

TOWN OF CLIFTON PARK TOWN BOARD

August 7, 2023

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 Morelli  
Councilwoman Walowit  
Councilman O'Hara  
Councilwoman Reid  
Town Clerk Brobston

Also Present: Town Attorney McCarthy  
Mark Heggen, Comptroller  
John Scavo, Director of Planning & Zoning  
Daniel Clemens, Director of Parks, Buildings & Recreation  
Dahn Bull, Superintendent of Highways  
Susan Leonard, Director of Senior Community Center  
Michael Woerner, Director of Parks & Recreation  
Norah Hoefler, Communications and Technology Coordinator

MINUTES

MOTION by Councilwoman Walowit, seconded by Councilman O'Hara to approve the Town Board minutes of July 17, 2023 as amended.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

Supervisor Barrett and Councilman Morelli read proposed information to be considered for inclusion of the June 20, 2023, Town Board Minutes. Town Clerk Brobston requested the minutes to remain off the table for her to review.

ANNOUNCEMENTS & COMMUNICATIONS

Supervisor Barrett announced the second session for the Learn to Swim Program has been completed. The Supervisor thanked the swim instructors and program director Alyissa Di Fabio for another successful year. Supervisor encouraged the recruiting and retaining of the swim instructors by taking the free water safety instructor course offered through the County.

Supervisor Barrett thanked the Buildings & Grounds Department for the grading, per the Engineering specifications, on the Clifton Common Playground replacement project. He stated the Contractor began the beginning of August, working six days a week, despite the weather. Significant progress has been made.

Councilman O'Hara announced the Town has launched into our new website, thanks to Juergen Klingenberg, Flight Creative Group and Norah Hoefler, Town Communications & Technology Coordinator, during the transition period.

Supervisor Barrett stated, this new website is mobile device friendly, along with changes to fonts, information and how the information is placed on the site.

Councilman O’Hara announced Town Historian John Scherer will be hosting a walking tour of the Vischer Ferry Historic District on Saturday, August 19. Mr. Scherer has invited members of the Heritage Hunters of Saratoga County to participate in the tour. The public are welcome to attend. The tour will also include the dedication of a new historic marker at the Vischer Ferry Cemetery thanks to the hard work performed by Chris Nafis.

RESOLUTIONS

Resolution No. 174 of 2023, a resolution authorizing payment to Quick Response for mitigation and restoration work at 7 Orchard Park.

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

WHEREAS, on June 30, 2022, the Town’s Sewer Department was notified of a sewer system backup and resulting damages at 7 Orchard Park, Clifton Park, and

WHEREAS, subsequent investigation determined that the backup resulted from storm sewer work performed for the Town’s Highway Department immediately beneath a sewer main at the point of failure in 2019, and

WHEREAS, by Resolution No. 215 of 2022, the Town Board declared an emergency under Section 103 (4) of the General Municipal Law, and authorized the Sewer Department to retain Quick Response Restoration Services for immediate cleanup and restoration services, and

WHEREAS, the final invoices for mitigation work, as well as restoration, totals \$67,489.52, and

WHEREAS, the Town Board wishes to authorize final payment to Quick Response, pending resolution of the Town’s insurance claims with Selective Insurance, and to compensate Quick Response for their services to mitigate and restore the damages resulting from the sewer backup at 7 Orchard Park Drive: now, therefore, be it

RESOLVED, that the Comptroller is authorized to pay Quick Response the amount of \$67,489.52, to be paid from G7-915 (Clifton Park Sewer #1 - Assigned Fund Balance), with a transfer to G7-8111-21 (Clifton Park Sewer #1 - Sewer Contractual-Emergency Repairs).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 175 of 2023, a resolution awarding a contract for the construction of the Veterans Memorial Enhancement Project on the Clifton Common to Gallo Construction Corporation.

