

TOWN OF CLIFTON PARK TOWN BOARD

November 15, 2021

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.

Present: Supervisor Barrett  
Councilwoman Flood  
Councilwoman Standaert  
Councilman Morelli  
Councilwoman Walowit  
Town Clerk Brobston

Also Present: Town Attorney McCarthy  
Mark Heggen, Comptroller  
Dahn Bull, Highways Superintendent  
John Scavo, Planning Director  
Matt Andrus, Information Specialist  
Daniel Clemens, Director of Buildings, Parks & Recreation  
Steve Myers, Director of Building & Zoning  
Terri Cook, Animal Control Officer

MINUTES APPROVAL

Town Clerk Brobston amended the November 8 minutes to reflect in Announcements and Communications, first entry to read the following:

Supervisor Barrett stated in July he sent the Town Board a proposed application for the ARPA non-profit grant program funds. One addition was the emphasis on the negative effects of the pandemic as being an essential element of the grant program.

MOTION by Councilwoman Standaert, seconded by Councilwoman Walowit, to approve the minutes of the November 1 and 4 meetings as presented and the November 8 meeting as amended.

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATION

Supervisor Barrett congratulated all the various Shenendehowa sports teams that have been competing in championship tournaments recently.

Supervisor Barrett stated former Shenendehowa student Ian Anderson, was welcomed back to the Capital Region from the World Series who was a champion pitcher for the Atlanta Braves team.

Supervisor Barrett announced the town is sponsoring a Moderna Vaccination Booster Clinic on Friday, November 19, 2021, 9am-3pm at the Senior Community Center. The Pfizer Booster was held in the previous month. Appointments are necessary. Call the Supervisors office for help in finding additional appointments.

Supervisor Barrett thanked the team at Shenendehowa for the Veteran's Day event held recently at the school. The event included musical groups, speakers and the annual 5K honoring Veterans.

Supervisor Barrett stated the Sitterly Road bridge will be replaced next year and it was implored upon DOT that the Town Board and residents of Clifton Park desire to include pedestrian access in the improvements. The final plans have been received and include 11' travel lanes, 6' shoulders and then a 5' sidewalk on the north side. This will give the town additional connections for projects in that area.

Councilwoman Standaert stated the Clifton Park Youth Court was on pause last year due to the pandemic. She is happy to report the group will be starting up again. An informational meeting was held and a lot of kids participated. Applications will be accepted soon. When the application is ready, it will be available on the town website.

Councilwoman Flood mentioned the First Friday's program at the Historic Grooms Tavern that on Friday, December 3, the Toastmasters will be meeting. Gurinder Garcha will be speaking.

PRESENTATION-AMENDING THE EAGLES CREST PLANTATION PLANNED  
DEVELOPMENT DISTRICT (PDD).

Paul Rogan, owner/operator of Sportsplex of Halfmoon, explained Covid hit and destroyed the business in Halfmoon and had to vacate the facility. He immediately realized the need in the Clifton Park community for indoor sports facility and outdoor turf field. The proposed site is in the Eagles Crest Plantation PDD known as Players Park, located on Route 146A. He explained the zoning includes sports fields as a potential option for the land. The PDD amendment is for the indoor structure. Currently there is a golf business that operates until 10pm each night under lights. The owners are willing to terminate the current business and replace with an indoor sports facility. Currently there is a miniature golf course, ice cream stand and a half-acre site that is used for foot/soccer golf. The proposal is for a 43,000 square foot indoor facility. It would be a turf field that will have an aluminum frame with a fabric structure coverage for the winter with heat. Sides can be rolled up during good weather. No restaurant, concession stand, or fitness rooms are proposed on the site. He stated the structure would fit into the surrounding area. The fabric structures are often used in farming applications. A full size outdoor turf field with lights is also proposed. Currently there are 50 parking spaces in the lot for miniature golf and propose adding another 135 parking spaces. They have met with the new owners of Eagle Crest and are very excited with the proposal.

