

TOWN OF CLIFTON PARK TOWN BOARD

June 17, 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
Judge Robert Rybak
Mark Heggen, Comptroller
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
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 meeting minutes of June 3, 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 upcoming events: Full-Day Camps, July 4th Celebration, Clifton Common Concert Series. Information is available on the Town website, cliftonpark.org.

Councilman Morelli thanked the Clifton Park Elks for their celebration of Flay Day.

Councilwoman Reid announced the Adventure Ropes Course grand opening will be Saturday, June 22 at 2pm at Collins Park.

Supervisor Barrett announced the recent addition of pickleballs courts have had positive reviews.

RESOLUTIONS

Resolution No 159 of 2024, a resolution adopting a local law amending Chapter 208 of the Town Code regarding zero-emission and electric vehicles, as well as commercial recreation facilities, in certain Town Zoning Districts.

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

WHEREAS, on June 3, 2024, the Town Board held a public hearing on a proposal to allow sales, leasing, maintenance, manufacturing and distribution of zero-emission and electric vehicles in the B-4, B-4A, B-5, LI-1 and LI-2 Zoning Districts, as well as commercial recreation facilities in the Town’s B-5, LI-1 and LI-2 Zoning Districts, and

WHEREAS, the Town Board wishes to expand opportunities for zero-emission and electric vehicles, and for commercial recreation facilities in the stated Town Zoning Districts; now, therefore, be it

RESOLVED, that the Town Board hereby adopts Local Law No. 5 of 2024, effective immediately, to amend Chapter 208 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. 160 of 2024, a resolution to authorize the Supervisor to sign a memorandum of understanding with the Capital Region Transportation Council (CRTC), regarding the 2024-2025 Unified Planning Work Program for the Halfmoon/Clifton Park/County Route 109 Corridor Study.

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

WHEREAS, the Town, in partnership with the Town of Halfmoon and Saratoga County, has requested funds from the CRTC through its 2024-2025 Unified Planning Work Program for the Halfmoon/Clifton Park/County Route 109 Corridor Study (Study), and

WHEREAS, CRTC approved the Study in its 2024-2025 Unified Planning Work Program, and

WHEREAS, the approved cost for consultant services related to the Study is \$150,000, of which \$120,000 will be paid for by Federal Transportation Planning funds, and

WHEREAS, the Town will provide \$7,500, the Town of Halfmoon will provide \$7,500 and Saratoga County will provide \$15,000 in local cash match for the Study, and

WHEREAS, the CRTC expects the Study to be completed within eighteen (18) months of the date of consultant contract execution; now, therefore, be it

RESOLVED, that Supervisor Barrett is authorized to sign the attached Memorandum of Understanding with the CRTC to commit to the local match not to exceed \$7,500, for consultant services related to the 2024-2025 Unified Planning Work Program for the Halfmoon/Clifton Park/County Route 109 Corridor Study, to be paid with a transfer from Contingency to A-07629-00135 (General Fund- Trails Contractual- Engineering).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

John Scavo, Director of Planning & Zoning, explained the linkage study is a good segway to identifying current and future transportation needs.

Resolution No. 161 of 2024, a resolution authorizing a contract amendment to add layout changes to the Highway Fuel System Improvement Project.

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

WHEREAS, by Resolution No. 239 of 2021, the Town Board designated \$60,000 to analyze solutions to upgrade and replace underground gasoline pumps at the Town’s Highway Department, using Federal funds made available by the U.S. Government in the America Rescue Plan (ARPA funds), and

WHEREAS, by Resolution No. 218 of 2023, the Town Board authorized the Supervisor to execute an agreement with Greenman-Pedersen, Inc. (GPI) to begin the first phase of a scope and plan to upgrade and replace the Highway Department’s gas pumps and tanks, and

WHEREAS, GPI has submitted a contract amendment, in an amount of \$17,800, which will address the layout changes required in their design plan to coordinate with the proposed highway garage and removal of an existing electrical pole that has setback requirements, and

WHEREAS, Director of Planning and Zoning, John Scavo, recommends transfer from remaining ARPA funds to offset the costs of this GPI contract amendments; now, therefore, be it

RESOLVED, that a contract amendment adding \$17,800 to the contract price for the Highway Fuel System Improvement Project is approved, and Mr. Scavo is authorized to accept the attached proposal from GPI, at a cost not to exceed \$17,800, to be paid from the American Recovery Plan funds, with a transfer to A-05132-00135 (General Fund – Highway Garage – Engineering).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

John Scavo, Director of Planning and Zoning, showed the design for the Highway Department Building addition and fuel pump station for public and Town Board review. He stated the proposed building size is 12,800 square feet. The previous building that burned down was 2,960 square feet. Mr. Scavo showed where the proposed fuel station, parking and traffic flow will be located. He stated there are two different engineering groups- Prime AE who are working on the storage facility and GPI working on the fuel island. Both projects are working in parallel with each other. In advancing the building layout design, it was determined there are existing utility conflicts, water line, flagpole and fire hydrant to be relocated. The building would be started in 2025. Amendment of GPI scope is needed to include moving the electric for both facilities. The old fuel tanks will be removed and replaced with a new single double wall fiberglass tank divided.

