

TOWN OF CLIFTON PARK TOWN BOARD

June 3, 2024

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.

Pledge of Allegiance

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

Also Present: Town Attorney Pelagalli
Mark Heggen, Comptroller
Daniel Clemens, Director of Parks, Buildings & Recreation
Michael Woerner, Director of Parks & Recreation
Jim Ryan, Highways Maintenance Supervisor
John Scavo, Director of Planning & Zoning
Wade Schoenborn, Director of Building & Development
Scott Reese, Zoning Administrator and Stormwater Management Officer

MINUTES

MOTION by Councilwoman Walowit, seconded by Councilwoman Reid, to approve the Town Board minutes of May 20, 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 announced the Pickleball Complex at Veteran's Park is now open for use. Veteran's Park was selected because infrastructure was already there and is away from neighborhoods for noise.

Supervisor Barrett stated the Barney Road and Country Knolls pools are open, as well as the Barney Road Golf Course.

Councilwoman Reid mentioned the recently held successful "Learn to Fish" event at the Barney Road Park, in partnership with NYSDEC. As well as, the "Fly A Kite Day" event on the Clifton Common, both events sponsored by the Parks & Recreation Department.

Councilman Morelli explained the pickleball courts are first come first served. There is an app, TEAMREACH, that can be used to schedule games. The Town has no association with the app.

PUBLIC HEARING-North Crest Village (Tallow Wood) Planned Development District amendment. 7:09PM

Supervisor Barrett explained a public hearing was held on September 5, 2023. He stated the legislation has changed from that time and the Town is trying to find a good solution to a difficult issue.

Town Clerk Brobston read the Public Hearing Notice that was advertised in the May 23, 2024, edition of the Daily Gazette.

Town Attorney Pelagalli explained at the September 2023 public hearing the Town gathered information from the residents about the 10' free space, which was created by the Town Board, as a free space for emergency and fire equipment. 70% of the residents have in their deeds the 10' free space. The deed restriction also includes access for lawn equipment. He stated the Town Code does not have lawn equipment access nor does the proposed amendment. A few residents are in violation of that code restriction and have their fences within that 10' space. In consultation with the Building Department Director and Town Fire Marshall, it was decided 2' would be sufficient, back-to-back would be actually 4'. Both Emergency Services and Fire Safety felt that would be sufficient and would certainly be sufficient for those residents with middle units to not have to bring their mowers through their house to get to the back of their property, but to go around the end units. He stated a few residents called and voiced in favor of or neutral with the proposed amendment. Attorney Pelagalli explained with this proposal the Town would be able to enforce the 2' restriction.

Supervisor Barrett stated this does not affect anything that is in their deed.

Director of Building & Development Wade Schoenborn stated with the 10' free space took up most on the yard space which created a hardship for some to be able to obtain the 10'. The proposed 2' free space would be better for the residents.

Linda Lewis, Tallow Wood, had concerns that 4' would not be enough space, suggested 6'. Agrees with an amendment to allow free space.

Mr. Schoenborn stated the Town Fire Marshall and Fire Department viewed the proposal in the neighborhood and agreed that the 2' would be enough.

Paul Baum, Tallow Wood, questioned whether the 2' space starts from the building. Questioned if the 8' fence at the back of the property line is affected by the proposal.

Attorney Pelagalli stated the 2' space starts from the property line. He stated the fence would only be affected if it is 2' from the property line instead of 10'.

Karen Mell, Tallow Wood, agrees with the 2' free space but is concerned that no one can totally fence in their yard without a gate for the middle units' residents to be able to get through to their property. The free space will not work around her property because it's all woods around the end units. She does not want her easement right taken away to get back to her property in the middle. She would have to go through the other person's yard.

Mr. Schoenborn stated he viewed her property before and at the time there was access currently through the other yard and should be enough space. He stated he would take another look at her concerns.

Frank Colgan, Tallow Wood, stated at the previous public hearing meeting the only comment that came up was about the access for the lawn mowers for the middle units. He agrees with the proposal. He explained his daughter removed her patio to comply with the current easement. He would like to see the Town expedite this proposal and come to a decision quickly.

Supervisor Barrett stated if anyone has an individual question to contact the Supervisor's Office or the Building Department.

Supervisor Barrett there are so many individuals' situations involving this proposal and it is difficult to produce a uniform way to fix and solve every issue. The Town will try to get to the solution that will solve most folks' problems with the proposal.

Public Hearing closed at 7:26PM.

PUBLIC HEARING-Chapter 208 amendments regarding zero-emission and electric vehicles, as well as commercial recreation facilities, in certain Town Zoning Districts. 7:27PM

Scott Reese, Zoning Administrator explained and viewed a map of locations for the proposed expanded uses. The zones affected are B4, B4A, B5, LI1 and LI2. He stated additional proposed uses would be commercial recreational facilities and the electronic vehicle and zero emissions vehicle facilities.

