

TOWN OF CLIFTON PARK TOWN BOARD

April 1, 2024

The meeting of the Town Board of the Town of Clifton Park was held in the Town Office Building at 7:10 p.m. Supervisor Barrett presiding.

Pledge of Allegiance

Present: Supervisor Barrett  
Councilman Morelli  
Councilwoman Reid  
Councilwoman Walowit  
Councilman Manir  
Town Clerk Brobston

Also Present: Town Attorney Pelagalli  
Daniel Clemens, Director of Parks, Buildings & Recreation  
Michael Woerner, Director of Parks & Recreation  
Dahn Bull, Highways Superintendent  
John Scavo, Director of Planning & Zoning  
Norah Hofer, Communications and Technology Coordinator  
Susan Leonard, Director of Clifton Park Senior Community Center  
Walter Smead, Assessor

MINUTES

MOTION by Supervisor Barrett, seconded by Councilwoman Reid, to approve the Town Board minutes of March 18, 2024, as presented.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

MOTION CARRIED

ANNOUNCEMENTS & COMMUNICATIONS

Supervisor Barrett suggested residents visit the Town’s Facebook page and the website, cliftonpark.org for the many opportunities to volunteer, as well as information of events happening in Clifton Park.

Supervisor Barrett reminded residents of the upcoming April 22-28, 2024 Clifton Park Restaurant Week. Additional information on DiscoverCliftonPark.com.

Councilman Morelli thanked Starpoint Church for the recent successful “Eggstravaganza” event held, along with the Town, on the Clifton Common. Councilman thanked volunteers, and various Town Department participation.

RESOLUTIONS

Resolution No. 73 of 2024, a resolution in connection with the Town of Clifton Park determination of non-significance pursuant to the State Environmental Quality Review Act (SEQRA) regulations 6 New York Codes, Rules and Regulations (NYCRR) Part 617.

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

WHEREAS, the Town of Clifton Park, acting as lead agency for the SEQRA process, has determined that a need exists to construct certain improvements for the acquisition and installation of facilities for the distribution of public water to residential and non-residential properties on Eastside Drive, Schauber Road, and adjacent areas as depicted on Exhibit A, and

WHEREAS, the Town of Clifton Park is in the planning stages to install a water main to connect to the existing water system on NYS Route 146A, and

WHEREAS, the Town of Clifton Park intends to apply for funding opportunities from various agencies to assist property owners within the project area for the project, and

WHEREAS, Prime Engineers have conducted a coordinated review of the project on behalf of the Town Board, and have solicited comment from involved and interested agencies, pursuant to 6NYCRR Part 617 et seq. (the SEQRA Regulations), and

WHEREAS, Prime Engineers recommends classifying the project as a Type I Action under SEQRA and recommends that the Town Board issue a negative declaration for the proposed action, and

WHEREAS, the public comment period has expired, and no substantive comments remain to be addressed; now, therefore, be it

RESOLVED, that the Town Board hereby issues a Negative Declaration pursuant to the SEQRA regulations, and that the Supervisor, acting as the responsible officer for the Town, is authorized to complete and sign the Determination of Significance on the SEQRA Full Environmental Assessment Form indicating that the project will not have a significant effect on the environment.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 74 of 2024, resolution scheduling a public hearing regarding the construction and financing of improvements for the distribution of potable water to the Eastside Drive area within the Town of Clifton Park.

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

WHEREAS, the Town Board of the Town of Clifton Park (the "Town"), proposes to undertake the design, construction, and interconnection of certain pipes, pumps, conduit and related infrastructure for the distribution of public water for residents and non-residential property on Eastside Drive, Schauber Road and Ballston Lake Road (NYS Route 146A) as described in the Preliminary Engineering Report, last revised August 2023, prepared by Prime AE Group, which is on file in the Town Clerk's office, and

WHEREAS, the total estimated maximum cost of the Project is \$3,370,000, and

WHEREAS, the Town Board proposes to finance the Project with the issuance of up to \$3,370,000 in Town obligations, the debt service on which will be paid from assessments levied on properties in the project area through a special district to be established consistent with the NYS Town Law, and

WHEREAS, the annual cost to the typical property within the project area is estimated to be \$2,822.28, consisting of debt service of \$2,227.28, as well as annual water usage charges to the Town of Ballston and an operation and maintenance charge from the Clifton Park Water Authority (CPWA), and

WHEREAS, the Town Board now desires to call a public hearing regarding the Project, as required by Town Law Section 202-b; now, therefore, be it

RESOLVED, that the Town Board will hold a public hearing to hear all persons interested in the Project, and the public hearing shall be held at Town of Clifton Park Town Hall, One Town Hall Plaza, Clifton Park, New York, on April 15, 2024, at 7:05 p.m.; and be it further

RESOLVED, and ordered that the Town Clerk give notice of such hearing by publishing in the official Town newspaper the Notice of Public Hearing in substantially the form attached hereto and by posting the Notice of Public Hearing on the Town's official sign-board not less than ten nor more than twenty days before such hearing.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Supervisor Barrett stated the Town is trying to secure grant funding for the creation of the district. This process includes steps to be sure it is a viable creation by completing the SEQRA process and a bond resolution. At the end of the day, it will be up to the residents of the district to decide to go forward with the project. Supervisor explained, with Special Districts there is no expense to the Town, if the project goes forward the Town borrows the money on behalf of the district and the individual property owners in the district will pay the debt service over the years.

