

TOWN OF CLIFTON PARK TOWN BOARD

September 5, 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
Town Clerk Brobston

Absent: Councilwoman Reid

Also Present: Town Attorney McCarthy
Mark Heggen, Comptroller
John Scavo, Director of Planning & Zoning
Daniel Clemens, Director of Parks, Buildings & Recreation
John DeSimone, Chief, Bureau of Fire Prevention
Dahn Bull, Superintendent of Highways
Michael Woerner, Director of Parks & Recreation
Norah Hoefler, Communications and Technology Coordinator

ANNOUNCEMENTS & COMMUNICATIONS

Supervisor Barrett announced that the new playground project on the Clifton Common is coming along nicely. The rubber surface under the structure will be poured this week, with anticipated completion next week, weather permitting.

Supervisor Barrett announced work will begin this week on the Settlers Hill to Miller Road trail reconstruction, with a schedule finishing time of a final paving of the trail September 22-27th, again weather permitting.

Supervisor Barrett reminded residents of the upcoming 25th Household Hazardous Waste Day, Saturday, September 23 from 8 a.m. to 2 p.m. at 22 Ray Road, near the Town Transfer Station. Registration for the event is on-line or in person at the Town Hall. The event is free of charge. The supervisor reminded residents that paints and stains will be collected on this day, also, every Thursday at the Transfer Station, paints and stains can be dropped-off.

Supervisor Barrett announced the 30th Annual Farm Fest to be held September 16 & 17. New to the event is a Farm Fest 5K. Registration for the 5K is available on Facebook, on the Town website or in person at the Town Hall. The supervisor encouraged residents to come out and support our farms.

Supervisor Barrett, as Chairman of Health and Human Services for Saratoga County, thanked the team at the County Department of Health with the war of the overdose epidemic affecting our Country and our County. He stated non-fatal overdoses are up 16% and fatal overdoses are up 15%. Dozens of on-site drive-thru distributions of Narcan and training opportunities have been set up in Clifton Park and throughout the County. The supervisor stated it is very important to get as much Narcan on the street as possible. Anyone interested in obtaining kits or information are encouraged to contact the Supervisor's office or the Saratoga County Department of Health.

PUBLIC HEARING-REGARDING PROPOSED AMENDMENT TO A218-76 OF THE TOWN CODE TO MODIFY AREA RESTRICTION WITHIN THE NORTH CREST VILLAGE PDD.
7:09 PM

Town Clerk Brobston read the legal notice that was advertised in the Daily Gazette on August 24, 2023.

Supervisor Barrett explained the reason for having three public hearings in one night is to keep them out of the summer months for resident participation.

Town Clerk Brobston read the legal notice that was advertised in the Daily Gazette on August 24, 2023.

Supervisor Barrett stated a brief synopsis was posted on the Town website and on Facebook.

Karen Mell, Tallowood Dr., stated she lives in a middle unit and her concern is if end units are allowed to put up fencing, she will not be able to access her middle unit which is guaranteed under her deed restrictions. She requested amending the law that will allow the middle unit residents access through the end unit property. She is against the dropping of the 10-foot clearance.

Supervisor Barrett stated that the deed restrictions would be separate from the Town Code. The supervisor explained, basically what the Town would be doing is lessening the current regulations.

Carol Breen, Tallowood Dr., voiced same concerns about the deed restrictions for middle units' accessibility. Emergency access should stand alone and is a great reason to keep the access. Her concern is that if the proposed law passes, it will change her home value, tax assessment insurance costs, and make it difficult and expensive for tree removal. She stated if she builds a shed to contain the mower, who will pay for that? Ms. Breen questioned how the enforcement would be handled.

Supervisor Barrett stated nothing that is proposed will supersede your deed restrictions.

Attorney McCarthy explained the deeded right is a private right of action and the highest level of protection you empower to enforcement your rights. He questioned Ms. Breen if she has fencing on the sides of her units.

Ms. Breen answered there is fencing on one side.

