

December 7, 2020

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
 Councilman Whalen
 Councilwoman Standaert
 Councilman Morelli
 Councilwoman Walowit
 Town Clerk Brobston

Also Present: Town Attorney McCarthy
 Dahn Bull, Superintendent of Highways
 Mark Heggen, Comptroller
 Daniel Clemens, Director of Buildings, Parks & Recreation
 Steven Myers, Director of Building and Zoning
 John Scavo, Director of Planning

MOTION by Councilwoman Walowit, seconded by Councilman Morelli, to approve the minutes of the November 9 & 16 meetings as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATION

Supervisor Barrett gave a COVID-19 update. Saratoga County's number of confirmed cases have increased to 854. As of today 150 residents are from Clifton Park. Ruffly a month ago the whole county was with 150 confirmed cases. Supervisor suggested continuing to wear a mask , stay 6' for social distancing and monitor temperatures to remain as safe as possible.

Supervisor Barrett announced the streetlights that the town has been working on purchasing for several years, will be complete by the end of the year. Benefits to the Clifton Park taxpayers will be a reduction in energy usage and facility charges eliminated and the lighting will be brighter.

PUBLIC PRIVILEGE ON RESOLUTIONS

Town Clerk Brobston read the proposed resolutions for consideration.

Helen Wilson, Hubbs Rd. questioned the size of solar array and why the moratorium is proposed.

Supervisor Barrett stated the town has had several projects and have some experience now with the solar applications and the moratorium would give the town time to pause and review the process and code for any adjustments. Moratorium would be for 25 KW ground-mounted solar projects.

Resolution No. 226 of 2020, a resolution to authorize Environmental Design Partnership to perform design and construction engineering services for a project to replace tennis and basketball courts at four park locations within the Riverview Park District.

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

WHEREAS, the Riverview Park District has asked the Town Board to proceed with a project to replace basketball and tennis courts at Algonquin Road Park, Westchester Drive, Boyack Road and Archer Drive Parks, to be funded through issuance of municipal bonds, and

WHEREAS, the Department of Buildings and Grounds issued a request for proposals for engineering services to perform surveys, prepare project manuals and bid documents, and to provide bid assistance and construction administration services, and

WHEREAS, members of the Riverview Park District recommended that the Town Board accept the proposal for engineering services offered by Environmental Design Partnership (EDP) as low bidder, at a cost not to exceed \$30,000; now, therefore, be it

RESOLVED, the Town Board, as commissioners of the Riverview Park District, determines that it is in the public interest to engage EDP for engineering construction management services, and be it further

RESOLVED, that the Supervisor is authorized to execute an agreement with Environmental Design Partnership for professional engineering services for the basketball and tennis court replacement project at the identified locations within Riverview Park District; and be it further

RESOLVED, that the Comptroller is authorized to establish a capital project budget H56- (Riverview Park District Capital Projects 2020) for the project and to transfer \$30,000 from A-01440-135 (General Fund-Engineering-Engineering) to H56-01440-135 (Riverview Park District Capital Projects 2020-Engineering-Engineering) to offset the engineering costs committed to the project, to be repaid to the town through the issuance of bonds in 2021.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 227 of 2020, a resolution authorizing the Town Supervisor to sign an agreement with the Saratoga County Sheriff’s Department for specialized law enforcement services.

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

WHEREAS, the Town of Clifton Park has found it to be effective and efficient to obtain law enforcement services within the town through the Saratoga County Sheriff’s Department, and

WHEREAS, the Town Board wishes to renew the existing agreement for specialized law enforcement services with the Saratoga County Sheriff’s Department, per the attached agreement; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign the attached agreement with the Saratoga County Sheriff’s Department whereby the Sheriff’s Department shall provide specialized law enforcement services within the Town of Clifton Park for a one (1) year period from January 1, 2021 through December 31, 2021, for an amount not to exceed \$584,519.96, to be paid from A-3120-15 (General Fund-Security-Other Contractual).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 228 of 2020, a resolution determining that acceptance of the dedication of sanitary sewer infrastructure along Hubbs Road is an unlisted action for purposes of the New York State Environmental Quality Review Act.

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

WHEREAS, the Town Board is considering the acceptance of a sanitary sewer line and related infrastructure along Hubbs Road from Brian Glick, 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 review the proposed dedication and acceptance of the sewer improvements pursuant to the SEQRA Act and the Regulations, and

WHEREAS, the facilities have been inspected and approved by engineers with the Saratoga County Sewer District, who have confirmed its conformance with all relevant technical standards, and

WHEREAS, the provision of sanitary sewer service to residential homes is in the public interest and is consistent with environmental policy of the Town Board as expressed in all comprehensive planning documents; now, therefore, be it

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

1. The project constitutes an "Unlisted Action" under 6 NYCRR § 617.2(ak).
2. The Town Board issues a negative declaration pursuant to SEQRA.
3. This resolution shall take effect immediately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Attorney McCarthy explained this is a 5-lot subdivision in various stages with the Planning Board/Department. The sewer line was built along Hubbs Road, to accommodate the subdivision and 1 existing home which is Mr. Glick's. Mr. Glick is the only connection to the new system in the first year.