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

WHEREAS, the Town Board authorized MJ Engineering to solicit sealed bids for a project to construct a military service walkway at the Veterans Memorial on the Clifton Common, which bids were advertised in accordance with General Municipal Law Section 103, and were opened publicly on June 29, 2023, and

WHEREAS, the project involves the construction of paver walkways, concrete and brick veneer seat walls and landscaping enhancements, in conjunction with the Town Board’s “Buy a Brick” program to honor all veterans of US Military services, past, present and future, and

WHEREAS, the Town of Clifton Park has budgeted \$75,000 in the 2022 and 2023 budgets for this project, and

WHEREAS, Gallo Construction Corporation, Watervliet, NY, submitted the low bid for the project in the amount of \$203,770, and

WHEREAS, MJ Engineering has performed a bid analysis and recommends awarding the contract for the Veterans Memorial Enhancements Project at the Clifton Common, to Gallo Construction, Watervliet, NY, as lowest responsible bidder; now, therefore, be it

RESOLVED, that the Town Board accepts the recommendation of MJ Engineering and awards the bid to Gallo Construction, and be it further

RESOLVED, that MJ Engineering is authorized to prepare contract documents consistent with the project manual and bid documents; and be it further

RESOLVED, that the Comptroller is authorized to transfer from A-00914 (General Fund - Unassigned Fund Balance) \$128,770 to A-07112-00015 (General Fund - Clifton Common - Other Contractual) to cover the cost of the project.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Supervisor Barrett reminded residents interested in the “Buy-A-Brick” program for veterans, to submit orders as soon as possible for the brick engraving to be done and available for the opening celebration.

Resolution No. 176 of 2023, a resolution proclaiming the Town of Clifton Park a Purple Heart Town.

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

WHEREAS, the People of Clifton Park have great admiration for all the men and women who have selflessly served their country and this community in the Armed Forces, and

WHEREAS, Veterans have paid the high price of freedom by leaving their families and communities and placing themselves in harm’s way for the good of all, and

WHEREAS, the Military Order of the Purple Heart, is building a network of Purple Heart Highways, Counties, Cities, Towns and Institutions in a web connecting all entities with the goal of forever honoring those men and women who made the sacrifice, and some the ultimate sacrifice, for our freedoms and have been awarded the Purple Heart, and

WHEREAS, the contributions and sacrifices of the men and women from the Town of Clifton Park who served in the Armed Forces, have been vital in maintaining the freedoms and way of life enjoyed by our citizens, and

WHEREAS, many thousands of men and women in uniform have given their lives while serving in the Armed Forces throughout our national history, and

WHEREAS, many residents of our community have earned the Purple Heart Medal after being wounded or killed while engaged in combat with an enemy force, construed as a singularly meritorious act of essential service, and

WHEREAS, the Town Board wishes to designate August 7<sup>th</sup> as a day to honor and remember the sacrifices of all our Purple Heart recipients; now, therefore, be it

RESOLVED, that the Town Board hereby proclaims the Town of Clifton Park as a Purple Heart Town, honoring the service and sacrifice of our Nation's men and women in uniform wounded or killed by the enemy while serving to protect the freedoms enjoyed by all Americans; and be it further

RESOLVED, that August 7th is hereby designated as a day of recognition and remembrance for all of our Purple Heart recipients, of all service branches, within the Town of Clifton Park.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Councilman Morelli presented signage designating the Town as a Purple Heart Town. Purple Heart Day was first enacted in 2014. History of what a "Purple Heart" was read. Starting as a badge of military merit in 1782, while in 1932 it was changed to a Purple Heart Award. This resolution shows all residents of the community recognize who has made the sacrifice, and some the ultimate sacrifice, for our freedoms who have been awarded the Purple Heart.

Resolution No. 177 of 2023, a resolution awarding the contract for the installation of pickleball courts at the Town's Veterans Memorial Park to Del Signore Blacktop Paving, Inc. of Troy, New York.

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

WHEREAS, the Town Board authorized MJ Engineering to solicit sealed bids for a potential project to construct pickleball courts at Veterans Memorial Park, bids were advertised in accordance with General Municipal Law Section 103, and were opened publicly on July 13, 2023, and

WHEREAS, Del Signore Blacktop Paving, Inc., of Troy, NY, submitted its bid to replace the existing softball field at the Park with pickleball courts in an amount not to exceed \$549,000, as well as a bid to include a pre-engineered shade structure under Alternate Bid #1 in the amount of \$58,939, and

WHEREAS, MJ Engineering has prepared a bid analysis and recommends accepting the bid of Del Signore Blacktop Paving, Inc. as low bidder, and recommends awarding the contract for the Court installation, and Alternate Bid #1, to Del Signore, per the bid; now, therefore, be it