Attorney McCarthy questioned how many units currently have fencing. He stated most of the units have fences that violate this current law. He explained if the Code Enforcement office gets a complaint, they go out and talk with the person who has the fence and then that person questions about all the others who have fences up. Because of a complaint, the Code Enforcement Officer is writing a ticket. So, it is an unenforceable provision now because it is very difficult to go in and tell everyone there to take down the fence. So, the Town has a provision they can neither enforce selectively, nor enforce comprehensively. He states no one seems to want to comply with it because a lot of the owners have fences.

Ms. Breen stated there are a lot of people who don't abide by the laws.

Attorney McCarthy questioned the Fire Marshall if the Town has ever had a fire safety issue with this provision.

Fire Marshall DeSimone stated no. He stated the Fire Department has had no issue with fire or any type of emergency access in this development. The Fire Department supports the proposed amendment. Town Code Enforcement Officers recommend residents put their fences two feet in from the property line which would guarantee a path to access the middle unit yards.

Supervisor Barrett stated that over and above the deed restrictions that will remain in place, the Town can look into other helpful remedies as well.

Frank Hogan, Tallowwood Dr., stated his daughter Allison received a ticket after having a fence up for 3 ½ years and that she violated this ordinance. They went to the ZBA for a variance for reasons that there were so many other violations/fences up and was told that they wouldn't get a variance because nobody there was following the law. At the time, the Building Department was not going to spend all the time giving out all the tickets and they were aware of the problem and couldn't enforce the Code. His daughter complied with that and moved the fence to three feet from her house in order to comply with the law. She no longer has use of her own patio or a back yard. A photo was presented to the Board. He stated she shouldn't have to lose her yard because others need to have access to theirs. He stated an attorney was consulted and he said she had the right to not let others across her property. Her deed was for emergency vehicles only and referenced that if there is a deed restriction that is separate from a Town Ordinance.

Supervisor Barrett stated there is a need for a happy medium in this situation. The Town is hoping this is the start of a neighborhood discussion to come to an agreeable solution.

Alex Moronta, Tallowwood Dr., explained he is in a middle unit and has fencing and a gate on both sides for his neighbors to get through.

Tim LaCourse, Tallowwood Dr., stated he has been pushing his lawn mower through his house for the last ten years. He stated ignorance of the law is no excuse, they still have to obey it. He would prefer the Town to handle it fairly during this process, rather than ending up in court. He stated the middle units need access to their backyards.

Christina & Justin Wittkowski, Tallowwood Dr., after recently buying their property, replaced the existing fence at the cost of \$11,000. They consulted with the Town about any requirements at the time for replacing the fence and were told no requirements. Before replacing the fence, Mr. Wittkowski talked with their neighbors explaining the replacement of the fence and nobody had a problem with it. Approximately two weeks after the installation of the new fence, they got a letter that someone had complaint that they couldn't access their yard. They felt they left enough room for all to have access to their own property. Many other properties in the development have fences back-to-back to each other. Mr. Wittkowski had to move the fence. Nobody else in the neighborhood has had to comply to the Town's letter. They voiced concern with the enforcement of the rule.

Supervisor Barrett stated that is the reason for the public hearing and will take a look at their situation.

Adam Barrett, Tallowwood Dr., lives in an end unit. Stated everyone's easements are different and a possible solution would be to allow fences but require access gates on each side.

Wenshi Luo, Northcrest Dr., voiced concern with neighbors and treatment of all fairly.

Supervisor Barrett announced for further comments, please email the Town Board.

No one else wishes to be heard. Public Hearing closed at 7:42 PM.

Town Clerk Brobston read correspondence from the Clifton Park-Halfmoon Fire District #1 stating the Fire District has reviewed the proposed amendment and are in favor of changes.

Supervisor Barrett explained the Fire District does not need that piece of legislation in the Code for their use.

PUBLIC HEARING ON FIREARMS IN THE VISCHER FERRY NATURE PRESERVE 7:43 PM

Town Clerk Brobston read the legal notice that was advertised in the Daily Gazette on August 24, 2023.

Supervisor Barrett read a part of the synopsis prepared for this public hearing. "The Board is aware that certain exceptions will need to be carved out for persons licensed to carry concealed

weapons under NYS Penal Law Section 400 and analogous federal statutes, and for law enforcement and retired law enforcement personnel as detailed in Penal Law 265.01E.” Supervisor stated it is important to point out the topic of discussion with regard to this public hearing does not limit or expand hunting in the Preserve.

