

TOWN OF CLIFTON PARK TOWN BOARD

October 21, 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
Councilman Manir
Town Clerk Brobston

Absent: Councilwoman Walowit

Also Present: Town Attorney Pelagalli
Mark Heggen, Comptroller
Daniel Clemens, Director of Parks, Buildings & Recreation
Dahn Bull, Highways Superintendent
Michael O'Brien, Collection System Manager
Norah Hofer, Communications and Technology Coordinator
Louis Pasquarell, Director of Safety & Security
Walter Smead, Town Assessor

MINUTES

MOTION by Councilwoman Reid, seconded by Councilman Manir, to approve the Town Board minutes of the October 7, 2024, as presented.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit,

MOTION CARRIED

ANNOUNCEMENTS & COMMUNICATIONS

Councilman Morelli announced a few upcoming events in the Town. The "Trunk or Treat" event to be held on Friday, October 25, from 4-6 p.m. located on the Clifton Common. The Town partners with Starpoint Church for this free event. Also happening Saturday, October 26 from at the Veteran's Memorial & Walkway on the Clifton Common, a Veteran's Ceremony in anticipation of honoring all Veterans on Veteran's Day in a few weeks and to commemorate a new initiative this year, the banner program. Recognition of residents who have walkway bricks and banners in memory of Veterans.

Supervisor Barrett thanked Erin Fariello, Girl Scouts Gold Award recipient, who partnered with the Town on the Military Banner Program.

PRESENTATION-Proclamation to Sean McEvily honoring AVM & Epilepsy Awareness Month.

Town Clerk Brobston read the proclamation aloud.

Supervisor Barrett presented the proclamation to Mr. McEvily and thanked him for bringing AVS & Epilepsy awareness to the Town Board and residents.

PUBLIC HEARING-Amend Town Code Chapter 157 to address aggressive panhandling 7:10 PM

Town Clerk Brobston read the Legal Notice that appeared in the October 10, 2024 edition of the Daily Gazette.

Supervisor Barrett explained the Town of Clifton Park has had panhandlers in Town for many years and this proposed amendment to the Town Code is because of the behavior of panhandlers have been increasing concerning given the problematic situation involving children who are very close to the roadways in the Town. The City of Rochester implemented a panhandling law that has been upheld by the Appellate Court and the proposed amendments are very similar. In the proposed amendment people will no longer be able to panhandle automobiles. Private property owners have the option to act as they see fit. The amendment would preclude aggressive panhandling.

Tracey Sungary, Halfmoon, stated she believes the proposed amendment is misguided in its approach. She would like to focus on the root problem that leads people to the need to panhandle. She opposes the resolution.

Dio Kaufmann, Saratoga, on behalf of her union IWW and personal, stated their apposition for the proposed amendments. Reasons for why panhandling occurs were explained.

Darlene McGraw, Mechanicville, spoke against the amendments and requested the Town Board to focus on the reasons why people are on the streets.

No further comments were made.

Supervisor Barrett closed the public hearing at 7:22 PM.

PUBLIC HEARING-Amend Town Code Chapter 182 to address the tax exemption for volunteer firefighters and ambulance workers 7:23PM.

Town Clerk Brobston read the Legal Notice that appeared in the October 10, 2024 edition of the Daily Gazette.

Supervisor Barrett explained this amendment is for volunteer firefighters and EMS to get a tax exemption if an individual lives in Clifton Park and serves in a department in another municipality can also receive the tax exemption. He explained this language was not in the original legislation. These amendments are also being considered at the County level.

No further comments were made.

Supervisor Barrett closed the public hearing at 7:26 PM.

PUBLIC HEARING-Amend Town Code Chapter 208 relating to the definition of a Community Residence 7:27 PM.

Town Clerk Brobston read the Legal Notice that appeared in the October 10, 2024 edition of the Daily Gazette.

Councilman Morelli stated the Town does have several community residences throughout the Town and are permissible in those zoning areas. The amendment proposes a community residence, a group home/halfway house/supervised living facility, have some kind of prohibition against community residents be near a park or childcare facility. It is not to prohibit community residences in the Town.

Supervisor Barrett explained the Town has several homes owned by NYS and that's why the proposed legislation includes subject to NYS Hygiene Law.

Dio Kaufman, Saratoga, questioned the type of people that are being considered. Against the proposed legislation.

Darlene McGraw, Mechanicville, requested the Town Attorney clarify the NYS Hygiene Law. Referred to the Olmstead Act. Against the proposed legislation.

Attorney Pelagalli explained the current process for housing locations.

No further comments were made.