RESOLVED, that MJ Engineering is authorized to prepare contract documents consistent with the bid documents submitted for the Veterans Memorial Park Pickleball Courts installation, and be it further

RESOLVED, that the Supervisor is authorized to sign a contract with Del Signore Blacktop Paving, Inc., for the construction of pickleball courts at Veterans Memorial Park, at a cost not to exceed \$607,939; and be it further

RESOLVED, that the Comptroller is authorized to transfer \$607,939 from A-0914 (Unassigned Fund Balance), to A-07024-00200 (General Fund - Veterans Memorial Park - Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 178 of 2023, a resolution approving the provisional appointment of Stacie Agostino as a Senior Center Program Coordinator, per civil service classification, in the Clifton Park Senior Community Center.

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

WHEREAS, an opening exists at the Senior Community Center for a Program Coordinator and the position was advertised since June 28, 2023, and

WHEREAS, after interviewing Ms. Agostino, of Glenville, NY, Supervisor Barrett has recommended that Ms. Agostino 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 Stacie Agostino, to fill the position of Senior Center Program Coordinator, Grade 4, Step 2, Year 1 (\$27.34/ hour - \$49,759/ year), effective August 14, 2023; and be it further

RESOLVED, that the Comptroller is authorized to transfer \$3,100 from A-06773-E4000 (General Fund - Senior Center - Part Time Employee) and \$16,000 from A-06773-E0889 (General Fund - Senior Center - D. Ryan), to A-06772-Exxxx (General Fund - Senior Center - Employee).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 179 of 2023, a resolution authorizing an agreement for the replacement of an HVAC fan coil at Town Hall by Postler & Jaeckle Corp.

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

WHEREAS, the Director of Buildings, Parks, and Recreation Daniel Clemens, requested quotes for the replacement of one fan coil unit for the HVAC system at One Town Hall Plaza, and

WHEREAS, Postler & Jaeckle Corp Mechanical Contractors, 9 Krey Blvd. Rensselaer, NY, submitted the only conforming quote for the contract for a fan coil unit, in the amount of \$6,033; now, therefore, be it

RESOLVED, that the quote of Postler and Jaekle Corp. Mechanical Contractors be accepted for an amount not to exceed \$6,033; and be it further

RESOLVED, that the Director of Buildings, Parks, and Recreation is authorized to engage Postler and Jaekle Corp. For the project in an amount not to exceed \$6,033, to be paid from A-1620-00200 (General Fund -Town Hall Operations - Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 180 of 2023, a resolution authorizing Change Order #1 to the existing contract with Commercial Paving Company, LLC for the Village Green, Stony Creek #1 Park District sports courts improvement project.

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

WHEREAS, by Resolution No. 115 of 2023, the Town Board awarded a bid to Commercial Paving Company, LLC for the paving project at the sports courts of Village Green, Stony Creek #1 Park District, and

WHEREAS, Daniel Clemens, Director of Buildings, Parks, and Recreation, has submitted a request for additional funding due to a need for sub-base paving work that was discovered after the project started, and

WHEREAS, Mr. Clemens recommends accepting Change Order #1 to cover the additional cost for the sub-base paving work; now, therefore, be it

RESOLVED, that Mr. Clemens is authorized to accept Change Order #1 from Commercial Paving Company, LLC, in an amount not to exceed \$3,200, for the additional sub-base paving work required for the sports court’s improvement project at Village Green, Stony Creek #1 Park District; and be it further

RESOLVED, that the Comptroller is authorized to transfer \$3,200 from SP9-7115-200 (Stony Creek 1 Park District - Park Contractual - Equipment) to SP9-07136-00200 (Stony Creek 1 Park District - Village Green - Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 181 of 2023, a resolution authorizing the purchase of a Fisher 7.5 ft EZ-V-Snow Plow for a Town Ford F-150 truck from Dejana Truck and Utility Equipment, and the transfer of the current V-Snow Plow on this F-150 truck to a Town Chevy Colorado truck, with both V- Plows to be installed by Dejana Truck & Utility Equipment for use by the Buildings & Grounds Department.