Supervisor Barrett questioned the height of the structure.

Mr. Rogan stated at the peak it will be about 45' in height with sides 18'.

Mr. Rogan explained it would house about 2/3rds of a regulation soccer field. It would be able to be broken up into 2 indoor fields, about 55 yards long and 35 yards wide. The total space utilized could be about 55 yards and 80 yards wide.

Supervisor Barrett questioned the distance from the outskirts of the project to the closest house?

Mr. Rogan answered the closest house would be on the west side on Route 146A. There is an existing tree line separating the two lots. From the side of the field it would be 50 yards to the closest house.

Supervisor Barrett stated the golf course wanted to expand in the past and one of the issues was how close the nearby houses were.

Councilman Morelli stated he is interested in what the Planning Dept. and Planning Board's opinions are. He stated as a parent, there definitely is a need in our town for a space that is proposed.

Planning Director John Scavo stated this application would be on the December 14th Planning Board meeting.

Supervisor Barrett stated the process would be that the project is referred to the Planning Board and they give an initial overview and send a recommendation back to the Town Board for consideration, then if approved it goes back to the Planning Board for site plan approvals.

Planning Director Scavo explained the Planning Board has 60 days to make a recommendation on the project. The same board will make a determination on SEQRA as well. Then goes back to the Town Board for a public hearing, then consideration. If the PDD is approved the applicant will go back to the Planning Board for site plan approval.

RESOLUTIONS

Resolution No. 257 of 2021, a resolution scheduling a public hearing to solicit public input regarding local opt-out provisions of the Marijuana Regulation and Taxation Act of 2021.

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

WHEREAS, on March 31, 2021, New York State enacted the Marijuana Regulation and Taxation Act (MRTA), legalizing the adult use of recreational cannabis products within the state, and

WHEREAS, pursuant to Chapter 131 of the legislation, local governments are authorized to opt-out of those provisions of the statute allowing the retail dispensation, and/or the onsite consumption of cannabis products, and

WHEREAS, the Town Board wishes to schedule a public hearing to solicit public input in the opt-out provisions of the MRTA, as they relate to onsite locations for the retail dispensation of, and/or consumption of, marijuana and cannabis products; now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled to take place on Monday, December 6, 2021, at 7:05 pm in the Wood Memorial Room, 1 Town Hall Plaza, Clifton Park, New York, to consider whether to opt-out of the allowances of the retail sales, or on-site consumption, of cannabis products per the attached proposal, and the Town Clerk is directed to publish appropriate notice of the same.

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 258 of 2021, a resolution adopting the 2022 Budget for the Town of Clifton Park.

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

WHEREAS, a public hearing was held on the Preliminary Budget on November 4, 2021, to obtain comment from the public regarding the proposed budget for 2022, and

WHEREAS, the comments of the public have been incorporated into the proposed budget; now, therefore, be it

RESOLVED, that the 2022 Town of Clifton Park Budget is hereby adopted.

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Comptroller Mark Heggen noted the changes from the Preliminary Budget after the Budget Public Hearing there are increases for 4 individual salaries plus social security and Medicare and a decrease in expenditures by eliminating the 3<sup>rd</sup> part-time Deputy Town Attorney salary. Balancing the budget by increasing the sales tax revenues.

Supervisor Barrett stated based on the future needs of a part-time Deputy Town Attorney, the town may need to return the position, but at this point is not necessary.

Resolution No. 259 of 2021, a resolution accepting a quote from GAR Associates LLC, for a limited scope summary appraisal for a 31.74 +/- acre parcel on Riverview Road known as the Lands of Gaye and Wallace Wojtowicz, SBL # 288.-1-49.1.