Resolution No. 229 of 2020, a resolution to authorize an agreement between Brian Glick, 96 Hubbs Road, Ballston Lake, and the Town of Clifton Park, relative to the dedication to, and the acceptance by, the town of certain sanitary sewer improvements and infrastructure along Hubbs Road.

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

WHEREAS, Brian Glick wishes to dedicate certain pipes, conduit and related sanitary sewer improvements, as depicted in Exhibit A, to the Town of Clifton Park, and

WHEREAS, the town's dedication/acceptance rules require that grantor of sewer infrastructure provide a surety bond or letter of credit valued at least 20% of the as-built cost of construction, for one year, to protect the relevant sewer district and its users against repairs caused as a result of faulty workmanship during the first year of operation, and

WHEREAS, plans call for Mr. Glick's primary residence at 96 Hubbs Road to be connected during the first year of operation, and

WHEREAS, Mr. Glick has offered to guarantee the work and the improvements to be dedicated in lieu of providing a letter of credit or bond to the town; now, therefore, be it

RESOLVED, that the town hereby waives the requirement for a letter of credit or surety bond to support the dedication of the infrastructure shown on Exhibit A, and be it further

RESOLVED, that the Town of Clifton Park/Dutch Meadows Sewer District, will not undertake repairs on the depicted infrastructure for one year following connection of the system to 96 Hubbs Road; and be it further

RESOLVED, that the Town Board accepts the dedication of the sanitary sewer improvements, as depicted on the attached record drawings and deed of dedication, subject to the review of filing documents by the Town Attorney.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 230 of 2020, a resolution scheduling a public hearing on a proposed local law imposing a moratorium on applications for permits, site plans or other land use approvals for ground-mounted solar projects within certain zones.

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

WHEREAS, by Local Law No. 9 of 2011, the Town Board authorized the siting of ground-mounted solar arrays within the R-1, R-3, CR, HR, and HM zones, and

WHEREAS, New York State policy, as well as taxpayer incentives for medium and large-scale solar energy, has evolved since the town's zoning classifications were enacted, and

WHEREAS, within the 2020-2021 budget enactments, the state legislature enacted major changes to the renewable energy siting processes for major renewable energy facilities of 25KW capacity or more, and established the New York State Office of Renewable Energy Siting to establish common standards for siting and mitigation of solar energy projects, and

WHEREAS, the Town Board wishes to ensure continued support for renewable energy projects while also ensuring a uniform siting standard for such projects of varying size and scope, within the existing and projected hosting capacity of regional utilities, as appropriate for the various zoning districts within the town, and

WHEREAS, the Town Board wishes to solicit public comment on a proposal to supersede and suspend Sections 276 and 267-b of the New York State Town Law relative to time period regulations and default provisions, as well as jurisdiction of the ZBA to grant relief from the moratorium in order to adequately study and consider the local zoning power for large and medium sized commercial ground-mounted solar facilities within the various zoning districts in the town, consistent with New York State policy and statutory regulation without conflicting projects and applications processed under existing statutory timeframes; now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled for January 11, 2021, at 7:05 P.M. in the Wood Memorial Room, 1 Town Hall Plaza, Clifton Park, New York, on a proposal to impose a six-month moratorium on the receipt or processing of applications for ground mounted solar arrays for projects larger than 25 Kilowatts of capacity, AC, within the town, and be it further

RESOLVED, that the attached proposal be referred to the Saratoga County Planning Board for its review pursuant to Section 239-m of the New York State General Municipal Law; and be it further

RESOLVED, that the Town Clerk shall publish and post the attached notice.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Supervisor Barrett explained this moratorium is for ground-mounted solar projects only. Supervisor stated the town has learned a great deal over the past several years of these fairly new applications and would like to take the time to review, collect input and update the code. With NYS subsidizing green energy projects, the town will be seeing more and more of these applications.

Councilman Morelli stated the last time the code was updated in relative to solar was 2011. Technology has evolved since then, as well as the size and scope of the projects. He is in support of the moratorium.

Resolution No. 231 of 2020, a resolution approving the provisional appointment of Donovan Ryan as a Senior Center Program Coordinator, per civil service classification, in the Clifton Park Senior Community Center.

