

TOWN OF CLIFTON PARK TOWN BOARD

June 5, 2023

The meeting of the Town Board of the Town of Clifton Park was held in the Town Office Building at 7:01 p.m. Supervisor Barrett presiding.

Present: Supervisor Barrett  
Councilman Morelli  
Councilwoman Walowit  
Councilman O’Hara  
Councilwoman Reid  
Town Clerk Brobston

Also Present: Town Attorney McCarthy  
Mark Heggen, Comptroller  
Daniel Clemens, Director of Parks, Buildings & Recreation  
Terri Cook, Animal Control Director  
Michael Woerner, Director of Parks & Recreation  
Norah Hoefner, Communications and Technology Coordinator

MINUTES

MOTION by Councilwoman Walowit, seconded by Councilman Morelli, to approve the Town Board minutes of May 8 and May 15, 2023, as presented.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman O’Hara,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

MOTION CARRIED

ANNOUNCEMENTS & COMMUNICATIONS

Supervisor Barrett gave an update on Town pools. Country Knolls Pool is delayed opening due to the continuing repairs. The Locust Lane and Barney Road Pools opened, Sunday, May 28.

Supervisor Barrett updated the residents on the trail closing from Miller Road to Settlers Hill. He explained that the Town went out to bid to rebuild the trail. Bid opening will be June 8, 2023. Work to begin as soon as possible.

Councilman Morelli thanked the Parks and Recreation Department for the successful event at the Grooms Tavern featuring the Tavern Jammers. He also thanked the Department for the recent “Learn to Fish” event, held along with DEC, at the Barney Road Pond.

Councilman Morelli congratulated Miss Shen Softball on their 50<sup>th</sup> Anniversary of the organization. He announced the upcoming annual Deanna River’s Softball tournament to be held on June 11, in memory of the young athletes’ lives lost several years ago.

PUBLIC HEARING-PROPOSED AMENDMENT TO CHAPTER 97-3 OF THE TOWN CODE  
RELATIVE TO FEE SCHEDULE FOR TRANSFER STATION PERMITS 7:10 PM

Town Clerk Brobston read the Public Hearing Legal Notice that was advertised in the May 15, 2023 edition of the Gazette.

Supervisor Barrett explained the amendments are minor changes to streamline the permit process at the Transfer Station.

Daniel Clemens, Director of Buildings, Parks & Recreation, stated the amendments are primarily about removing the prorated fees.

Town Clerk Brobston suggested amending (1) Sections A, 2, deleting the last sentence since it refers to discounted permits. (2) Add B (1) shall receive one punch card consisting of 100 punches per card or two punch cards. (3) change B (2) to pay \$2 [~~\$1~~] for the deposit.

The Director of Buildings, Parks & Recreation agreed to the proposed additional amendments.

No one wished to be heard.

Public Hearing closed at 7:16 PM

#### RESOLUTIONS

No one wished to be heard.

Resolution No. 125 of 2023, a resolution authorizing the purchase of a new server for the Town Court's computer network under New York State (NYS) Contract.

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

WHEREAS, the Town Justice Court has requested an upgrade to their existing server and accompanying equipment, and

WHEREAS, the Town Board wishes to authorize the purchase of a new server as recommended by the Town's IT Consultant, ABS Solutions, to maintain a secure and updated computer network environment, and

WHEREAS, ABS Solutions has provided a quote for the Dell PowerEdge T350 server, available under NYS Umbrella Contract #PM20820, at a total cost not to exceed \$5,150 for the equipment, and

WHEREAS, ABS Solutions has also provided labor costs of \$3,088 for the new server installation and configuration; now, therefore, be it

RESOLVED, that the Town is authorized to accept the attached proposals for network security upgrades and related labor costs; and be it further

RESOLVED, that the Comptroller is authorized to transfer \$8,238 from Unassigned Fund Balance to A-01110-00200 (General Fund-Courts-Equipment) to pay for the project.

#### ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman O'Hara,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

#### DECLARED ADOPTED

Comptroller Heggen explained, the computers used by the employees at the Justice Court are owned by the Court. The Town provides the server only and is out of day and in need of updating.

Resolution No. 126 of 2023, a resolution awarding a contract for parking lot concrete curbing at Clifton Common.