Supervisor Barrett closed the public hearing at 7:35 PM.

RESOLUTIONS

Resolution No. 233 of 2024, a resolution changing the vendor for the purchase of pool motors at the Barney Road and Locust Lane pools.

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

WHEREAS, by Resolutions No. 176 and 177 of 2024, the purchases from Pool Supply Unlimited of a new diving well motor assembly for Barney Road pool and a new backup motor for Locust Lane pool were approved, at a cost not to exceed \$8,258 and \$6,239, respectively, and

WHEREAS, the Director of Buildings, Parks and Recreation, Daniel Clemens, has since been informed by Pool Supply Unlimited that the pool motors cannot be supplied as they have been discontinued, and

WHEREAS, Mr. Clemens determined that another vendor, Water & Ice North America, Inc. of Cambridge, Ontario, can provide the desired pool motors without an increase in the total costs approved in Resolutions No. 176 and 177 of 2024, and

WHEREAS, Mr. Clemens recommends purchasing these two pool motors from Water & Ice North America; now, therefore, be it

RESOLVED, that the replacements of the diving well motor assembly at Barney Road pool, and the backup motor for Locust Lane pool, be purchased from Water & Ice North America, with no change in the costs to the accounts.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 234 of 2024, a resolution authorizing the hiring of a Laborer for the Buildings and Grounds Department.

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

WHEREAS, an opening exists for a Laborer in the Buildings and Grounds Department – Transfer Station, and

WHEREAS, Daniel Clemens, Director of Buildings, Parks and Recreation, advises that David Noakes, of Clifton Park, NY, who is currently a seasonal laborer at Barney Road Golf Course, is qualified and recommends that he be hired to fill the full-time Transfer Station position, as advertised; now, therefore, be it

RESOLVED, that authorization is hereby given to hire David Noakes as a full-time Laborer for the Buildings and Grounds Department – Transfer Station, at Grade 3, Step 1, \$24.38/hour, effective immediately, to be paid per the attached schedule.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 235 of 2024, a resolution authorizing the Assessor to re-levy delinquent sewer charges on the 2025 property tax bills.

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

WHEREAS, Michael O’Brien, Collection System Manager of the Olde Nott Farm Sewer District No.1, has reported unpaid sewer bills per the attached schedule, for users of the Olde Nott Farm Sewer District, and

WHEREAS, the Sewer District requests that the Assessor re-levy the unpaid Olde Nott Farm Sewer user charges to ensure payment of the same; now, therefore, be it

RESOLVED, that the Town Board accepts the reported delinquent sewer charges for the Olde Nott Farm Sewer District, per the attached schedule, and authorizes the Assessor to re-levy that amount on the property owners’ 2025 Town and County Tax bills; and be it further

RESOLVED, that all proceeds be returned in February 2025 to the Olde Nott Farm Sewer District.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 236 of 2024, a resolution authorizing the Assessor to re-levy delinquent sewer charges on the 2025 property tax bills.

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

WHEREAS, Michael O'Brien, Collection System Manager of the Rivercrest Sewer District No.1, has reported unpaid sewer bills, per the attached schedule, for users of the Rivercrest Sewer District Extension No. 1, and

WHEREAS, the Sewer District requests that the Assessor re-levy the unpaid Rivercrest Sewer District Extension No. 1 user charges to ensure payment of the same; now, therefore, be it

RESOLVED, that the Town Board accepts the reported delinquent sewer charges for the Rivercrest Sewer District Extension No. 1, per the attached schedule, and authorizes the Assessor to re-levy that amount on the property owners' 2025 Town and County Tax bills; and be it further

RESOLVED, that all proceeds be returned in February 2025 to the Rivercrest Sewer District Extension No. 1.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 237 of 2024, a resolution authorizing the Assessor to re-levy delinquent water charges on the 2025 property tax bills.

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

WHEREAS, the Town of Ballston Water Department has reported unpaid Town of Ballston water bills for Town of Clifton Park users, per the attached, and

WHEREAS, the Town of Ballston Water Department asks that the Assessor re-levy the unpaid Town of Ballston Water bills to ensure payment of the same; now, therefore, be it

RESOLVED, that the Town Board accepts the reported delinquent water charges for the Town of Ballston Water Department, per the attached and authorizes the Assessor to re-levy that amount on the property owners' 2025 Town and County Tax bills; and be it further

RESOLVED, that all proceeds be returned in February 2025 to the Town of Ballston.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 238 of 2024, a resolution authorizing the release of funds previously transferred from Unassigned Fund Balance for the planned 2024 Farm Festival 5k Road Race.

