 of 2020, authorized the replacement of the tennis and basketball courts at the Bernini Dr. Park in the Dwaaskill Park District, and

WHEREAS, members of the Dwaaskill Park District recommended that the Town Board accept a proposal for engineering services offered by Environmental Design Partnership as outlined, at a cost not to exceed \$11,000; now, therefore, be it

WHEREAS, the Town Board, as commissioners of the Dwaaskill Park District, determines that it is in the public interest to engage EDP for engineering construction management services; now, therefore, be it

RESOLVED, that the Supervisor is authorized to execute an agreement with Environmental Design Partnership for professional engineering services for the Bernini Dr. Court Replacement Project; and be it further

RESOLVED, that the Comptroller is authorized to transfer \$11,000 from SP4-7135-200 (Dwaaskill Park Dist.-Equipment) to SP4-7135-135 (Dwaaskill Park District-Engineering) for engineering services relative to the project, to be paid from SP9-7135-135 (Dwaaskill Park District-Engineering).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 183 of 2020, a resolution authorizing the Clifton Park Town Court to submit an application for a Justice Court Assistance Program Grant.

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

WHEREAS, the Clifton Park Town Court wishes to acquire cement pillars, window tint, chairs, and computer back-up batteries, and

WHEREAS, Justice Court Assistance Program was established by the legislature to provide a means by which town and villages may obtain limited state funding to improve operations of their Justice Courts, and

WHEREAS, the Clifton Park Town Court wishes to apply for a grant of approximately \$4,879 from the Justice Court Assistance Program to purchase the aforementioned equipment to improve security and operations at the Clifton Park Town Court; now, therefore, be it

RESOLVED, that the Town of Clifton Park Town Board authorizes the Clifton Park Town Court to apply for a JCAP grant in the 2019-20 grant cycle for up to \$4,879, and be it further

RESOLVED, that the Supervisor is authorized to execute all necessary documents in support of such efforts; and be it further

RESOLVED, that the Comptroller is instructed that revenue shall be increased by \$4,879 in A-3089 (NYS Grant Revenue) and expenditures shall be increased by \$4,879, with the expense of \$2,879 for cement pillars and window tinting to be paid from A-1621-24 (Public Safety Building-General Maintenance) and \$2,000 for chairs and computer back-up batteries be paid from A-1110-200 (Municipal Court-Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 184 of 2020, a resolution authorizing the Supervisor to sign a contract for engineering services.

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

WHEREAS, Planning Director John Scavo has recommended the establishment of a safe crosswalk on Ushers Road between the multi-use path and Wood Dale Drive, and

WHEREAS, the Town Board wishes to proceed with professional engineering services necessary for the project, and

WHEREAS, the Planning Director recommends that the engineering services contract be awarded to Greenman-Pedersen, Inc. based on their initial response to the town’s request for expressions of interest, and their preliminary design in support of the Ushers Road Crosswalk Project, and

WHEREAS, the Town Board wishes to fund the design services for the project with local funds; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign the attached Engineering Consulting Agreement for design services with GPI, in an amount not to exceed \$6,960.20 from A-7629-200 (Trails-Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Planning Director Scavo explained an engineering report is needed for this area due to the vertical difference in topography of the trail elevation relative to Ushers Road. The NYS Accessibility Requirement will need to be followed. The Highway Department has been installing the signs.

Resolution No. 185 of 2020, a resolution appointing Paula Cooper to the position of Secretary for the Emergency Services Advisory Board and the Fire Code Appeals Board for the Town of Clifton Park.

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

WHEREAS, as of September 16, 2020, a vacancy exists for the position of Secretary to the ESAB and Fire Code Appeals Board with the resignation of Millicent Miller from the position, and

WHEREAS, Paula Cooper, 45 Old Route 146, Clifton Park, is recommended to fill the vacant position; now, therefore, be it

RESOLVED, that Paula Cooper is hereby appointed Secretary to the above-mentioned boards, for the remainder of the one-year term, term to expire December 31, 2020, and be it further

RESOLVED, that the position be compensated \$500 per year as budgeted, to be paid from A-3989-E2200 (General Fund-ESAB Secretary); and be it further

RESOLVED, that this appointment shall take effect immediately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Supervisor Barrett thanked Millicent Miller for her years of service to the town.

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 8:37 p.m.

Teresa Brobston
Town Clerk