George Donohue, Vischer Ferry Rd., a lifelong Town resident who has used and will continue to use the Nature Preserve for about 60 years. He has seen the Preserve change over the years. In 1977 the Canal Corporation gave the Preserve to the Town to be managed, which they have done for the past fifty years. He explained the intended use of the property has changed over time. He voiced concern that there has been hunting going on in the Preserve outside of the allowable Duck Hunting days. Mr. Donohue supports the proposed amendment. He would like the Preserve to be a safe haven.

Supervisor Barrett confirmed that the Town does have a use and occupancy permit, issued by the Canal Corporation in 1977. He stated that currently the Town allows hunting/use of firearms for the one week in the Preserve, during duck hunting season only. Outside of that week you can’t have firearms in the Preserve with the exception read and that is the reason for the public hearing. In 1977 hunting was allowed for two weeks. In the 1990’s the Town reduced hunting to one week and has remained one week to date.

Renee Davin, Cobble Ct., questioned what the current Town Code states pertaining to firearms in the Preserve.

Attorney McCarthy explained that the Code currently only speaks to the discharge of weapons in the Preserve, and it bans the discharge of weapons or bows, except for the seven days allowed for duck hunting. The only difference is instead of merely prohibiting or banning the discharge of weapons, prohibiting the carrying or the transportation of firearms in the Preserve.

Ms. Davin questioned, during the seven days is it only shotgun?

Town Attorney McCarthy stated that is something the Town will need to look at regarding how to carve out those existing seven days and not alter those seven days but to make sure the Code is particular and specific as to what is currently allowed.

Tim LaCourse, Tallowood Dr. questioned the motive of the amendments pertaining to the parking lot at the Preserve and if there has been a problem with law abiding gun owners at the Preserve.

Attorney McCarthy explained, in court when tickets have been written, sometimes there has been a gray area as to where the hunting took place. He stated before the permit was amended two years ago, there was a dreg spoils area in the center of the Preserve, which had been retained by NYS Canal Corporation and not as within the Preserve. So, a ticket would be written when they saw a hunter in that area and the hunter would say they were somewhere else. He stated, proving the case of where the hunter actually was was difficult, but the hunter is walking through the Preserve in full hunting clothing and with gun over the shoulder and people using the Preserve for passive recreational purposes are not as in tuned to the difference. So, the proposed amendments are just to be common sense about it, if there is no use of weapons in the Preserve, why do you need weapons in the Preserve.

Mr. LaCourse questioned if there is an issue of constitutionality in law that prevents you from possessing arms.

Attorney McCarthy stated for all intense and purposes, it’s a park/preserve under the jurisdiction of an entity. He explained this proposed amendment is not banning firearms in the Town of Clifton Park.

Mr. LaCourse voiced concerns that it looks more and more like the banning of firearms. He voiced concern with hunters in the Ushers Forest along with other residents not hunting.

Attorney McCarthy stated there are lots of other areas locally that hunters could hunt that would not conflict with residents using the same area in a passive recreational way.

Supervisor Barrett stated the Town is not infringing on the protected rights and has carved out protection for gun owners.

Chris Georgia, Halfmoon resident, Saratoga County Ducks Unlimited Chapter, questioned so, outside of the week window for duck hunting, there is no restriction currently as far as whether or not someone can carry a firearm in the Preserve.

Attorney McCarthy explained local code it didn't speak to the issue.

Mr. Georgia stated, this proposed amendment is looking to accomplish that outside of that week for waterfowl season, which would ultimately reduce or ban the use of firearms other than carried concealed pistols, during that week of allowed hunting guns can be carried in. He questioned if a legal firearm can be in a car in the parking lot not during the week allowed hunting.

Attorney McCarthy stated the Preserve is defined by the map and parking lots are included.

Mr. Georgio questioned, from the parking lot and where the hunter will be setting up during that week, if there is a concern can there be stipulations as to how the weapon is carried, whether in a sleeve or in a case, should the hunter wear orange walking to and from the location?