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

WHEREAS, by Resolution No. 193 of 2024, the Comptroller's office was authorized to transfer \$4,050 from Unassigned Fund Balance to pay for the cost of a 5k road race planned for the 2024 Clifton Park Farm Fest weekend, and

WHEREAS, the funds were not needed as Michael Woerner, Director of Parks & Recreation, canceled the race due to a low runner registration total, and

WHEREAS, Mark Heggen, Comptroller, requests that the funds appropriated for the 5k road race be released and redeposited in the Unassigned Fund Balance account; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Comptroller to release the \$4,050 transferred to A-07550-00054 (General Fund – Celebrations – Farm Festival) for the 2024 Clifton Park Farm Fest 5k road race and redeposit this amount into A-00914 (Unassigned Fund Balance).

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 239 of 2024, a resolution authorizing the installation of a generator at the Settlers Lane Pump Station.

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

WHEREAS, Collection System Manager Michael O'Brien, requested price quotes for the replacement of the emergency standby generator for the Pump Station, and

WHEREAS, CDE Electric, Inc. PO Box # 204, Cairo, NY, submitted the lowest conforming quote to install a generator at the Settlers Lane Pump Station, in an amount not to exceed \$11,500, and

WHEREAS, the Town Board, as Commissioners of Dutch Meadows Sewer District No. 1, wishes to have a generator installed to ensure continuing operation of the Settlers Lane Pump Station; now, therefore, be it

RESOLVED, that the Town Board hereby awards the contract to CDE Electric, Inc., PO Box # 204, Cairo, NY, for the installation of one (1) emergency standby generator, at a cost not to exceed \$11,500, and be it further

RESOLVED, that the Comptroller is authorized to transfer \$11,500 to account G5-08111-00200 (Dutch Meadows Sewer District No.1 - Sewer Contractual – Equipment).

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 240 of 2024, a resolution approving award recommendations from the Community Action Fund.

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

WHEREAS, by Resolution No. 46 of 2019, the Town Board established the Community Action Fund Committee to offer opportunities to back non-profit community programs and organizations that support people of Clifton Park, and

WHEREAS, by Resolution No. 92 of 2019, the Town Board approved the criteria for selecting and granting awards, which may range from a minimum of \$250 to a maximum of \$1,000, and funding is generated by the donation of bottles and cans redeemed for a deposit, and

WHEREAS, applications for Community Action Fund grants were received by September 30, 2024, and on October 8, 2024, the Community Action Fund Committee, consisting of Supervisor Barrett, Councilwoman Walowit, and Community Members, met to review all applications and make recommendations to award the funds totaling \$13,284; now, therefore, be it

RESOLVED, that the Comptroller is authorized to increase A-2706 (General Fund - Community Action Fund Contributions) in the amount of \$13,284 and to issue checks totaling \$13,284, per the attached list, to be paid from A-7309-76 – (General Fund - Community Programs - Community Action Fund).

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Supervisor Barrett explained this program has been conducted for several years with all the money derived from Town residents donating cans and bottle redemption fees. There is no cost to the Town residents. Thank you to the owner of the Clifton Park Center Mall who donated money towards this program, as well as the Christ Community Church. The award recipients are smaller non-profits in the community who offered assistance to Town residents. Thank you to the Committee who worked on this program. Program for this year totaled approximately \$13,000.

Councilman Morelli stated this is how the community supports various organization who help residents who need it or vulnerable. The Town has held separate drives to help other community needs as well.

Resolution No. 241 of 2024, a resolution scheduling a public hearing to consider the 2025 Preliminary Budget.

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

WHEREAS, the Town Board wishes to obtain comment regarding the 2025 Preliminary Budget, and

WHEREAS, salaries of the Town's Elected Officials, as proposed, are attached; now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled for Thursday, November 7, 2024, at 7:02 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York, to consider the 2025 Preliminary Budget; and be it further

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

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 242 of 2024, a resolution to hire Vida Sheehan as a Deputy Town Attorney.

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

WHEREAS, due to the upcoming retirement of Robert Wilcox, a vacancy exists for a Deputy Town Attorney, and

WHEREAS, the Town Board wishes to hire Vida Sheehan as a Deputy Town Attorney to be assigned to the Planning Board Counsel, effective November 4, 2024, and

WHEREAS, pursuant to New York State Town Law Sections 864(5) and 824, the Town Board has the authority to appoint an individual as a Deputy Town Attorney to fill such position, and

WHEREAS Ms. Sheehan has the background, education, training and experience which qualifies her to act as a Deputy Town Attorney; now, therefore, be it

RESOLVED, that Vida Sheehan is hereby appointed as a Deputy Town Attorney to the Town Planning Board, effective November 4, 2024, term to expire 12/31/2025, pursuant to New York State Town Law 864 (5), at a salary of \$24,000 per year; and be it further

RESOLVED, that the Comptroller is authorized to transfer \$3,700 for the remainder of 2024, from A-01420-E0877 (General Fund – Legal – R. Wilcox) to A-01420-Exxxx (General Fund – Legal – Employee).