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

WHEREAS, Daniel Clemens, Director of Buildings, Parks & Recreation, has requested authority to purchase a new V-Snow Plow for use by the Buildings & Grounds Department, and

WHEREAS, the new plow will allow for a more efficient configuration with the Department’s existing vehicles, and

WHEREAS, Mr. Clemens recommends that the Fisher 7.5 ft EZ-V Plow be purchased and installed by Dejana Truck and Utility Equipment, 490 Pulaski Road, Kings Park, NY, as the lowest conforming quote, at a cost not to exceed \$5,870, and that Dejana Truck and Utility Equipment also remove the current smaller V-Snow Plow on the F-150 truck and install it on the Town’s Chevy Colorado truck, at a cost not to exceed \$805; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the purchase of one (1) Fisher 7.5 ft EZ-V-Snow Plow for a Town Ford F-150 truck from Dejana Truck and Utility Equipment, and the removal and transfer of the current V-Snow-Plow on this F-150 truck to a Town Chevy Colorado truck, with both V-Plows to be installed by Dejana Truck and Utility Equipment, as described in the attached documents, at a total cost not to exceed \$6,675, to be paid from A-07110-00229 (General Fund – Buildings & Grounds – Small Equipment), with an additional transfer of \$1,675 from A-07110-0024, (General Fund – Building & Grounds – General Maintenance) to A-07110-00129 (General Fund – Buildings & Grounds – Small Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 182 of 2023, a resolution awarding the contract for the replacement of a section of roof on the Town Highway Garage building.

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

WHEREAS, sealed bids for the Highway Garage Roof Replacement were opened on July 19<sup>th</sup>, 2023, and

WHEREAS, James A. Edgar Co., Inc of Scotia, NY, submitted the lowest conforming bid of \$112,980, and

WHEREAS, MJ Engineering has reviewed the submitted bids and has determined that James A. Edgar Co., Inc. is qualified to do the work for which they submitted a bid, and finds the price to be reasonable and justified for the work involved, and therefore recommends awarding the contract to James A. Edgar Co., Inc.; now, therefore, be it

RESOLVED, that the Town Board hereby awards the contract for the replacement of a section of the Town Highway Garage roof to James A. Edgar Co., Inc. as per the attached documents, in an amount not to exceed \$112,980; and be it further

RESOLVED, that the Comptroller is authorized to transfer \$112,980 from A-00914 (General Fund – Unassigned Fund Balance) to A-05132-00200 (General Fund – Highway Garage – Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 183 of 2023, a resolution authorizing two Art Specialists at the Town Camps to switch camp positions and hours.

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

WHEREAS, two Art Specialists within the Town’s Summer Camps wish to switch job positions and hours, and

WHEREAS, Michael Woerner, Director of Parks and Recreation, has recommended that Art Specialist Andrew Sweet be authorized to move from the Full Day Camp to the Locust Lane Half Day Camp, and Art Specialist Breanna Brass be authorized to move from the Locust Lane Half Day Camp to the Full Day Camp; now, therefore, be it

RESOLVED, that Andrew Sweet shall move to the Art Specialist position at the Locust Lane Half Day Camp, and Breanna Brass shall move to the Art Specialist position at the Full Day Camp, both to be paid as noted on the attached Schedule A, retroactively to July 24, 2023.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 184 of 2023, a resolution authorizing the Parks and Recreation Department to include a 5k road race in the event schedule for the 2023 Clifton Park Farm Fest weekend.

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

WHEREAS, the Parks and Recreation Department would like to host a 5k road race on Sunday, September 17, 2023, as part of the 2023 Farm Fest weekend, and

WHEREAS, Michael Woerner, Director of Parks and Recreation, recommends that the Town Board authorize the addition of a 5k road race to the 2023 Farm Fest weekend schedule, and the use of Town roadways for the race, and

WHEREAS, Mr. Woerner estimates a cost of \$7,500 for the 5k Road Race event, and

WHEREAS, fees will be collected from participants who register to run the race, two race sponsorships have been secured, and the funds from these fees and sponsorships are expected to offset the cost of the race, and

WHEREAS, the 5K Road Race will follow the route, as detailed on the attached Schedule A; now, therefore, be it

RESOLVED, that authorization is given to include a 5k road race as part of the 2023 Farm Fest weekend, and to use Town roadways for the event, on Sunday, September 17, 2023, beginning at 9:00 A.M; and be it further

RESOLVED, that the Comptroller is authorized to transfer \$7,500 from A-00914, (Unreserved Fund Balance) to A-07550-00054, (General Fund- Celebrations-Farm Festival) to fund the cost of the race, and all fees collected from race participants and race sponsorships will be used to offset this cost.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Supervisor Barrett announced registration is now available on [cliftonpark.org](http://cliftonpark.org).