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

WHEREAS, an opening exists at the Senior Community Center for a Program Coordinator and the position was advertised since November 10, 2020, and

WHEREAS, Donovan Ryan has worked for the town since 2015 and at the Senior Center since 2017, and

WHEREAS, after interviewing Mr. Ryan, 5D Brookside Meadows Rd., Ballston Lake, Supervisor Barrett has recommended that Mr. Ryan fill the position of Senior Center Program Coordinator, and

WHEREAS, the appointment is provisional pending the next sitting for the civil service testing for this position; now, therefore, be it

RESOLVED, that the Town Board, hereby authorizes the hiring of Donovan Ryan, to fill the position of Senior Center Program Coordinator Grade 4, Step 1, Year 1 (\$24.07/hour - \$44,144/year), effective immediately, with an additional estimated amount for 2020 to be \$206, and be it further

RESOLVED, that the Comptroller is authorized to transfer \$206 from A-06773-E4000 (General Fund-Senior Center-Part Time Employee) to A-06773-E0889 (General Fund-Senior Center-D. Ryan); and be it further

RESOLVED, that Mr. Ryan shall be placed on the matrix at Grade 4, Step 1 for 2021.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 232 of 2020, a resolution scheduling a public hearing to consider adoption of a local law amending Section 103-16 of the Town Code, Building Permit Fees.

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

WHEREAS, Steven Myers, Director of Building and Zoning, has recommended amending Section 103-16 Building Permit fees, and

WHEREAS, the Town Board wishes to schedule a public hearing to obtain input regarding the proposed changes; now, therefore, be it

RESOLVED, that a public hearing is scheduled for December 21, 2020 at 7:05 P.M. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York to consider adoption of a local law amending Section 103-16 of the Town Code, Building Permit fees; and be it further

RESOLVED, the Town Clerk is directed to publish appropriate notice of the same.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 233 of 2020, a resolution approving the provisional appointment of Max Luetters as a Building Inspector, per civil service classification, in the Building and Development Department.

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

WHEREAS, an opening exists in the Department of Building and Development for a Building Inspector due to the promotion of Wade Schoenborn earlier this year, and

WHEREAS, the position was advertised since September 18, 2020, and

WHEREAS, Mr. Luetters has worked for the town since 2018, and

WHEREAS, after interviewing Mr. Luetters, 704 Forest Lane, Clifton Park, Steven Myers, Director of Building and Zoning, has recommended that Mr. Luetters fill the position of Building Inspector in the Department of Building and Development, and

WHEREAS, the appointment is provisional pending the next sitting for the civil service testing for this position; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the transfer of Max Luetters, 704 Forest Lane, Clifton Park to fill the position of Building Inspector Grade 8, Step 1, Year 1 (\$66,813/year) to be paid from A-3620-Exxxx (Building & Development-Employee), effective January 4, 2021.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 234 of 2020, a resolution to approve Amendment 1 to the Intermunicipal Agreement with the Town of Halfmoon, and a supplemental agreement for professional engineering and ROW services for the Sitterly Road Improvements and Traffic Signal Improvement Project, PIN#1759.84 / SA281.

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

WHEREAS, the project was planned, designed, and constructed to improve transportation and safety within the Sitterly Road corridor for vehicles, pedestrians, and cyclists, and

WHEREAS, by Resolution No. 5 of 2016, the Town Board authorized the Supervisor to execute an application for Beyond Pavement Preservation funding for traffic and pedestrian improvements at the intersection of Sitterly and Woodin Roads, and

WHEREAS, by Resolution No. 290 of 2017, the Town Board authorized funding in the first instance for the Sitterly Road improvements and traffic signals improvement project, under Marchiselli funding, requiring a 20% local match, and

WHEREAS, the project is administered in partnership with the Town of Halfmoon, while Clifton Park was designated as local grant administrators for the combined project, and

WHEREAS, in February 2018, both towns entered into an intermunicipal agreement setting forth the project costs and cost sharing mechanisms, and

WHEREAS, the project was publicly bid pursuant to Section 103 of the General Municipal Law with bid opening on February 26, 2020, and

WHEREAS, design engineer M.J. Engineering recommended, and the Clifton Park Town Board, as project sponsor, awarded the bid to New Castle Paving, LLC in the amount of \$1,726,481.65 on May 4, 2020, and

WHEREAS, the construction of the project is now substantially complete, and the Town Board wishes to amend their existing intermunicipal agreement with the Town of Halfmoon, to reflect post-design, bidding, right-of-way, and utility relocation costs of the project, and all the final costs for the project as it relates to the local match shared by the two towns under the applicable state and federal funding mechanisms, and

WHEREAS, the total local matching funds of \$314,061.77 are required to close the estimated funding gap between state and federal funding and anticipated project costs at this time; resulting in an equal (50%/50%) split of the local match, resulting in a total \$157,031 contribution for each town towards the required local match, and