Supervisor Barrett stated the proposed zoning designations are high impact zones.

Mr. Reese explained the uses to be considered are for commercial recreational facilities. A lot of these uses require open space and open areas and higher ceilings, such as pickleball, volleyball, baseball clubs, gymnasiums and martial arts.

Supervisor Barrett says currently there are increased sports activities/businesses in areas such as the mall and will continue to see this demand. If the proposed uses are approved, they will have to meet certain criteria.

Mr. Reese stated with each application certain requirements will be reviewed to be sure it is a good fit.

Mr. Scavo noted a letter received from the Village of Round Lake Mayor was distributed to the Town Board for consideration regarding recreational facilities. See attached.

No public comments. Public Hearing closed at 7:35PM.

RESOLUTIONS

Resolution No. 148 of 2024, a resolution to adopt a local law amending Chapter 125-6 of the Town Code, regarding conservation easement review procedures.

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

WHEREAS, on May 20, 2024, the Town Board held a public hearing on a proposal to amend Chapter 125-6 of the Town Code to streamline procedures for the Town's conservation easement application review process, and

WHEREAS, the Town Board wishes to assure a streamlined process for considering and recommending conservation easement applications, and to assure timely and complete determinations; now, therefore, be it

RESOLVED, that the Town Board hereby adopts Local Law No. 4, of 2024, amending Chapter 125-6 of the Town Code, as attached; 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

Resolution No. 149 of 2024, a resolution to amend the Water Supply Agreement between the Clifton Park Water Authority and the Malta Water Supply District No. 1.

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

WHEREAS, the Clifton Park Water Authority ("CPWA") is a public authority and existing pursuant to Public Authorities Law Section 1120 et seq, having a principal office for the transaction of business at 661 Clifton Park Center Road, Clifton Park, NY 12065, and

WHEREAS, the developer for the proposed Mountain View Meadows Subdivision has requested the CPWA to provide water to certain lands which it owns located within the Town of Malta, Saratoga County, New York, and

WHEREAS, the CPWA entered into a Water Supply Agreement dated October 4, 1993 ("Agreement"), with the Malta Water Supply District No. 1 (hereinafter "District"), to supply water and ancillary services to lands in the Town of Malta, and

WHEREAS, pursuant to the fourth recital paragraph of the Agreement, the original boundaries of the District are defined as certain lands located in Exhibit "A" of the Agreement, and

WHEREAS, the District boundary has previously been amended, and

WHEREAS, the lands of the proposed Mountain View Meadows Subdivision are not within the current boundaries of the District, and

WHEREAS, pursuant to the applicable provisions of the Public Authorities Law Article 5, and pursuant to Section 6 of the Agreement, the consent of the District, the CPWA, the Town of Malta and the Town of Clifton Park, is required in order to expand the geographical area of the District; now, therefore, be it

RESOLVED, pursuant to Section 6 of the October 4, 1993 Water Supply Agreement between the Clifton Park Water Authority and Malta Water Supply District No. 1, the Town Board hereby consents and agrees that the District may expand its geographical area to serve the proposed Mountain View Meadows Subdivision, which is comprised of the parcel currently identified as Tax Parcel ID# 240.-1-25.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Supervisor Barrett explained this requested water is for an approved new Malta subdivision on Eastline Road. CPWA has approved to service the new subdivision. Town Board approval is needed to move forward. No Town money is involved.

Resolution No. 150 of 2024, a resolution authorizing the Supervisor to sign a lease agreement with Fruitful Vine Christian Church, for rental of the top floor of the Burning Bush Clubhouse.

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

WHEREAS, pursuant to Town Law 64 2 (a), the Town Board is authorized to lease Town- owned property, and

WHEREAS, Fruitful Vine Christian Church wishes to rent the top floor of the Burning Bush Clubhouse for a term of twelve (12) months, lease to expire on May 19, 2025, at an annual rent of \$21,600, and

WHEREAS, the Tenant may elect to remain in possession of the property after May 19, 2025, as a month-to-month Tenant, for up to twelve (12) consecutive months; now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to sign the attached Lease Agreement with Fruitful Vine Christian Church, for rental of the top floor of the Burning Bush Clubhouse, pending the Town Attorney’s review of a Certificate of Insurance naming the Town of Clifton Park as certificate holder.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 151 of 2024, a resolution hiring a part-time Dispatcher for the Town of Clifton Park Senior Van Department.