Resolution No. 185 of 2023, a resolution to improve traffic safety by reducing the speed limit and posting speed limit signs and advance warning signs on a portion of Moe Road in the vicinity of the Shenendehowa School District curb cuts.

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

WHEREAS, the Town Board has expressed concerns regarding traffic safety, including pedestrian and cyclist use, along a portion of Moe Road from the Route 146 Intersection to the Clifton Park Center Road Intersection, and

WHEREAS, members of the Town Board have noted the frequency of accidents within the segment of Moe Road, in the vicinity of the Shenendehowa School District’s two curb cuts, and

WHEREAS, currently the road is posted with a design speed limit of 40 mph in the vicinity of the subject area, and

WHEREAS, as a result, the Town Board authorized Creighton Manning Engineering (CME) to conduct a traffic analysis to evaluate the speed limit for that portion of Moe Road, based on objective data such as existing roadway geometry, land use characteristics, built environment and accident data, and

WHEREAS, the Town Board received the Traffic Engineering Evaluation on July 13, 2023, and wishes to authorize the suggested speed and signage modifications to Moe Road, as recommended by CME, and

WHEREAS, Section §1622 of the Vehicle and Traffic Law as amended, authorizes the Town to adjust the speed limits on their jurisdictional roads as appropriate, within certain limits; now, therefore, be it

RESOLVED, that the posted speed limit on Moe Road shall be reduced to 35-mph from 40-mph between Route 146 and Clifton Park Center Road, and be it further

RESOLVED, that the existing school zone sign assembly provided on Moe Road, should be updated to reflect the latest guidelines presented in the Manual on Uniform Traffic Control Device (MUTCD) and NYS Supplement, which would include a “SCHOOL” sign (S1-1) and supplemental “AHEAD” plaque (W16-9P), and be it further

RESOLVED, that the speed limit be set to 25-mph for the school zone, and be it further

RESOLVED, that a “Speed Limit” sign (R2-1) should be installed with a “School” plaque (S4-3P) mounted above it and a time plaque (NYR7-4P) mounted below it indicating that the school speed limit is in effect between 7:00 a.m. and 6:00 p.m.; and be it further

RESOLVED, that the Town Highway Superintendent is authorized to install the aforementioned proposed signage, per Manual on Uniform Traffic Control Device (MUTCD), the current NYS Supplement, and the attached “Proposed School Signage” prepared by Creighton Manning Engineering, dated July 2023.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Supervisor Barrett stated there has been concern with an increasing number of parents dropping off their kids at the schools which has added pressure to the intersections and roadways around the school campus on Moe Road.

Planning Director John Scavo shared statistics regarding traffic operations, accidents and contributing factors provided by Creighton Manning Engineering along Moe Road, between Route 146 and Clifton Park Center Road. The data shows the school entrances and Tracey Ct. are contributing factors. The number one issue is driver error. Based on the criteria the Engineers looked at, they are recommending a reduction of the speed limit for the entire section and creation of a school zone to drop the speed down.

Mr. Scavo stated the Highway Safety Committee would like to coordinate efforts with an informational piece and present this information to students with a Parking Permit and the school employees, reminding them of the rules of the road.

Mr. Scavo stated the goal is to have the signs up in the next two weeks.

Supervisor Barrett suggested the school present the information to parents of students as well.

Councilman Morelli recommends monitoring the area for effects. He suggested Public Safety add additional signage to make the public aware of the changes.

No one wished to be heard.

OTHER BUSINESS**SUGGESTED AMENDMENT TO BE ADDED****Per Supervisor Barrett:**

**Supervisor Barrett also stated information about the 2023 paving program has been requested on multiple occasions from the Highway Superintendent and a proposed 284 Agreement was not submitted to the Town Board until June 30<sup>th</sup>.**

Councilman O’Hara explained a memo was sent to the Highways Superintendent with questions about the 284 Agreement. He stated an opportunity to go over the responses with the Board will be helpful and hopefully get the 284 Agreement resolved.