Discussion was held with Highways Superintendent Bull on the specifics, floors, heat, water etc., on the facilities.

Resolution No. 162 of 2024, a resolution adopting a local law amending Chapter A-217-76 (K) of the Town Code relative to the North Crest Village Planned Development District (PDD), to modify the required free space on both sides of, and to the rear of every building.

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

WHEREAS, the North Crest Village PDD was amended by Local Law No. 6 of 1980 to include, amongst other provisions, a 10-foot free space on both sides of and to the rear of each building to provide access to emergency and/or fire-fighting personnel responding to an emergency or fire, said free space to be contained in conveyances and to run with the land, and

WHEREAS, some deeds for lots within the PDD include the free space restriction and some deeds within the PDD do not include the restriction, and

WHEREAS, on June 6, 2024, the Town Board held a public hearing on a proposal to modify the area restriction within the North Crest Village PDD from the 10-foot free space to a 2-foot free space, and

WHEREAS, this amendment has been approved by the Town Fire Marshall and the Director of Building and Development; now, therefore, be it

RESOLVED, that Local law No. 6 of 2024, a local law amending Chapter A-217-76 (K) of the Town Code, as attached, to modify the North Crest Village PDD established 10-foot free space to a 2-foot free space on both sides of and to the rear of every building, is hereby adopted; 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. 163 of 2024, a resolution appointing Bruce Spiegel and Tim Brousseau to permanent status as Building Inspectors in the Building and Development Department.

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

WHEREAS, Bruce Spiegel and Tim Brousseau were provisionally appointed as Building Inspectors by Resolution No. 4 of 2023 and Resolution No. 259 of 2023, respectively, and

WHEREAS, Mr. Spiegel and Mr. Brousseau successfully passed the Civil Service Exam for the position of Building Inspector, and were certified as permanent employees as of May 20, 2024; now, therefore, be it

RESOLVED, that Bruce Spiegel, Ballston Lake, and Tim Brousseau, Clifton Park, are hereby appointed to permanent status as Building Inspectors for the Town of Clifton Park, per Civil Service Certification, as of May 20, 2024.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 164 of 2024, a resolution authorizing the retention of MJ Engineering and Land Surveying for consulting services associated with a project to upgrade playground equipment in the Martin Jewitt Longkill Park.

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

WHEREAS, the Park District Committee for the Longkill Park District has asked the Director of Buildings, Parks and Recreation Daniel Clemens, to initiate action to upgrade playground equipment at the Martin Jewitt Longkill Park, 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 residents 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, Mupgradesens 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 May 14, 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 of \$11,500 from SP5-915 (Longkill I – Assigned Fund Balance) to SP5-7123-135 (Longkill I – Longkill I – Engineering).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 165 of 2024, a resolution authorizing the replacement of the motor assembly for the diving well at the Barney Road Pool.

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

WHEREAS, Daniel Clemens, Director of Buildings, Parks & Recreation, wishes to replace the existing Barney Road Pool diving well motor assembly, as the current motor is in poor condition, and

WHEREAS, four quotes were collected, per the job specifications, and Pool Supply Unlimited offers the lowest conforming quote, in the amount of \$6,240, and

WHEREAS, Mr. Clemens has recommended that the diving well motor assembly be purchased from Pool Supply Unlimited, for an amount not to exceed \$6,240; now, therefore, be it

RESOLVED, that the replacement for the diving well motor assembly at the Barney Road Pool be purchased from Pool Supply Unlimited, at a cost not to exceed \$6,240, to be paid from A-7150-200 (General Fund – Barney Road Pool – Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 166 of 2024, a resolution appointing Breanna C. Clancy as the full-time Confidential Court Clerk to the Honorable Robert A. Rybak.

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

WHEREAS, an opening exists for the full-time position of Confidential Court Clerk, and

WHEREAS, both Town Justices have recommended that Breanna C. Clancy be appointed as the full-time Confidential Court Clerk to the Honorable Robert A. Rybak, in the Clifton Park Town Court; now, therefore, be it

RESOLVED, that Breanna C. Clancy is hereby appointed as the full-time Confidential Court Clerk to the Honorable Robert A. Rybak in the Clifton Park Town Court, to be paid at Grade 5, Step 1, \$28.59/hr., \$52,434 annualized, to be paid with a transfer of \$26,400 from A-01110-E0049 (General Fund – Justice Court – C. Woodard) to A-01110-Exxxx (General Fund – Justice Court – Employee), effective July 1, 2024.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 167 of 2024, a resolution authorizing the promotion of three (3) seasonal employees from Lifeguards to Head Lifeguards, and the hiring of seven (7) seasonal employees as Alternate Camp Counselors for the 2024 Summer season.