Resolution No. 75 of 2024, a resolution authorizing the Town Board to approve the Recommended Just Compensation amounts for the acquisition of properties necessary, for the completion of the Hubbs Road Multi-use Path Project, regarding the Right-of-Way Acquisition Phase.

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

WHEREAS, the Town has received funding for the construction of the Hubbs Road Multi-use Path Project, and

WHEREAS, by Resolution No. 23 of 2022, the Town Board approved the Project and appropriated funds to plan, design and construct the Project, and

WHEREAS, the Town has retained Greenman-Pedersen, Inc, (GPI), to evaluate the land acquisition necessary for the construction of the Project, and to prepare appraisal reports on the interests in land required for the Project, and

WHEREAS, GPI has completed the analysis of the acquisitions required for the Project and has requested that determinations be made for Just Compensation for the owners of property where rights are to be acquired, and

WHEREAS, the Town Attorney recommends acceptance of the recommendations made by GPI; now, therefore, be it

RESOLVED, that the Town Board finds and determines that the Appraisal Reports on the properties listed in the attached Schedule A, are complete and support the requested values for the real property interests required for the Project, and be it further

RESOLVED, that the Town Board approves the Just Compensation amounts for the properties, listed in the attached Schedule A; and be it further

RESOLVED, that GPI is authorized to offer the amounts as Just Compensation to the property owners, as listed in the attached Schedule A.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 76 of 2024, a resolution authorizing payment of Planning Department engineering escrow accounts that are in arrears.

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

WHEREAS, the Town of Clifton Park Planning Board has a contract with MJ Engineering for engineering and environmental review services regarding Planning Applications submitted to the Town, and

WHEREAS, the Town of Clifton Park also has a contract with KB Group of NY, for inspection of work being completed, involving infrastructure being dedicated to the Town at the completion of completed project build-out, and

WHEREAS, the Planning Department collects funds from applicants to create an escrow account for each project reviewed, and

WHEREAS, funds from these escrow accounts are used to pay the invoices received for work completed by MJ Engineering and KB Group, and

WHEREAS, the Planning Department currently has multiple invoices unable to be paid, due to applicants not depositing sufficient funds into the escrow account for their project, as noted in the attached Schedule A; now, therefore, be it

RESOLVED, the Town Board authorizes payment from the General Fund in an amount not to exceed \$10,923, as detailed in the attached Schedule A, from A-140-135 (General Fund-Engineering- Engineering Services); and be it further

RESOLVED, that Town staff will not accept any additional applications or issue permits from property owners with past due escrow balances, until such payments are made whole to the Town’s General Fund Account.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 77 of 2024, a resolution hiring seasonal staff for the 2024 Parks & Recreation Programs.

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

WHEREAS, the Town Board wishes to retain new and returning Counselors and Specialists as staff members for operation of the Town’s Summer Camp Program for 2024, and the Tiny Hands Program, and

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

RESOLVED, that the individuals listed in the attached Schedule A, be accepted as staff for the Town’s 2024 Day Camp Program and the Tiny Hands program, to be paid as indicated on the schedule through the end of the respective seasons.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 78 of 2024, a resolution authorizing alcoholic beverages to be served at a gathering to be held at the Clifton Park Senior Community Center on April 27, 2024.

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

WHEREAS, Kiersten Gregware, Clifton Park, is hosting a birthday party from 2:00 - 5:00 P.M., and

WHEREAS, a request has been received for permission to serve alcohol in the form of beer and/or wine at the event; now, therefore, be it

RESOLVED, that Kiersten Gregware is hereby authorized to serve beer and/or wine at a gathering at Clifton Park Senior Community Center on April 27, 2024, from 2:00 - 5:00 P.M. consistent with the terms of the permit application received in the office of the Clifton Park Senior Community Center.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 79 of 2024, a resolution awarding the contract for the replacement of two (2) trash compactors and the repair of two (2) existing hoppers at the Town’s Transfer Station.