Highways Superintendent Bull explained the 284 agreement is an internal document that is used to say what the Town is paving and the cost. He stated the paving conversation started in April of 2023, moved forward the Town Board approved hiring contractors to perform the paving. He stated he did not do the 284 agreement and has since been completed and presented to the Board. Then the Town Board ceased paving so can’t start paving. He stated additional roads and costs were suggested. He stated he is open to any suggestions and questions.

Supervisor Barrett stated due to the time frame wasted, he doesn’t see how the amount of money budgeted for paving can now be used. He stated the agreement was submitted to the Board on June 30, 202, after the review, questions were sent to the Superintendent on July 18, 2023.

Supervisor Barrett stated at multiple meetings paving information was requested.

Supervisor Barrett questioned the roads that were chip sealed and the negative results from residents. In the memo sent from Highways Superintendent Bull, the problematic roads had been approved at a previous meeting. Supervisor stated the Town Board in April, approved Resolution No. 100 of 2023, approving the contractors for paving services. Supervisor questioned who had done the chip seal? Gorman was not on that resolution and chip sealing was not to be used.

Superintendent Bull stated paving was done by Gorman. He stated Gorman, chip sealing was passed by Resolution No. 216 of 2022 on August 15, 2022.

Supervisor Barrett stated the Town Board did not approve this year for the Gorman Bros to do chip sealing. Supervisor stated was supposed to be in the 284 Agreement which the Town Board did not have until June 2023.

Negative results of chip sealing were discussed.

**SUGGESTED AMENDMENT TO BE ADDED**

**Per Supervisor Barrett:**

**Supervisor Barrett referenced an article in the Daily Gazette that quoted residents unhappy with the chip sealing process.**

Councilman O'Hara stated, based on information from the Highways Department, the streets in question, Crescent Estates South, Westchester Dr. etc. were supposed to be on the "wish list" and get done this year and requested the Board for support of additional funds for the paving.

Superintendent Bull stated the roads were on the wish list, but they needed to be checked for stormwater, base, etc. before being paved.

Councilman O'Hara stated when talking with Superintendent Bull, a discussion of Categories of General Repairs and Permanent Improvements from the 284 Agreement, it is possible there is a definition distinction between those two categories and Superintendent was checking with the County and Association of Town's Attornies for the information.

Highways Superintendent Bull explained the 284 Agreement has traditionally been just for paving.

Councilman O'Hara questioned the differences in miles and feet on one document compared to the wish list totals.

Highways Superintendent Bull stated yes that was a mistake in calculations.

Councilman O'Hara questioned the term "rural camp roads"?

Highways Superintendent Bull explained it is an internal term used for the roads.

Councilman O'Hara requested in the future any projects using chip sealing be designated and given to the Board in advance for approval.

Highways Superintendent Bull explained it was voted on and approved by the Town Board in 2023 but the project had to be delayed through winter.

Councilman O'Hara stated the Board would like to see Crescent Estates South roads, which were discussed, be at the top of the list.

Supervisor Barrett stated the Town Board talked about appropriating an additional \$300,000 for the roads mentioned in Crescent Estates South, Lexington, Carriage and Westchester Roads and associated Courts.

Highways Superintendent Bull explained Lexington Drive and Court has some very severe stormwater repairs that will be necessary. A portion of the area can be done this year while maintaining and replacing the stormwater issue.

Discussion on the process of road choices ensued.

Councilman O'Hara proposed to the Town Board to use the original draft 284 Agreement submitted and attached the Memo of Questions and the Highway Superintendents responses for this Boards approval right now, that way paving can resume, and we can continue the dialog on specifics on future activities.

Councilman Morelli questioned how much money was spent so far this year on paving?

Highway Superintendent Bull stated \$350,000.

Comptroller Heggen stated he is not sure all of the money has been paid yet.

Councilman Morelli questioned, so we spent \$350,000 so far this year and started in May paving, why is it that the 284 plan was submitted on June 30 of this year?

Highways Superintendent Bull answered, because in the past when the 284 was submitted it has never been signed and is a tuff agreement to get signatures for and he is glad everyone is up to signing now.

Councilman Morelli stated the 284 is a NYS law that requires the agreement to be signed prior to any paving to occur.