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

WHEREAS, an open position exists for a part-time Dispatcher, and

WHEREAS, Leslie Bell, Halfmoon, has been recommended to fill the position; now, therefore, be it

RESOLVED, that Leslie Bell, Halfmoon, be appointed to fill the position of part-time Senior Van Dispatcher, at Grade 2, Step 1, to be paid \$19.87/hr., from A-6772-E4000 (General Fund-Community Support-Part-time laborers), effective June 4, 2024.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 152 of 2024, a resolution authorizing the retention of MJ Engineering and Land Surveying for consulting services associated with a project for new equipment at the Locust Lane Playground.

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

WHEREAS, the Clifton Knolls Park District Committee has asked the Director of Buildings, Parks and Recreation, Daniel Clemens, to initiate action to upgrade playground equipment at Locust Lane, and

WHEREAS, MJ Engineering has submitted a quote in the amount of \$11,500 for the engineering work associated with producing plans and specifications, preparation of bid documents and bid phase services, along with the conduct of meetings with the Town and stakeholders and site visits necessary for the planning, and execution of bid documents and bid phase services necessary to advance the project, and

WHEREAS, Mr. Clemens advises that MJ Engineering has completed similar playground equipment upgrade projects for the Town, and has successfully planned, specified, and prepared bid documents of a similar nature in each case, and advises that the quoted fee is consistent with the work required for the project, and

WHEREAS, the Supervisor is authorized to procure the services of professional engineering and consulting firms by the Town’s Procurement Policy and by Resolution No. 1 of 2024; now, therefore, be it

RESOLVED, that Mr. Clemens is authorized to notify MJ Engineering to proceed on the project as quoted in their April 15, 2024, correspondence, attached, and be it further

RESOLVED, that the Supervisor is authorized to sign a contract with MJ Engineering and Land Surveying P.C., consistent with their quote, as attached, to be paid with a transfer from SP3-00915 (Clifton Knolls Park District-Assigned Fund Balance) to SP3-07131-00135 (Clifton Knolls Park District- Clifton Knolls – Engineering).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No.153 of 2024, a resolution correcting the promotion of Michael Barber to Barney Road Golf Course Superintendent in the Buildings and Grounds Department.

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

WHEREAS, by Resolution No. 51 of 2024, Mr. Barber was promoted from the position of Motor Equipment Operator (MEO) Light to Barney Road Golf Course Superintendent, and

WHEREAS, this Resolution erroneously omitted that a Civil Service exam exists for the Golf Course Superintendent position, and

WHEREAS, Saratoga County does not have a current eligibles list for this position, and

WHEREAS, Mr. Barber’s promotion is provisional pending the next sitting of the Civil Service exam for this position; now, therefore, be it

RESOLVED that Michael Barber is hereby promoted, provisionally, to the position of Barney Road Golf Course Superintendent, Grade 6, Step 1 (\$57,409, \$27.39/hr.), effective April 1, 2024.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 154 of 2024, a resolution to authorize the purchase of twenty-five (25) new folding picnic tables to be used for the Town’s full-day summer camp at the Clifton Common.

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

WHEREAS, Mike Woerner, Director of Parks and Recreation, recommends the purchase of the new picnic tables for the full-day summer camp as many of the current tables are broken and cannot be repaired, and

WHEREAS, vendors were contacted for pricing and availability and Home Depot showed lowest price with availability, at a cost not to exceed \$6,250; now therefore be it

RESOLVED, the Town is authorized to purchase twenty-five (25) new folding picnic tables from Home Depot, to be used for the Town’s full-day summer camp at the Clifton Common, at a cost not to exceed \$6,250, to be paid from A-07320-00099 (General Fund – Full Day Camp- Day Camp Expense).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 155 of 2024, a resolution authorizing the hiring of seasonal employees to staff the Town pools and the full and half-day summer camps for the 2024 Summer season.

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

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

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

RESOLVED, that the individuals listed in the attached Schedule A, be hired as staff for the Town Pools and Summer Day Camp programs, effective for the 2024 Summer season; and be it further

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

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 156 of 2024, a resolution accepting a bid from Carver Construction Inc. to award a contract for the construction of a box culvert on Bruno Road.

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

WHEREAS, by Resolutions No. 230 of 2019, the Town Board classified a proposed project to replace the box culvert on Bruno Road as a Type II action pursuant to SEQRA, and

WHEREAS, by Resolution No. 47 of 2019, the Town Board retained Barton and Loguidice to conduct environmental and engineering studies to assess and remediate stormwater facilities in the Plank Road/Rolling Brook areas, to seek appropriate regulatory permits for same, and

WHEREAS, on May 11, 2020, the U.S. Army Corps of Engineers issued authorization for the project described under the appropriate nationwide general permit, and

WHEREAS, on April 10, 2024, the Department of Environmental Conservation issued a permit for the replacement of the culvert on Bruno Road, and

WHEREAS, on April 12, 2024, sealed bids were opened, based on bid documents and work scope prepared by Barton & Loguidice engineers, and