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

WHEREAS, Daniel Clemens, Director of Buildings, Parks, and Recreation, requested quotes for 960 feet of concrete curbing for the two baseball/softball field parking lots at the back of Clifton Common, and

WHEREAS, quotes were due on May 19, 2023, and

WHEREAS, Duke Concrete Products, 50 Duke Industrial Park, Queensbury, NY, submitted the lowest quote, in an amount not to exceed \$6,270 for delivery of the concrete curbing, and

WHEREAS, Mr. Clemens recommends awarding the quote to Duke Concrete Products as they submitted the lowest responsive quote; now, therefore, be it

RESOLVED, that the Comptroller is authorized to transfer \$ 6,270 from Unreserved Fund Balance to A-7112-200 (General Fund – Clifton Common – Equipment); and be it further

RESOLVED, that the Supervisor is authorized to accept a quote from Duke Concrete Products in an amount not to exceed \$6,270 for 960 feet of concrete curbing for the two baseball/softball field parking lots at the back of Clifton Common.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman O’Hara, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

The Buildings, Parks & Recreation Director stated the price does not include installation, the Department will be installing. He explained this is a good alternative to the existing wood barriers/guardrails and cost effective.

Resolution No. 127 of 2023, a resolution authorizing the hiring of David Galka as 2023 part-time summer help for the Buildings and Grounds Department.

Introduced by Councilman O’Hara, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, an opening exists for part-time seasonal help in the Buildings and Grounds Department, and

WHEREAS, Daniel Clemens, Director of Buildings, Parks, and Recreation, has recommended that David Galka be hired to fill the seasonal position; now, therefore, be it

RESOLVED, that David Galka, of Rexford, NY, be employed as a part-time seasonal laborer for Buildings and Grounds for 2023, to be paid \$16/hr., 20 hours per week, from A-7110-E4000 (General Fund- Buildings & Grounds-PT Seasonal Labor) effective immediately.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman O’Hara, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 128 of 2023, a resolution authorizing the hiring of seasonal employees to staff the Town pools and the full and half-day summer camps for the 2023 Summer season.

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

WHEREAS, the Town Board wishes to hire additional staff members for operation of the Town pools and Summer Day Camp programs, and

WHEREAS, Michael Woerner, Director of Parks and Recreation, has recommended that the individuals listed in the attached Schedule A, be hired at the locations indicated; now, therefore, be it

RESOLVED, that the individuals listed in the attached Schedule A be hired as staff for the Town Pools and Summer Day Camp programs, effective for the 2023 Summer season; and be it further

RESOLVED, that the individuals be paid as indicated on Schedule A.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman O’Hara, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Director of Parks & Recreation Michael Woerner and Director of Buildings, Parks & Recreation gave an update on the upcoming 4<sup>th</sup> of July celebration.

Resolution No. 129 of 2023, a resolution authorizing repairs to the Adventure Challenge Course at Collins Park.

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

WHEREAS, the Town’s Adventure Challenge Course offers a unique aerial obstacle course consisting of tree climbing, ziplines, swing ropes and related challenges for summer recreation at Collins Park, and

WHEREAS, Project Adventure, Beverly, Massachusetts, offers proprietary design, testing, and inspection services to ensure compliance with industry standards for safety and reliability of challenge course elements throughout the Northeast, and has performed safety testing on behalf of the Town for compliance with industry standards, and

WHEREAS, Project Adventure completed the most recent safety inspection of the course on April 18<sup>th</sup>, 2023, which demonstrated needed repairs and upgrades to several of the existing course elements, and

WHEREAS, Project Adventure has submitted a quote for the repairs necessary for the course elements, in the amount of \$9,599, for the planning, design, engineering and implementation of repairs necessary to bring the course up to date for the new season, and

WHEREAS, Michael Woerner, Director of Parks and Recreation, recommends that the Board retain Project Adventure to complete the repairs to the course that have been identified by the recent inspection, per the submitted quote; now, therefore, be it

RESOLVED, that the Supervisor is authorized to accept the quote of Project Adventure for the design, engineering and implementation of repairs and upgrades to the Town’s Adventure Challenge Course; and be it further

RESOLVED, that the Comptroller is authorized to transfer \$9,599 from Unreserved Fund Balance to A-7621-200 (General Fund – Project Adventure – Equipment) to pay for the course repairs.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman O’Hara,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Supervisor Barrett requested the Parks & Recreation Department and the Town Board members to start exploring other options going forward for the program not using trees in the elements.

