

March 9, 2020

The regular 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 Whalen
Councilwoman Standaert
Councilwoman Walowit
Town Clerk Brobston

Also Present: Town Attorney McCarthy
Dahn Bull, Superintendent of Highways
Mark Heggen, Comptroller
John Scavo, Director of Planning

Absent: Councilman Romano

ANNOUNCEMENTS AND COMMUNICATION

Supervisor Barrett explained, due to the response to the Coronavirus across the country, the town has created a Clifton Park Public Health Committee. The Committee will be promoting good health in the community and serve as a rapid response team to share resources and information during times of concern. Committee members include Councilwoman Amy Standaert, CP Health Officer Dr. Gayle Buckley, Shenendehowa School Superintendent L. Oliver Robinson, the school district's Director of Policy and Community Development Rebecca Carman and members of the Clifton Park Halfmoon EMS Administrator Alan Bell, Jonesville Fire Dept. EMS, Saratoga County Sheriff Zurlo, and a Saratoga County Health representative.

Supervisor Barrett announced also a Saratoga County Public Health Northway Corridor Task Force has been formed. The members are the Supervisors that represent the Towns of Clifton Park, Halfmoon, Malta, Moreau and Wilton. The Task Force will be prepared to disseminate information to residents and work together to pursue the sharing of resources and information as circumstances warrant.

PUBLIC HEARING, 7:11 P.M.

TO CONSIDER A LOCAL LAW IMPOSING A 6 MONTH MORATORIUM ON SUBDIVISION APPROVAL IN WESTERN CLIFTON PARK

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on February 21, 2020.

Supervisor Barrett stated the town is requesting a review and updating of the Western Clifton Park GEIS which was adopted 15 years ago.

Planning Director John Scavo explained the Western CP GEIS (Generic Environmental Impact Statement) and Open Space Plan was developed over a 2-year period at which time an 18-month moratorium was instituted, 2003-2005. As of April 11, 2020, the document that created the current zoning in the western Clifton Park will be 15 years old. Which is why the Town Board is looking to perform an update and review. At the time the plan was a 20-year projection of where the community would see itself at that time. As part of the GEIS update the town will be reviewing the capital improvement plan, the fee schedule, the open space fund as a tool that was developed and recommended as part of the GEIS and then subsequently instituted with the zoning revisions, and the open space density incentive program. The review will be evaluating new technologies such as ground-mounted solar, traffic trends and land conservation plan. During the moratorium the only items that would be affected is subdivisions within the Conservation Residential Zoning District only.

David Miller, Hidden Valley Ln. and Chairman of the Open Space, Trails and Riverfront Committee, stated the committee's support for the moratorium. He shared the committee's annual goals: Stewardship, New Open Space Projects, Events & Activities/Outreach/ Farmland Projects and Trails. A copy of the goals was submitted to the board. Three of the goals overlap

with the proposed review, the acquisition of property list for open space projects, acquiring acre open space project off Thoroughbred Way and complete trail design, acquire remaining 60+ acres of Ashdown Road property (Green C Project) and developing 2020 priorities for farmland preservation projects (state funds available) and consider seeking funds to develop a comprehensive Farmland Preservation Plan for the town with partner organizations such as the American Farmland Trust, and increase outreach and workshops to farmers in town on available programs.

Supervisor Barrett explained the town permanently preserved four farms and are always looking for new partners. Another recent outlet for farmers choosing a way to help them keep their land is the green energy money in New York State.

Ray Seymour, Friends of Open Space Chairman, supports the proposed of a six-month moratorium on subdivision in the western GEIS. FRIENDS believe that such a moratorium should be enacted to determine if open space preservation and agriculture protection have proceeded as intended. He explained, should the moratorium be adopted, they would like to see the scope of work include the following specific issues/items: PDDs, renewable energy production, who controls preserved open space, zoning variances in the CR zone, and Corporate Commerce Zone. Memo with suggestions to be considered was submitted to the board.

Supervisor Barrett explained, because the town has been out front with solar regulations, the town was asked to be a part of a state-wide working group that came up with the first state-wide permit for solar. He explained it is possible the state could take away local decision making on green energy projects.

Brian Glick, Hubbs Rd. and Chairman of the Environmental Conservation Commission, stated the ECC has submitted support for the proposed moratorium to the Town Board and Planning Board. He explained from a home/landowner who lives in the CR zone, he has gone through the zoning process and understands first-hand the value of the process.

Keith Martin, Wall St., stated he likes the concept of community solar projects in town only if the projects are consistent with the goals and objectives of the town. He explained he would like to get in on the solar projects, but he is not with National Grid. He also feels the projects are inconsistent with the goals and objectives.