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Supervisor Barrett thanked Bob Wilcox for his many years of service on various Boards over the year and as the Planning Board Attorney and congratulates him on his upcoming retirement.

Resolution No. 243 of 2024, a resolution scheduling a public hearing on November 4, 2024, to amend Town Code Chapter 208-16, relating to adequate buffering of adjoining properties between agricultural and residential uses.

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

WHEREAS, agricultural buffers are desired within the Town with the intent to mitigate the potential impacts of non-farm uses and activities that could be nuisances to agriculture, and

WHEREAS, agricultural buffers are also desired to mitigate potential odors, noise and other nuisances from agricultural and farming operations on the non-farm uses, including residential uses, and

WHEREAS, the Town Code refers to an adequate buffer in the Conservation Residential District, and

WHEREAS, in order to adequately protect agricultural operations which are in proximity to proposed residential subdivisions, a minimum required buffer is necessary, and

WHEREAS, the Town Board wishes to amend Town Code Chapter 208-16(B)(4) to address adequate buffering of adjoining properties between agricultural and residential uses; now, therefore, be it

RESOLVED, that the Town Board will hold a public hearing on November 4, 2024 at 7:10pm, to consider the proposed amendment to §208-16(B)(4) of the Town Code.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 244 of 2024, a resolution scheduling a public hearing to be held on December 16, 2024, regarding the Town of Clifton Park's Section 8 Housing Choice Voucher Program.

Introduced by Councilman Morelli, who moved its adoption, seconded by Councilman Manir.

WHEREAS, the Town of Clifton Park operates a Section 8 Housing Choice Voucher Program funded by the U. S. Department of Housing and Urban Development, and

WHEREAS, to continue in the program, the Town is required to prepare and adopt a written PHA (Public Housing Agency) Plan that establishes local policies for administration of the Section 8 Housing Choice Voucher Program for the next five years in accordance with regulations of the U. S. Department of Housing and Urban Development, and

WHEREAS, the Town Board wishes to hold a public hearing to consider adoption of the Annual Plan establishing local policies for the administration of the Section 8 Housing Choice Voucher Program, in accordance with regulations of the U.S. Department of Housing and Urban Development, and

WHEREAS, the Town Board has reviewed the attached proposed 5-year plan consistent with the Section 8 Housing Voucher Program; now, therefore, be it

RESOLVED, that a public hearing to consider adoption of a new Five-Year Plan establishing local policies for administering the Town of Clifton Park Section 8 Housing Choice Voucher Program is hereby set forth and scheduled for December 16, 2024 at 7:02 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, and the Town Clerk is directed to publish notice of same.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

Resolution No. 245 of 2024, a resolution authorizing the Superintendent of Highways to rehire George Wade as a Motor Equipment Operator in the Highway Department.

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

WHEREAS, Dahn Bull, Highways Superintendent, wishes to hire a Motor Equipment Operator (MEO) for the Highway Department to fill an opening in the department, and

WHEREAS, Mr. Bull has recommended the rehiring of the following individual:

<u>Name</u>	<u>License Type</u>	<u>Address</u>
George Wade	Class A	Ballston Spa, NY

WHEREAS, Mr. Wade is returning to employment within 3 months of his departure; now, therefore, be it

RESOLVED, that the Town Board authorizes the hiring of George Wade as a Motor Equipment Operator, at Grade 5, Step 2, at a Salary of \$57,137, at a rate of \$27.26/hr., as budgeted; and be it further

RESOLVED, that Mr. Wade will retain his longevity, and his unused benefits will be reinstated.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Walowit

DECLARED ADOPTED

No one wished to be heard.

PUBLIC PRIVILEGE 0:00 PM

Darlene McGraw, Mechanicville, thanked the Town Board for recognizing the AVM & Epilepsy Awareness Month. Suggested residents be alert while on Town trails at night.

Dio Kaufman, Saratoga, acknowledged the Town for the Community Action Fund.

No one else wished to be heard. Public Privilege closed at 7:59 PM.

MOTION BY Councilwoman Reid, 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 8:00 PM

Teresa Brobston
Town Clerk