Resolution No. 130 of 2023, a resolution scheduling a public hearing on a proposal to amend Chapter 176 of the Town Code relative to street opening or excavation permits issues by the Highway Department.

Introduced by Councilwoman Walowit, who moved its adoption, seconded by Councilman O’Hara.

WHEREAS, Chapter 176 of the Town Code, enacted through Local Law No. 6 of 2012, sets forth a procedure for the issuance of Street Opening Permits for authorized utilities, communications companies, and entities to excavate Town owned streets and roads for the purpose of laying pipe, conduit, fiber and related infrastructure for purposes consistent with the public good, and

WHEREAS, the Highway Department has published and otherwise made available an “Application for Permit to Cut/Excavate Town Roads” containing some 36 separate specifications, conditions, and methods of work required of permit holders relative to excavation and restorations associated with such permits, and

WHEREAS, by Resolution No. 266 of 2021, the Town Board, on November 15, 2021, authorized the issuance of Street Opening Permits to Greenlight Technologies for the purpose of installation of high-speed fiber optic cables to provide competitive broadband internet and communications service to residents and businesses within the Town, utilizing the Highway Departments existing permit specifications for excavations and restorations, and

WHEREAS, the Town Board adopted a second Resolution No.118 of 2022, on April 18, 2022, directing the Highways Superintendent to issue permits to Greenlight Technologies, and

WHEREAS, after receiving inconsistent and contradictory information concerning the issuance of such Permits, on August 25, 2022, the Supervisor directed the Town Comptroller’s office to initiate an audit of the Highway Department’s procedures, relative to the receipt, processing, fee calculation, issuance, and record keeping associated with street opening permit applications and permits over a five-year period, and

WHEREAS, on September 12, 2022, outside auditors engaged by the Comptroller’s office contacted the Highways Superintendent to initiate meetings for the purpose of gathering information necessary to audit the Department’s procedures for the receipt, processing and issuance of Street Opening Permit applications and permits, and

WHEREAS, on December 5, 2022, the Town Board adopted Resolution No. 285 of 2022, in which the Town Board directed the Highways Superintendent to cooperate fully with outside auditors in the conduct of an audit of Street Opening Permit procedures and fee collection, and

WHEREAS, the outside audit report, dated February 10, 2023, demonstrates significant omissions, inconsistencies and exceptions to agreed upon procedures, including a failure to collect permit fees due and owing, and failure to keep records of the number, location and issuance of permits on any consistent basis, a failure to collect required proof of insurance, or accurate data on the location and extent of street excavations within the Town, as well as inconsistencies between the Department's application and the requirements of the Town code, and inconsistencies between the Department's permit application requirements and the Department's actual practices, and

WHEREAS, the Town Board wishes to schedule a public hearing on a proposal to amend Section 176 of the Town Code, to require adequate record keeping, establish reasonable deadlines for the disposition on applications for such permits, update the Town's fee schedule for such applications, and require all sums to be adequately accounted for and deposited with the Receiver of Taxes and Assessments; now, therefore, be it

RESOLVED, that a public hearing on the proposal is hereby scheduled to take place on June 20, 2023, at 7:05 P.M. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York 12065, and the Town Clerk is directed to provide the attached notice of same.

#### ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman O'Hara,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

#### DECLARED ADOPTED

Attorney McCarthy stated the basic goals of what the amendments would accomplish would be an organized record keeping system at the Highway Department so they will track when these applications are received, how long they take to make a decision on the application, to grant or deny, or require a modification. The amendments will require that fees will be collected in a consistent way and require the fees to be forwarded to the Receiver of Taxes. The amendments would require the Highway Department to provide a notice to an applicant of problems or complaints and require the Department to keep a record of the complaints and disposition. Attorney McCarthy referred to the outside audit report prepared by Cusack & Company as referred to in the resolution will be posted on the website for the public hearing. The amendments would establish a more structured fee schedule and suggest taking the fee schedule out of the local law and establish it by resolution.