Craig McLane, Edison Club General Manager, reminded the Town Board there is a PDD application submitted for consideration for the golf course. They would like to be delineated from the other golf courses.

Frank Berlin, Main St., stated his definition of farmland and concerns with solar farms and his support for the proposed moratorium.

Daniel Mathias, Birch Hill Rd. and ECC member, noted that the goals when the town passed the regulations for the CR Zone were noble. As with any piece of legislation, the CR Zoning Code did not envision all uses which might undermine the goals but are still relevant for the Western GEIS. He stated the key is to balance the interests of landowners and developers with the public's desire for a strategy that preserves open space and the rural character of western Clifton Park. He explained he supports the moratorium if the intent is to balance the impacts of renewable energy projects with the need to protect scenic vistas, important agricultural lands, environmental resources and the rural character of western Clifton Park and urge the board to provide the ample resources and a public input process that will make this endeavor as noteworthy as the original study.

Wendy Lee-Wagner, Waite Rd., supported the moratorium. She is in support of renewable energy and expressed concern for over development.

Supervisor Barrett explained the open space plan has been developing since 2000. The town has preserved 1,700 acres since that time. The town is always looking for new opportunities and options for land protection to further the town goals in making sure there is a balance.

Isabel Prescott, Riverview Rd., stated her support for the moratorium and preserving property rights and create options for agriculture preservation.

Supervisor Barrett stated the town will continue to use every option available to work with large agricultural landowners. He stated county grant money was used for the Thoroughbred Way trail connection. The town will also be securing money to help with the GEIS studies through the Economic Development Planning Fund the was developed last year.

No one else wished to be heard. Public Hearing closed at 8:15 P.M.

Councilman Whalen stated Clifton Park has remained a dynamic successful community and the need to update the Western GEIS reflects that. It is a good problem to have.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

PUBLIC PRIVILEGE

Resolution No 54 of 2020, a resolution adopting Local Law No. 1 of 2020 to establish a moratorium on Residential Subdivision within the Conservation Residential District.

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

WHEREAS, on April 11, 2005, by Resolution No. 94 of 2005, the Town Board adopted the Western Clifton Park Generic Environmental Impact Statement, and

WHEREAS, on May 5, 2005, by Resolution No. 120 of 2005, the Board enacted Conservation Residential Zoning for residential development in the western part of the town, and

WHEREAS, the Town Board has directed the Planning Department to study the current residential buildout in the CR zone and project future development at established bulk and space requirements, and to make recommendations for any updates to the Western Clifton Park GEIS and resulting zoning code, and

WHEREAS, on March 9, 2020, the Town Board held a public hearing on a proposal to impose a six-month moratorium on further residential subdivision within the Conservation Residential Zone in order to adequately conduct such studies of the future direction of such development that is most consistent with the best interests of the community, without conflicting projects and applications being processed while studies are underway, and

WHEREAS, the proposal includes provisions to supersede and suspend Sections 276 and 267-b of the New York State Town Law, relative to time period regulations and default provisions, as well as jurisdiction of the ZBA to grant relief from the moratorium under existing statutory timeframes, and to vest jurisdiction to grant relief from such moratorium solely by the Town Board during the moratorium period, and

WHEREAS, the Saratoga County Planning Board has reviewed the proposal pursuant to Section 239-m of the NYS General Municipal Law, finding that the proposal serves the community's interests; now, therefore, be it

RESOLVED, that the Town Board hereby adopts Local Law No. 1 of 2020, as attached, and be it further

RESOLVED, that The Town Clerk is directed to file same with the Office of the Secretary of State and to provide appropriate notice of same, and that the local law be posted prominently on Cliftonpark.org

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert,
Councilwoman Walowit, Supervisor Barrett
Noes: None
Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 55 of 2020, a resolution adopting an amendment to the Town of Clifton Park Employee Handbook.

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

WHEREAS, by Resolution No. 131 of 2011, the Town Board authorized the Supervisor to retain Public Sector HR Consultants LLC (PSHR) to consult with the Town on all matters concerning human resources, personnel management and benefit administration, and

WHEREAS, by Resolution No. 116 of 2012, the Town Board adopted the Town of Clifton Park Employee Handbook prepared by PSHR Consultants LLC, dated May 7, 2012, and

WHEREAS, pursuant to the Consulting Agreement, the PSHR has recommended the adoption of an amendment to the employee handbook, striking the word “occasional” from Section 511 – Use of Communications Systems and Equipment Policy, Personal Use, and

WHEREAS, the Town Board has reviewed the proposed change; now, therefore, be it

RESOLVED, that the Town Board adopts the amendment to the Town of Clifton Park Employee Handbook striking the word “occasional” from Section 511 – Use of Communications Systems and Equipment Policy, Personal Use, as prepared by Public Sector HR Consultants LLC.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert,
Councilwoman Walowit, Supervisor Barrett
Noes: None
Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 56 of 2020, a resolution authorizing the Town Supervisor to enter into the extension of a license and service agreement with County Waste & Recycling Service, Inc.