Dave Greenwood, Scotia resident and Peace Officer, has been hunting the area since 1992 and the area is a wonderful resource for all to share. He voiced concern with the personal protection aspect in the Preserve.

Dillon Mirarchi, Malta, voiced his disagreement with the Town trying to regulate by disallowing individuals to egress to navigable waters. He felt it was unconstitutional. He read a Canal Corporation Permit section. He stated the Town would be limiting the river hunting areas.

Supervisor Barrett stated nothing is changing as far as hunting is concerned in the Preserve.

Susan Cicarelli-Caputo, Stoney Creek Dr., voiced concerns with hearing gunshots a lot from her home. She supports the proposed amendment.

Pete Bardunias, Waite Rd., SSCChamber, read comments from his son Jonathan Bardunias stating concerns with the wording of the proposed legislation and concerns for lawful gun owners and concealed carry permit holders. Encourage the current regulations to be enforced. Mr. Pete Bardunias stated most of his sons' concerns have been addressed already. He stated the Chamber has no position on the proposed legislation, but communication is important. He explained the Chamber has spent time and money restoring the Lock 19 picnic area and other places in the Preserve, and would not like to see changes in the uses from the residents enjoying the area.

Darlen McGraw, Halfmoon, agreed with individuals having the right to carry concealed weapons in the Preserve.

John Tarrío, Vischer Ferry Rd., voiced concerns with gunshots in the early mornings. He has seen hunters in the Preserve outside of the legal hunting season.

Karan Donohue, Vischer Ferry Rd., lifetime resident, has heard gunshots outside of the week of hunting more and more. She explained this is a rural area and people all around.

Ann Connolly, Valdepenas, co-administrator of a Clifton Park group on Facebook, stated continual postings of gunshots being heard and safety concerns in the Preserve.

Kris Fitzgerald, Thoroughbred Way, stated she works for the NYS Canal Corporation and read from the NYS 21CRR 150.6 Law that firearms are not allowed on Canal Corporation properties. The Town has the ability to use the Preserve and make regulations and on the Canal properties, firearms are prohibited.

Attorney McCarthy stated that includes the trails constructed under separate Canal permits.

Bob Hoteroski, Saratoga Springs, Sportsman Rep. to the State Wildlife Board, reviewed the four firearms safety rules.

A resident from the floor thanked the Town for all the postings of signage provided for hunting awareness at the Preserve.

Councilman Morelli questioned the Town Attorney that if the Board where to pass a resolution prohibiting firearms, is he aware of any Federal or State laws that the Town Board would be contradicting?

Town Attorney McCarthy answered no.

No one else wished to be heard. The public hearing closed.

PUBLIC HEARING AMENDING THE TOWN CODE REGARDING DURATIONAL LIMITS FOR HOTEL AND MOTEL OCCUPANCY.

Town Clerk Brobston read the legal notice that was advertised in the Daily Gazette on August 24, 2023.

Supervisor Barrett stated there are several other municipalities that have similar legislation to the proposed amendment and also some laws that speak to a limitation on the length that someone can stay as a tenant at a particular entity. He explained synopsis was provided for this legislation on the website and Facebook.

Darlene McGraw, Halfmoon, would like consideration given to an individual who has been placed in hotels and motels via Social Services, emergency placements or for work. She agrees with the 28 days stay limitation.

Supervisor Barrett stated there are 17-19 DSS hotels across the County and this will not be an issue and they will enforce the 28 days. He explained on the rare occasion someone will be at one of these hotels beyond the 28 days, the hotels take it upon themselves to enforce the 28 days. Mental health crisis centers also enforce services in residency up to 28 days. 28 days is a normal period of time across hotels/motels and crisis centers.

Renee Davin, Stoney Creek Dr., questioned what is currently in the Town Code regarding this proposal.

Attorney McCarthy explained the Town Code currently does not speak to durational limits.

Supervisor Barrett stated the 28 days is the standard now and a good measure to have in the Code. Importantly with extended stays hotels that have kitchenette included, they are not included in the legislation because people will stay at times longer, if approved by the hotel.

Mike Miller, Ryan Ct., questioned the enforcement of the law after 28 days.