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

WHEREAS, Transfer Station trash compactors #1 and #2 were found to require replacement and two (2) existing hoppers are in need of repair, including installation of new computer controls, sandblasting and painting of the steel diamond plate, and replacement of corroded electrical components, and

WHEREAS, the Town published bid documents for these Transfer Station Improvements on February 5, 2024, and

WHEREAS, bids were opened on March 7, 2024, and

WHEREAS, Stephen Miller General Contractors, Inc., submitted the lowest conforming bid, in the amount of \$219,987, and

WHEREAS, Prime Engineering has found Stephen Miller General Contractors, Inc. to be qualified to perform the work for which they bid, and has recommended that the contract be awarded to Stephen Miller General Contractors, Inc.; now, therefore, be it

RESOLVED that the proposal from Stephen Miller General Contractors, Inc., for the Town Transfer Station Improvements Project, in an amount not to exceed \$219,987, is accepted; and be it further

RESOLVED, that the Supervisor is authorized to sign a contract with Stephen Miller General Contractors, Inc. for the project, to be paid with a transfer from A-00914 (General Fund-Unassigned Fund Balance) to A-08160-00200 (General Fund-Convenience Transfer Station-Equipment).

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 80 of 2024, a resolution authorizing the hiring of Jeremy Mika and Korri Brady as 2024 seasonal help for the Buildings and Grounds Department.

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

WHEREAS, openings exist for seasonal help in the Buildings and Grounds Department, and

WHEREAS, Daniel Clemens, Director of Buildings, Parks, and Recreation, has recommended that Jeremy Mika and Korri Brady, be hired to fill the seasonal positions; now, therefore, be it

RESOLVED, that Jeremy Mika, Clifton Park, and Korri Brady, Mechanicville, be employed as seasonal workers for Buildings and Grounds for 2024, to be paid \$17/hour and \$16/hr respectively, from A-7110-E4000 (General Fund-Buildings & Grounds- Seasonal Labor), effective immediately.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 81 of 2024, a resolution scheduling a public hearing on a proposal to amend Chapter 73 of the Town Code to provide homeowners with legal protection against unauthorized occupants of homes and other residential property within the Town.

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

WHEREAS, Municipal Home Rule Section 10 (12) authorizes local governments within New York to protect the health, safety, and well-being of persons and property within its jurisdiction, and

WHEREAS, the Town Board finds and determines that the right to exclude unauthorized persons from homes and other residential real property, is a right inherent in the ownership of such property within the Town, and

WHEREAS, the Town Board intends to provide such protections, as may be necessary to ensure the prompt investigation into any reported instances of unauthorized “squatters” occupying such property, and to provide adequate remedies to direct and require that any such persons vacate the occupied premises, and

WHEREAS, the Town Board wishes to solicit public comment on a proposal to ensure that reported instances of such unauthorized “squatters” are promptly investigated, and that local law enforcement and code enforcement officials have remedies available to efficiently restore any affected property to rightful owners and leaseholds of record, to the maximum extent as authorized by Municipal Home Rule § 10; now therefore, be it

RESOLVED, that a public hearing will be held on April 15, 2024, at 7:08pm in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, N.Y. on a proposal to amend Chapter 73 of the Town Code, to provide homeowners with legal protection against unauthorized occupants of homes and other residential property within the Town; and be it further

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

#### ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

#### DECLARED ADOPTED

Supervisor Barrett stated this proposed law is often called the unlawful property intruder law. Many situations occur in the Country where people enter homes, uninvited, that have no oral or written lease agreement, nor are invited to be there and claim rights. They enter the home for the sole purpose of obtaining control of the home for an extended period of time, basically, to set up shop and stay there as long as possible. Supervisor stated rightful homeowners were arrested for changing locks on their home and trying to keep squatters from going in and out of their home. He explained a situation where squatters filed a lawsuit against the rightful owners of a property, and this situation is evolving quickly. The laws that are currently in place, pertaining to this subject matter, are inadequate. Supervisor requested our Town Attorney to work with the County Attorney to exchange ideas and proposed content for a law for consideration for the County as well as the Town. The proposed law would be a benefit throughout the County if in place. He explained scheduling a public hearing is the start of the process to protect homeowners.

Supervisor Barrett stated the Town Board and County Board of Supervisors will take the appropriate action to protect property owners from home invasion and from losing control of their personal property to an invader.

Supervisor Barrett stated there is a possibility of an affidavit for particular homeowners to be completed, that will serve as an attestation that they own a particular property if a situation occurs that there is a question of ownership.

Councilman Morelli stated it is clearly incumbent upon the Town Board to be proactive with this issue at the local government level. He questioned the enforcement and penalties.

Attorney Pelagalli stated the penalties would be concurrent with removing the person. The intent of the proposed law is to remove the people right away through Town Code Enforcement Officers, Security or Law Enforcement agencies.

No one wished to be heard.

PUBLIC PRIVILEGE

No one else wished to be heard.

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 7:53 PM

Teresa Brobston  
Town Clerk