Introduced by Councilwoman Standaert, who moved its adoption, seconded by Councilman Whalen.

WHEREAS, the Town Board adopted Resolution No. 89 of 2016 on April 4, 2016 authorizing the Supervisor to enter into a 5-year license agreement with County Waste & Recycling Service, Inc. for town-wide yard waste curbside collection and operation of the Town’s compost facility upon awarding a bid in response to a request for proposals, and

WHEREAS, the original term of the existing Lease and Service Agreement is in effect until November 30, 2020 and contains an option to renew the agreement for an additional term on mutual consent of the parties, and

WHEREAS, County Waste & Recycling Service, Inc. has requested a two-year extension of the Lease and Service Agreement through November 30, 2022, with terms and pricing to remain as outlined in the contract, and

WHEREAS, the Town Board wishes to extend the contract for two more years with terms and pricing to remain the same; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to enter into a two-year extension to the Lease and Service Agreement with County Waste & Recycling Service, Inc. to provide collection services for yard waste, and to lease a portion of the Transfer Station property for composting operations in accordance with the attached agreement; and be it further

RESOLVED, that all terms and provisions of the existing Lease and Agreement remain in full force and effect and that the agreement be effective from December 1, 2020 through November 30, 2022.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 57 of 2020, a resolution authorizing the hiring of pool management for the 2020 season, per "2020 Summer Pool Directors/Managers Schedule A".

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

WHEREAS, the Town Board wishes to hire management and training staff to operate the three town-owned pools for the 2020 season, and

WHEREAS, the Town Board wishes to rehire the returning Pool Director and Managers - Duane Nichols, Brian Czerpak, and Bruce Sutphin, as per "Schedule A 2020 Summer Pool Directors/Managers"; now, therefore, be it

RESOLVED, that the individuals listed above and on the attached Schedule A are hereby hired as staff for the three town-owned pools.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 58 of 2020, 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 Standaert, who moved its adoption, seconded by Councilwoman Walowit.

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 March 19, 2021, at an annual rent of \$21,600, and

WHEREAS, the tenant may elect to remain in possession of the property after March 19, 2021 as a month to month tenant for up to twelve (12) consecutive months; now, therefore, be it

RESOLVED, that the Town 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, provided that the town is provided a certificate of insurance in the amount of \$1,000,000 naming the Town of Clifton Park as additionally insured.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 59 of 2020, a resolution extending the hours of the Convenience Transfer Station for the annual Spring Clean Up/Green Up and Fall Clean Up weeks.

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

WHEREAS, a request has been made by Jeffrey Vedder, Transfer Station Supervisor, for authorization to extend the hours of the Convenience Transfer Station for the annual Spring Clean Up/Green Up Week to include Sundays, April 26 and May 3, 2020, and

WHEREAS, Jeff Vedder, Transfer Station Supervisor, has also requested that the Transfer Station be open on Sundays, October 25 and November 1, 8, and 15 between the hours of 10 am and 4 pm, for fall cleanup of leaves and brush only, and

WHEREAS, authorization for overtime costs for the extended hours is required; now, therefore, be it

RESOLVED, that the Transfer Station Supervisor is hereby authorized to extend the hours of the Convenience Transfer Station for the annual Spring Clean Up/Green Up Week and the annual Fall Clean Up Week to include Sundays, as noted above, with the extended hours to be as set forth in the attached Schedule A; and be it further

RESOLVED, that the Sunday hours will be for the collection of leaves and brush only while all other items will be taken during the regular hours from Tuesday through Saturday.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 60 of 2020 a resolution authorizing the hiring of a part-time seasonal laborer for the Transfer Station.

Introduced by Councilwoman Standaert, who moved its adoption, seconded by Councilman Whalen.