Attorney McCarthy explained the provision would allow the Town's Code Enforcement Office to issue appearance tickets. In the posted synopsis, it explains every hotel in Town was constructed under site plan review by the Planning Board and they all contemplate that hotels are just that, hotels and not boardinghouses or long-term stay facilities in the common sense of the word.

Attorney McCarthy stated the proposal contains the provision that the hotel guest registrations be made available to the Code Enforcement Officers.

Pete Bardunias, Waite Rd., SSCChamber, stated with the new proposals when he relocated, he had to stay for four months without a kitchenette in a hotel, he would have been illegal.

Supervisor Barrett explained the reason there are provisions enforced by hotels/motels and facilities now for the 28 days is that you trip a threshold for when you become a tenant and would have to go through eviction for remove of the person.

Ed Gray, Jarose Place, questioned if this is any intention with the extension to use it to litigate the crisis going on in NYC, bringing folks up north in New York.

Supervisor Barrett stated, it is a good measure to have in place. He stated Saratoga County has had in place, for some time, an emergency declaration order that would prohibit the transport of mass people from another municipality.

Supervisor Barrett stated, any follow up questions send an email to the Town Board.

RESOLUTIONS

Resolution No. 201 of 2023, a resolution authorizing a supplemental agreement no. 1 with MJ Engineering and Land Surveying, P.C. (MJ Engineering) for the Hubbs Road Multi-use Path project.

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

WHEREAS, by Resolution No. 23 of 2022, the Town Board authorized the Supervisor to sign a grant contract to construct a multi-use path along Hubbs Road, and

WHEREAS, the project will provide pedestrian access to the hamlet of Jonesville from Dutch Meadows and Country Knolls neighborhoods, as well as pedestrian and non-motorized access to Hatlee, Main Street and MacElroy Roads, and connections to existing multi-use trail networks within the Town, and

WHEREAS, the Town was awarded grant funding of \$278,271 under the New York State DEC 2019 Climate Smart Communities Program, with 50% local match requirement, and

WHEREAS, by Resolution No. 286 of 2022, the Town Board authorized the Supervisor to sign a contract for engineering design services and a scope of work with MJ Engineering in an amount not to exceed \$87,000 and

WHEREAS, per their letter dated July 20,2023, MJ Engineering reviewed the project on behalf of the Town Board and solicited comment from involved and interested agencies pursuant to 6 NYCRR Parts 617.4 and 617.5 et seq. (the SEQRA Regulations), and

WHEREAS, MJ Engineering has identified potential right-of-way (ROW) acquisitions and related incidental expenses estimated at up to \$108,000 to advance the project, and

WHEREAS, the Director of Planning and Zoning John Scavo, recommends that the Town Board advance the project and authorize a supplemental agreement no. 1 with MJ Engineering for additional design services related to ROW incidentals and ROW acquisition for the project; now, therefore, be it

RESOLVED, the Town Board authorizes the implementation, and funding in the first instance of a supplemental agreement no. 1 with MJ Engineering in an amount not to exceed \$108,000, to be paid with a transfer from A-914 (Unassigned Fund Balance) to H65-7629-200 (Capital Project Funds-Hubbs Rd- Trails-Equipment) (Incidental Cost) for \$51,100 and to H65-7629-200 (Capital Project Funds-Hubbs Rd-Trails-Equipment) (Acquisition cost)) for \$56,900, and be it further

RESOLVED, that the Town Board adopts the recommendation of MJ Engineering and declares the project to be an Unlisted Action under 6 NYCRR Parts 617.4 and 617.5 et seq. (the SEQRA Regulations), and authorizes the Director of Planning and Zoning to sign Part 1 of the Environmental Assessment form; and be it further

RESOLVED, that the Supervisor is authorized to sign supplemental agreement no. 1, attached.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

Resolution No. 202 of 2023, a resolution authorizing the implementation and funding in the first instance, 100% of the Federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation Federal-aid project, and appropriating funds, therefore.