Highways Superintendent Bull stated yes, but the Town did approve the paving.

Councilman Morelli stated the Town Board approved engaging a contract, not the paving because that can only happen via the 284 Agreement. He stated the agreement was submitted on June 30, 2023.

Highways Superintendent Bull stated in that Resolution engaging a contract with hiring the companies, the Town Board also approved spending \$1.089 Million Dollars.

Supervisor Barrett stated that was the money allocated in the budget.

Councilman Morelli questioned you can't actually pave until there in a 284 Agreement in effect?

Councilman Morelli stated there were two Town Board meetings subsequent of the submission of the 284 Agreement, why were you not in attendance?

Superintendent Bull answered he only comes when there is an item on the agenda for his department.

Councilman Morelli stated, "so the 284 Agreement that was required for paving to occur and you didn't come to the meetings and could have happened in July and was wondering this whole Board needs to come to an agreement with you and it is now happening in August and have spent \$350,000 and you could be held liable because you didn't have permission to spend the money and no agreement of all the roads that need the paving. Why did it take so many emails and back and forth, when it's in the law."

Superintendent Bull stated the Board was not concerned with the Agreement last year, but this year is different, and he is in agreement to get the situation solved and move on.

Councilwoman Walowit requested a copy of the Resolution where the Board approved chip sealing and she would like to see on the future paving list the roads dedicated to chip sealing.

Discussion on the term "rural camp road" ensued.

Superintendent Bull stated it sounds like the Town Board does not like the chip sealing process now, so then the Department does not have to go forward with the chip sealing process.

Councilman O'Hara questioned if there are any roads on the current plan that includes chip sealing?

Superintendent Bull answered no.

Councilman O'Hara recommended the Town Board take the proposed 284 Agreement, attach the Memo documents that clarified some of the Board questions and have a resolution in the future allocating the additional funds. He stated the Agreement can be amended at a later date if included in a resolution presented tonight.

Attorney McCarthy presented the following resolution.

Resolution No. 186 of 2023, a resolution approving the current draft 284 Agreement.

Introduced by Councilman O'Hara, who moved its adoption, seconded by Councilman Morelli.

BE IT RESOLVED, to approve the current draft 284 agreement that was received stamped by the Town Clerk on June 30, 2023, with Exhibit A, Exhibit A being the emailed memorandum from Councilman O'Hara to the Highways Superintendent dated July 18, 2023, and the response from Highways Superintendent Bull dated July 26, 2023.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Supervisor Barrett stated he has sent memos to the Highways Superintendent and the management team about what appears to be an issue with time being accounted for with a former employee. He questioned if there was any additional information.

Superintendent Bull stated no, employees don't trust the Town to handle health information properly.

Councilman Morelli stated his understanding is that there were expenditures contrary to the personnel handbook and the contract that was approved between the Town Board and the Highway Department union contract. He questioned if the employee falls under that contract and is the handbook specific to the Highway Department or all Town employees.

Attorney McCarthy stated yes, the handbook is for all Town employees but the CSEA union contract, which was signed by the Highways Superintendent, supersedes the contract. The amount of \$3,500 was the amount in question that is contrary to the handbook and the union contract. There were preapproved Leave Slips for entire weeks approved for medical visits and those slips were approved weeks and weeks in advance of the time in question and were approved for entire weeks at a time in a month in advance. The Comptroller's Office staff questioned the procedure because it appeared unusual.

Councilman Morelli stated then \$3,500 was basically given which is outside of handbook and contract parameters?

Highways Superintendent stated to look under sick time in the handbook, page 14, which allows the Superintendent to approve sick time off and after 3 days a doctor's note to be presented.

Supervisor Barrett stated the staff questioned if FMLA would be necessary because of the amount of sick time.

Councilman Morelli read the sick time procedures from the handbook. He questioned if this person started working somewhere else?

Superintendent Bull stated well afterwards. He stated if the person is expressing health issues and does not want anyone else to know, then he will respect that.

Supervisor Barrett questioned the abnormal amount of time off without any explanation?

Highways Superintendent stated he knows the issue and the employee asked him not to share the information.

Supervisor Barrett stated the Board will continue to discuss the matter.

PUBLIC PRIVILEGE

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 8:50 PM

Teresa Brobston  
Town Clerk