WHEREAS, an opening exists for a part-time seasonal laborer at the Transfer Station, and

WHEREAS, Jeffrey Vedder, Transfer Station Supervisor, has recommended that Michael R. Grimmer, 24 Damask Drive, Clifton Park, who has worked at the Transfer Station in the past, be rehired to fill the position; now, therefore, be it

RESOLVED, that Michael Grimmer be hired, for part-time seasonal work at the Transfer Station for the summer of 2020, effective immediately, to be paid \$12.50/hour from A-8160-E4000 (General Fund-Transfer Station-Employee).

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 61 of 2020, a resolution accepting a quote and authorizing the signing of an agreement for background searches for peddler/door-to-door and transient applicants.

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

WHEREAS, Clifton Park Town Clerk Teresa Brobston seeks to expand the town's capacity to conduct background searches for peddlers/door-to-door and transient applicants, and

WHEREAS, the Town Clerk's office currently requests background checks performed by the Clifton Park Justice Court, the Saratoga County Sheriff's Office and NYS Sex Offenders Registry, and

WHEREAS, the Town Clerk's office advises that many seasonal applicants are from out of state, where local searches do not yield results, and

WHEREAS, Selective Insurance has recommended that the town consider retaining Intelli Corp. to conduct national background checks at a preferred rate of \$17.65, based on a partnership between Selective Insurance and Intelli Corp., and

WHEREAS, Town Clerk Brobston recommends accepting the quote of Intelli Corp.; now, therefore, be it

RESOLVED, that the Town Board accepts the quote from Intelli Corp. in the amount of \$17.65 per background check, to be paid from A-1410-15 (Town Clerk-Other Contractual) and authorizes the signing of the agreement.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 62 of 2020, a resolution authorizing the sale of equipment declared surplus by the Town Board and authorizing the Highway Department to sell the surplus equipment at public auction.

Introduced by Councilman Whalen, who moved its adoption, seconded Councilwoman Standaert.

WHEREAS, Dahn Bull, Highways Superintendent, has identified an Atlas Wheel Balancer, WB-32, Item # WB12, Phase 1-110v as surplus property, and

WHEREAS, based upon the recommendation of Mr. Bull, the Town Board declares the wheel balancer as surplus; now, therefore, be it

RESOLVED, that the Town Board authorizes the Highway Department to sell the surplus equipment, as is, through an upcoming online public auction.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 63 of 2020, a resolution authorizing the Capital Bicycle Race Club to use town roadways for time trials for several times May through August 2020.

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

WHEREAS, the Capital Bicycle Race Club has requested the use of the Town of Clifton Park roadways, as specified in the attachment hereto, for the purpose of time trials to qualify for future races on Wednesdays, May 27, June 3, 10, and 24 starting at 6:15 PM until the last participant finishes, and

WHEREAS, the Club has also requested permission to hold an event on Sunday, August 9, 2020, following the same course, to benefit Mohawk Hudson Towpath Duathlon, and

WHEREAS, Highways Superintendent Dahn Bull, recommends approval of the club's request to conduct time trials on the roads, as enumerated; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Capital Bicycle Race Club to use town roadways as specified in the attachment hereto, for the purpose of holding time trials, and be it further

RESOLVED, that this approval is expressly conditioned upon receipt prior to June 1, 2020, in the Office of the Town Clerk of an insurance certificate in the amount of \$1,000,000 naming the Town of Clifton Park as an additional insured; and be it further

RESOLVED, that this approval is expressly conditioned upon the roads not being closed, but members of the Capital Bicycle Race Club are permitted to raise awareness of the trials at the intersections and each end of the course.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

Resolution No. 64 of 2020, a resolution hiring Jean Spiegel as Confidential Secretary in the Supervisor's Office in Town Hall.

Introduced by Councilwoman Standaert, who moved its adoption, seconded by Councilman Whalen.

WHEREAS, the Supervisor is authorized to designate a confidential secretary pursuant to New York State Town Law 29(15), and

WHEREAS, an opening exists in the position of Confidential Secretary to the Supervisor, and

WHEREAS, Supervisor Philip Barrett wishes to designate Jean Spiegel, 5 Hilltop Hollow, Clifton Park, as Confidential Secretary to the Supervisor; now, therefore, be it

RESOLVED, that Jean Spiegel, 5 Hilltop Hollow, Clifton Park, is designated Confidential Secretary to the Supervisor, at Grade 7, Step 2, \$30.55 per hour, to be paid from A-1220-EXXXX (Supervisor-Employee), effective immediately.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Romano

DECLARED ADOPTED

MOTION BY Councilwoman Walowit, seconded by Councilman Whalen, to adjourn the meeting to the next regular meeting or any other meeting necessary for the conduct of town business.

Motion carried at 8:50 p.m.

Teresa Brobston
Town Clerk