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

WHEREAS, a Project for the NYS 146/146A Bicycle and Pedestrian Access Improvements, Town of Clifton Park, Saratoga County, P.I.N. 1085.48 (“the Project”), is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the Town Board wishes to advance the Project by making a commitment of 100% of the non-Federal share of the costs of right-of-way (ROW); now, therefore, be it

RESOLVED, that the Town Board hereby approves the above-subject project, and be it further

RESOLVED, that the Town Board authorizes the Comptroller to pay in the first instance 100% of the Federal and non-Federal share of the cost of design work for the Project or portions thereof, and it is further

RESOLVED, that the sum of \$182,000 has previously been appropriated from H63-7629-135 (Capital Projects-Route 146/146A-Trails-Engineering) and made available to cover the cost of participation in the above phases of the Project, and be it further

RESOLVED, that the sum of \$63,502 is hereby appropriated from H63-7629-135 (Capital Projects- Route146/146A-Trails-Engineering) with a transfer from A-914 (Unassigned Fund Balance), and made available to cover the cost of participation in the above phase of the Project, and be it further

RESOLVED, that in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further

RESOLVED, that the Town Supervisor is authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Town with the New York State Department of Transportation, in connection with the advancement or approval of the Project and providing for the administration of the Project and the Town's first instance funding of project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and be it further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, this Resolution shall take effect immediately.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

Resolution No. 203 of 2023, a resolution authorizing an agreement for professional engineering services for the Town Center Walkability Project, funded by the Transportation Alternatives Program (TAP) - Congestion Mitigation and Air Quality Improvement Program (CMAQ).

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

WHEREAS, by Resolution No. 159 of 2023, the Town Board authorized the implementation and funding in the first instance of the project of \$342,000 to cover the cost of project planning and design, and

WHEREAS, a request for qualifications was issued and responses returned by July 30, 2018, and

WHEREAS, a selection committee reviewed the responses and selected Greenman-Pedersen, Inc. (GPI), based on their highest weighted score on the group’s rubric; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign an agreement with GPI for planning, design and construction inspection services for the Town Center Walkability Project, in an amount not to exceed \$342,000, to be paid from H66-07629-00135 (Capital Projects Fund – Town Center Walkability-Trails Contractual – Engineering).

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

Resolution No. 204 of 2023, a resolution scheduling a public hearing on a proposal to prohibit smoking of all products within the Town owned and managed parks and nature preserves within the Town, by any method.

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

WHEREAS, second-hand smoke has been classified as a Class A Carcinogen, which the U.S. Surgeon General has declared contains no “safe levels,” and

WHEREAS, the proliferation of smoking tobacco and other legal products, both through traditional delivery methods, as well as through electronic devices, such as “vaping” and electronic cigarettes, threatens the free and healthy enjoyment of the Town’s Parks and Preserves, and

WHEREAS, cigarette butts are the number one littered item in the world, while tobacco-related litter is unsightly, detracts from the natural beauty of our parks and preserves, and can require maintenance resources to clean and remove, and

WHEREAS, by Resolution No. 132 of 2017, the Town Board declared all parks and preserves, within the Town, to be “Smoke Free” zones, and

WHEREAS, the Town Board wishes to schedule a public hearing on a proposal to amend Chapters 152 and 153 of the Town Code, to prohibit the smoking of tobacco and non-tobacco products within the Town’s Parks and Preserves; now, therefore, be it

RESOLVED, that a public hearing will be held on Monday, September 18, 2023, at 7:05 P.M. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, N.Y. 12065, on a proposed amendment to Chapters 152 and 153, to prohibit smoking, vaping, and the use of non-tobacco smoking products, in all Town owned and managed parks and nature preserves.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

Resolution No. 205 of 2023, a resolution authorizing the purchase of a 2023 Ram Class 4 Regular Cab Truck with e-tipper dump body for the Town Highway Department purposes, from an existing contract with Onondaga County.