WHEREAS, the Comptroller has previously established H36 (Capital Projects Fund) to account for the costs of the project, and

WHEREAS, by Resolution No. 206 of 2015, the Town Board awarded a contract to MJ Engineering for the project, based on a solicitation for expressions of interest to all the engineering firms and consultants approved by New York State Department of Transportation Region 1, for the design and engineering for the project, and

WHEREAS, M.J. Engineering has provided a consultant supplemental agreement for eligible professional engineering, and right-of-way incidental and acquisition services that had been unanticipated in an amount not to exceed \$19,500, based on the total estimated costs of the project per NYSDOT regulations and guidelines, at the rates and for the services outlined in the supplemental agreement, and

WHEREAS, the town is eligible to seek reimbursement from NYSDOT for eligible final design engineering costs and professional right-of-way services associated with the combined project under PIN #1759.84; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign the proposed amendment to the intermunicipal agreement with the Town of Halfmoon in order to ensure funding is borne and distributed on a 50%/50% basis by the Towns, and be it further

RESOLVED, that the Town Board accepts the proposal from M.J. Engineering, Clifton Park, NY, for the supplemental, professional engineering and professional right of way services for the project, and be it further

RESOLVED, that the Comptroller is directed to increase H36 (Capital Projects Fund) by \$19,500 to pay costs associated with the contract in the first instance, for this reimbursable program; and be it further

RESOLVED, that the Supervisor is authorized to sign the attached supplemental contract with MJ Engineering for professional engineering, right-of-way incidentals and acquisition services.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 235 of 2020, a resolution authorizing certain highway budget transfers for the 2020 projects completed in the Highway Department Budget.

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

WHEREAS, the Superintendent of Highways has recommended that certain budget adjustments be made to reallocate funds in response to paving projects in the table below;

Table 1 – Highway Budget Reallocation 2020

<u>Funding Line</u>	<u>Code</u>	<u>Increase</u>	<u>Decrease</u>
Engineering	DA-5020-135	\$0.00	\$10,000.00
Street Striping	DA-5110-215	\$0.00	\$13,000.00
Materials	DA-5110-210	\$0.00	\$53,000.00
Fuel	DA-5110-012	\$0.00	\$54,000.00
Diesel	DA-5110-136	\$0.00	\$27,900.00
Salt	DA-5142-138	\$0.00	\$60,783.00
Fuel	DA-5412-012	\$0.00	\$37,000.00
Diesel	DA-5142-136	\$0.00	\$23,000.00
CHIPS Revenue	DA-3501	\$120,768.00	\$0.00
CHIPS	DA-5112-015	\$136,668.00	\$0.00
Paving	DA-5110-030	\$262,783.00	\$0.00
Revenues		\$120,768.00	\$0.00
Expenditures		\$399,451.00	\$278,683.00

now, therefore, be it

RESOLVED, that funds in Street Striping, Materials, Fuel, Diesel, and Salt be decreased and that funds in Paving be increased as shown in Table 1.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 236 of 2020, a resolution appointing Alexis Osborne as a member of the Clifton Park Water Authority.

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

WHEREAS, due to the resignation of George Peterson from the Clifton Park Water Authority, a vacancy exists on the board, and

WHEREAS, Alexis M. Osborne, 57 Glenbrook Ct., Clifton Park, has been recommended to fill the position, and

WHEREAS, Ms. Osborne's presence on the Clifton Park Water Authority will confer a benefit to the Town of Clifton Park; now, therefore, be it

RESOLVED, that Alexis M. Osborne is hereby appointed to the Clifton Park Water Authority for a five-year term, term to expire December 31, 2025, effective January 1, 2021.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Supervisor Barrett thanked George Peterson for his time and many years of service.

PUBLIC PRIVILEGE 8:03PM

Tatiana Gjergji, Hamilton St., Albany, President of a non-profit Noteworthy Resources, thanked the town for providing the skateboard park. She explained the many benefits of skateboarding. Ms. Gjergji would like to see more on the town website to bring more people in to use the skate park. She would like to have the skate park not locked-up for the winter season.

Supervisor Barrett explained the town leaves the park open as long as possible but because of weather it closes. The town wants to make sure it is a safe environment. Damages to the park earlier in the year caused it to be closed.

Ms. Gjergji requested to continue the conversation on some of the skate park issues.

Chris Sendzik, Squire Ln., Halfmoon, would like to have the hours to the skate park extended, if not open all year. He would like rules of the park reviewed and updated.

Kelly Zelaya, S. Hollow Dr., supports keeping the skate park open all year long and the elimination of the fees.

John Bologna, Goldfield Ln., questioned if competitions and clinics are offered.

Public Privilege closed at 8:24PM.

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 8:26 p.m.

Teresa Brobston
Town Clerk