WHEREAS, Barton and Loguidice recommends that the Town Board award the contract for the work to Carver Construction, as low bidder; now, therefore, be it

RESOLVED, that the contract for the box culvert replacement at Plank Road and Nadler Road is awarded to Carver Construction, Inc., 494 Western Turnpike, Altamont, in an amount not to exceed \$454,145 for this contract; and be it further

RESOLVED, that the Comptroller is authorized to transfer up to \$454,145 from the General Fund to H44-0854-00200 (Capital Budget Project) to offset costs of the project and funds will come from A-00914 (General Fund- Unassigned Fund Balance).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 157 of 2024, a resolution authorizing the Highways Superintendent to retain Precision Trenchless, LLC to perform repairs and upgrades to a damaged portion of pipe at 47 Grissom Road.

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

WHEREAS, Superintendent of Highways Dahn Bull, has identified the following sliplining project in Clifton Park:

<u>Street</u>	<u>Linear Feet</u>	<u>Pipe Diameter</u>	<u>Cost</u>
47 Grissom Road	207	54-inch	\$239,052

, and

WHEREAS, pursuant to General Municipal Law Section 103 (16), municipalities in New York are authorized to “piggyback” from competitively bid contracts of other municipalities within the State, so long as the bid process from the original contracting entity was conducted through a sealed bid process pursuant to the statute, and the bid notice provided for such piggybacking, and

WHEREAS, the Highway Department has now requested authorization to enter a contract with Precision Trenchless, LLC, 1710 Erie Blvd., Schenectady, NY, using the piggyback option from the 2023 Contract #0010984 of Onondaga County, attached, whose bids were opened on November 1, 2023, with prices valid January 1, 2024 through December 31, 2024, according to bid documents and correspondence reviewed from the Onondaga County Division of Purchase, and

WHEREAS, according to information provided by the Highways Superintendent, Precision Trenchless has provided quotes in the amount of \$239,052 for the pipe repair, per the attached, using unit prices as bid in the Onondaga contract; now, therefore, be it

RESOLVED, that the Highways Superintendent is authorized to execute a contract with Precision Trenchless, LLC to repair a damaged portion of pipe at 47 Grissom Road, for a total amount not to exceed \$239,052, to be paid from DA-05110-00037, (Highway Fund-Highway Construction-Paving-Slip Lining).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 158 of 2024, a resolution authorizing the purchase of two (2) radar speed signs for the Highway Department from Traffic Systems Inc.

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

WHEREAS, the Town Highway Department is responsible for local road maintenance throughout the Town, and

WHEREAS, students from the Shenendehowa Central School District have expressed a desire to see better compliance with the posted school speed zone of 25 mph on Moe Road, and

WHEREAS, the Town Board determines that fixed pole-mounted radar speed signs are a safety item that is deployable within the Right of Way (ROW) of Moe Road, to encourage lower speeds driven within the designated school zone to increase driver awareness and safety for pedestrians, motorists, and cyclists, who all share use within this ROW, and

WHEREAS, three quotes were collected, per the job specifications, and Traffic Systems Inc. offers the lowest conforming quote in the amount of \$7,000; now, therefore, be it

RESOLVED, that the Town Board authorizes the Director of Planning and Zoning, John Scavo, to purchase two (2) solar-powered and pole-mounted radar speed signs from Traffic Systems Inc., Holtsville, NY, in an amount not to exceed \$7,000, to be paid with a transfer from Contingency and a transfer to A-03310-00215 (General Fund- Traffic Safety- Traffic Safety); and, be it further

RESOLVED, that upon receipt of the radar signs, the Highway Department is authorized to install the signage per all local, state and federal requirements, including Manual on Uniform Traffic Control Devices (MUTCD) and the current NYS Supplement.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Councilman Morelli explained a commitment to review the incident data around that intersection continues. Reports of the accidents have been cut in half after the improvements to the area, with issue continuing to be speed and distracted driving. Demographics of who were involved were adults and students as well. While conducting the review, Shenendehowa Student Council President Gracie McMillon reached out to the Town with their concerns. Classmate Charles Heller assisted as well.

Gracie McMillon stated they presented their concerns from a student perspective. Pedestrian walking signals do not always stop the drivers. As a driver, students are feeling pressured at the Stop sign on Moe Road.

Councilman Morelli thanked the students for reaching out to their Town government with their concerns about safety in the community.

No one wished to be heard.

Discussion on transportation of Highway paving material affects on Town trucks and a memo sent by the Supervisor to the Highways Superintendent ensued.

PUBLIC PRIVILEGE 8:19 PM

No one else wished to be heard. Public Privilege closed at 8:20 PM.

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 8:21 PM

Teresa Brobston
Town Clerk