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

WHEREAS, openings exist for Head Lifeguards for the Town pools, and for Alternate Counselors for the Town camps, and

WHEREAS, the Director of Parks and Recreation Michael Woerner, wishes to promote and hire the individuals, as outlined in the attached Schedule A: now, therefore, be it

RESOLVED, that the Town Board authorizes the promotions and hirings of the individuals noted on attached Schedule A, to be paid as noted on the same Schedule A.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 168 of 2024, a resolution hiring additional employees for the 2024 summer season at the Town’s pools.

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

WHEREAS, the Town Board wishes to hire qualified water safety instructors for the operation of the Town’s pools, and

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

RESOLVED, that the individuals listed in the attached Schedule A, be hired as seasonal staff for the Town Pools as noted, through the end of 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. 169 of 2024, a resolution authorizing the residents of the cul-de-sac of Birch Hill Court in the Stonegate Subdivision, to conduct a block party on June 29, 2024, with a rain date of June 30, 2024.

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

WHEREAS, the residents of the Stonegate neighborhood plan to conduct a block party within the subdivision on June 29, 2024, from 12:00pm-4:00pm, and have requested permission to use the cul-de-sac of Birch Hill Court for their party activities; now, therefore, be it

RESOLVED, that the Town Highways Superintendent recommends that the request be approved for the use of a portion of Birch Hill Court, June 29, 2024, with a rain date of June 30, 2024, from 12:00pm-4:00pm for party activities, so long as those activities do not block off the streets, and allow emergency vehicles access to the street if needed, and be it further

RESOLVED, that the residents shall be responsible for all clean-up activities on Town property or on the street right-of-way resulting from the social activity; and be it further

RESOLVED, that a copy of this Resolution be sent to the applicable fire department, the ambulance corps., the sheriff’s department, and the state police informing these organizations of the event.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 170 of 2024, a resolution to accept the Town Comptroller's Court audit report of Justice Rybak and Justice Hughes.

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

WHEREAS, Section 2019-a of the Uniform Court Act requires that town justices annually provide their court records and dockets to the Town, and that such records then be examined, and

WHEREAS, the Town Board of the Town of Clifton Park has delegated the review of the court records to the Town Comptroller, and

WHEREAS, the Town Comptroller has completed a review of the court records of Justice Rybak and Justice Hughes, and prepared a report relating to said review, a copy of which is on file in the Town Clerk's office; now, therefore, be it

RESOLVED that the Town Board hereby accepts the Town Comptroller's report, relating to the review of the court records of Justice Rybak and Justice Hughes for the year ending 12/31/2023, and directs the Town Comptroller to file said report with the New York State Office of Court Administration.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

No one wished to be heard.

OTHER BUSINESS

Discussion on the 284 Agreement, paving prices and trucks with a Memo of 4/29/24 and response Memo of 6/14/24 was held. Supervisor Barrett noted that the whole Town Board approved and signed the Agreement.

AMENDMENT TO MINUTES: SUPERVISOR BARRETT REQUESTED TO ATTACH THE ABOVE REFERENCED MEMO'S TO THE OFFICIAL TOWN BOARD MINUTES

PUBLIC PRIVILEGE 7:44 PM

Karen Mell, Tallowood Dr., stated a letter was sent to the Town Board with her concerns on deed restrictions. Suggested additional language in the law to include lawn mower. Concern with the 2' that is unusable/inaccessible to get through to the middle unit.

Supervisor Barrett stated if additional language was to be included an additional public hearing would need to be held and would not be able to move forward with the law.

Paul Pelagalli, Town Attorney, stated the original and proposed amendment to the Town Code is meant to provide access for fire and emergency equipment, not lawn mowers. Lawn mowers are between homeowners. If access is blocked, then that would violate the Town Code and the Department of Building and Development will deal with it. Additional language is not needed.

Anthony Simone, Niskayuna and nephew of resident Pat Ragozzino, Grooms Road present, voiced concern with existing sulfur water. They thanked the Town Board for the progress made so far in creating a water district for his area on Grooms Road.

Supervisor Barrett stated that study is on the way and will notify the residents of any upcoming meetings.

No one else wished to be heard. Public Privilege closed at 7:58 PM.

OTHER BUSINESS

Councilman Manir held a discussion for solutions with the Highways Superintendent and the Town Board on current questions asked by the Supervisor Barrett in the recent Memo. Questions included use of Town trucks for hauling while paving and Facebook publication policy procedure.

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 8:14 PM

Teresa Brobston
Town Clerk