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

WHEREAS, after assessing the needs of the Highway Department, Highways Superintendent Dahn Bull, has recommended the purchase of one truck with dump body for use by the Highway Department, per the attached, and

WHEREAS, the prices quoted are extended from the Onondaga County Bid award, under the provisions of New York State General Municipal Law Section 103 of the General Municipal Law, which allows one municipality to utilize the contracts from another municipality, as long as that contract was pursuant to competitive bidding consistent with State law and made available for use by other government entities, and

WHEREAS, General Municipal Law Section 103(16) has been amended to allow the extension of equipment configurations and awarded pricing discounts to all political subdivisions in New York State, based upon qualified bid responses to a municipal entity with notice, and

WHEREAS, after reviewing the options available, the Highways Superintendent has recommended that the pricing from Robert Green Truck Division, Rock Hill, NY, be accepted for an amount of \$68,094; now, therefore, be it

RESOLVED, that the Highway Department is authorized to purchase one 2023 Dodge Ram Class 4 Regular Cab Truck with e-tipper dump body, from Robert Green Truck Division, Route 17 East, Rock Hill, NY, per the attached list; and be it further

RESOLVED, that the Town Board hereby authorizes the purchase under Onondaga County Contract #7974, costs to be offset through a municipal lease, the rates to be determined through a competitive bid process.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

Resolution No. 206 of 2023, a resolution authorizing construction of a new Adventure Challenge Course at Collins Park.

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

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

WHEREAS, Project Adventure, of 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 has submitted a quote in the amount of \$237,634, for the planning, design, engineering and implementation of the new Challenge Course, and

WHEREAS, Michael Woerner, Director of Parks and Recreation, recommends that the Board retain Project Adventure to plan, design and construct the new course, per the submitted quotes, as a sole source for professional and related services; now, therefore, be it

RESOLVED, that the Supervisor is authorized to accept the quote of Project Adventure for the design, engineering and implementation of the new Adventure Challenge at Collins Park, in an amount not to exceed \$237,634; and be it further

RESOLVED, that the Comptroller is authorized to transfer \$237,634 from A-00871 (General Fund- Parkland Fee Reserve) to A-7621-004 (General Fund – Project Adventure – Equipment) to pay for the course planning, designing and installation.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

Resolution No. 207 of 2023, a resolution appointing James Clark and Kris Fitzgerald as members of the Ethics Board.

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

WHEREAS, vacancies exist on the Ethics Board due to the resignations of Ram Lalukota and Liz Carr, and

WHEREAS, James Clark and Kris Fitzgerald, both of Clifton Park, have been recommended to fill the positions, and

WHEREAS, Mr. Clark’s and Ms. Fitzgerald’s presence on the Ethics Board will confer a benefit to the Town of Clifton Park; now, therefore, be it

RESOLVED, that James Clark is appointed to the Ethics Board for the remainder of a 3-year term, term to expire December 31, 2025; and be it further

RESOLVED, that Kris Fitzgerald is appointed to the Ethics Board for the remainder of a 3-year term, term to expire December 31, 2025.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

Resolution No. 208 of 2023, a resolution authorizing the purchase of a Bobcat Sweeper Bucket attachment, for equipment in the Buildings and Grounds Department, from Bobcat of Saratoga, LLC, under New York State Contract #PC69396.

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

WHEREAS, Director of Buildings, Parks, and Recreation Daniel Clemens, has requested authorization for the purchase of a sweeper bucket attachment for equipment in the Buildings and Grounds Department, per the attached, and

WHEREAS, the equipment is available under New York State Contract #PC69396, in an amount not to exceed \$5,583, and

WHEREAS, Mr. Clemens has recommended that the 72-inch sweeper bucket attachment, be purchased to best meet the needs of the Department, and

WHEREAS, the equipment is available from Bobcat of Saratoga, LLC, Gansevoort, NY; now, therefore, be it

RESOLVED, that the Buildings and Grounds Department is authorized to purchase one Bobcat Sweeper Bucket attachment, per the attached; and be it further

RESOLVED, that the Town Board hereby authorizes the purchase under State Contract # PC69396, in an amount not to exceed \$5,583, to be paid with funds from A-7629-200 (General Fund-Parks –Trails-Equipment).

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

No one wished to be heard.

PUBLIC PRIVILEGE

Anne Copps, Laurel Oak Lane, questioned the process for how park district funds are spent and how empowered. Recently the mature perennial gardens in her development were removed. The park district representative stated she thought she was saving money and was told the plants were moved to another area in Town.

Supervisor Barrett requested contact information and stated he will check into it and get back to her.

Darlene McGraw, Halfmoon, agrees with no smoking in parks and preserves.

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 9:36 PM

Teresa Brobston
Town Clerk