Supervisor Barrett stated these amendments were established following the outside audit report recommendations.

Councilman Morelli voiced concerns with lack of financial controls.

Councilwoman Reid and Councilman O'Hara agreed with the need for the amendments.

Resolution No. 131 of 2023, a resolution authorizing the establishment of a Clifton Park 200<sup>th</sup> Celebration Committee.

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

WHEREAS, Supervisor Barrett recommends the establishment of a Clifton Park 200<sup>th</sup> Celebration Committee, which will focus on honoring the history of Clifton Park since its establishment in 1828, as well as three other upcoming milestones: Bicentennial of the opening of the Erie Canal (2025), 250<sup>th</sup> Anniversary of the American Revolution (2026) and the 250<sup>th</sup> Anniversary of the Battle of Saratoga (2027), and

WHEREAS, the Town Board wishes to appoint a committee that will examine and discuss the coordination of the recognition of these historical milestones through events, ceremonies, workshops, and programs throughout the coming years, and

WHEREAS, the Committee will consist of the Supervisor and all persons noted on the attached list, as well as members yet to be appointed from the committees and groups noted on this attachment; now, therefore, be it

RESOLVED, that the Town Board establishes the Clifton Park 200<sup>th</sup> Celebration Committee, with membership to be appointed by the Town Board at a subsequent meeting.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman O’Hara, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 132 of 2023, a resolution hiring Chantel Smith as a Part-time Animal Control Officer.

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

WHEREAS, an opening exists for a Part-time Animal Control Officer, and

WHEREAS, Terri Cook, Director of Animal Control, has recommended that Chantel Smith be hired provisionally for the position, pending Civil Service Certification; now, therefore, be it

RESOLVED, that Chantel Smith is hereby hired as a Part-time Animal Control Officer for the Town of Clifton Park at Grade 3, Step 1 (\$21.10 per hour) budgeted from A-3510-E4000 (General Fund-Animal Control- Part-Time Employee), effective immediately.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman O’Hara, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Robert Reese, Pico Rd., voiced concerns with Verizon’s Fios installation in the easement of his corner lot property. Diesel fuel was spilled on his lawn, even though the company came and replaced the soil where it was spilled, he could still smell it. He feels the company went beyond the easement and into his property. The workers, as they were filling the holes, dumped their water bottles and lunch in the holes and covered it all up. Also has concerns with his driveway now since they went under it.

Supervisor Barrett stated when the Town gets complaints, they report them right away to the company. The Town did receive his complaint, the Town called the company, and the company sent a representative to the resident’s address.

Mr. Reese explained he was not satisfied with the information received from the company representative.

Supervisor Barrett stated he will follow up with the company on the complaint.

Mary McBride, Foxwood Dr. South, voiced concerns about the Fox Run Apartment Complex located at the beginning of their development. Concerns about the appearance of the property with overflowing animal waste and garbage pals/dumpsters, unregistered vehicles, unsafe driving, breaking into cars, rat traps and correspondence with the property manager have gone unanswered. The residents of Foxwood are feeling unsafe and request additional police attendance and an additional outlet. She requested the Town to take action to get the Fox Run property cleaned up. Pictures of the offenses were presented.

Supervisor Barrett stated he will take the concerns to Code Enforcement for a review and increase police/safety enforcement.

David Ruetsch, Trevor Ct., presented the Board with information concerning the pond at Crescent Point West. A petition regarding the maintenance of the drainage basin/pond was presented. The residents are requesting the Town to install a new fountain.

Supervisor Barrett stated the Town will review the request.

Victor Benson, Eastside Dr., requested Eastside Drive to be paved. He explained the road is disintegrating.

Jim Gagnia, Foxwood Dr., voiced trespassing concerns with residents from Fox Run.

Dave Pitszer, Merrill Dr., voiced traffic concerns with vehicles coming from Fox Run onto the one-way road Huntridge, going against the direction and safety of the residents. Also, a concern with a tree located on the Fox Run property.

Supervisor Barrett stated the Town will investigate the tree concern.

MOTION BY Councilman Morelli, 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 9:02 PM

Teresa Brobston  
Town Clerk