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

WHEREAS, quotes were received for the appraisal, and

WHEREAS, GAR Associates LLC, 632 Plank Road, Suite 203, Clifton Park, submitted the lowest responsive quote in the amount of \$2,200 for the appraisal, and

WHEREAS, John Scavo, Planning Director, has reviewed the quote and recommends accepting the quote which was submitted by GAR Associates; now, therefore, be it

RESOLVED, that the Town Board accepts the quote of GAR Associates for the Limited Scope Summary Appraisal Report, for an amount not to exceed \$2,200, to be paid from A-1940-200 (General Fund – Other Town Payments – Equipment).

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Planning Director Scavo stated the property is currently under a term conservation easement and is identified as a priority parcel in the open space plan.

Resolution No. 260 of 2021, a resolution referring the Eagle Crest Plantation Planned Development District (PDD) to the Planning Board for an advisory opinion.

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

WHEREAS, Sportsplex of Halfmoon Inc. has applied for an amendment to the zoning code to authorize an indoor/outdoor sports facility on a portion of the PDD known as Players Park, and

WHEREAS, applications for a planned development district require an amendment to the special zoning district pursuant to the PDD approval process contained within §208-72 of the Town Code, and

WHEREAS, the Town Board wishes to refer the Sportsplex of Halfmoon Inc. application to the Planning Board for their advisory opinion; now, therefore, be it

RESOLVED, that the application of Sportsplex of Halfmoon is referred to the town's Planning Board for their advisory opinion pursuant to §208-71 et seq. of the Town Code.

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 261 of 2021, a resolution accepting an offer of dedication of the road system, drainage easements, and future trail and roadway improvements within the Vistas West subdivision.

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

WHEREAS, pursuant to New York State Highway Law 171, the Town Board has the discretion to accept the dedication of roads and real property for public use, and

WHEREAS, pursuant to the approved subdivision plans, the developer, Vistas West Development LLC/Frank Kohler, offered to dedicate a road system including certain drainage facilities, along with easements over several approved lots for drainage purposes, and

WHEREAS, Prime Engineering has completed inspections and reports that all punch list items have been completed, and

WHEREAS, Highways Superintendent Dahn Bull concurs in the acceptance of the road system at this time; now, therefore, be it

RESOLVED, that the Town Board accepts the offer of dedication of Vista Court Extended, as well as certain stormwater management parcels, and including incidental property along Tanner Road as depicted on the approved subdivision map and as more particularly described in the attached deeds, subject to approval of the Town Attorney of all real estate transfer documents, review of title and confirmation of the payment of appropriate taxes.

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 262 of 2021, a resolution authorizing the Superintendent of Highways Dahn Bull to commence a procurement process to acquire up to six new plow trucks.

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

WHEREAS, the Superintendent of Highways has sought Town Board approval for the acquisition of additional snowplow trucks over recent budget cycles, and has discussed ways and means of adding to the plow truck fleet with members of the Town Board, and

WHEREAS, the 2022 Preliminary Budget was introduced on September 21, 2021, without provisions for additional plow trucks for the Highway Department, and

WHEREAS, the current economic conditions, and federal policies have disrupted the supply chain of goods and services, including components of large vehicles including snowplow trucks, such that delivery lead times are now estimated at 12 to 18 months, necessitating near term action to acquire new trucks for the department’s snow and ice maintenance responsibilities to the town, and

WHEREAS, the Town Board supports aggressive planning for the acquisition and financing of additional vehicles for the department for delivery in 2023; now, therefore, be it

RESOLVED, that the Town Board authorizes the Superintendent of Highways to compile a list of sources and available contracts, bids and related methods of procuring up to 6 new plow trucks for the Highway fleet, consistent with General Municipal Law §103, and to present options therefore to the board by January 2022, and be it further

RESOLVED, that the Comptroller is authorized to explore master lease options consistent with applicable procurement guidelines, and to present options for the funding and financing of the procurement of up to 6 plow truck vehicles for the Highway Department by the same timeframe.

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 263 of 2021, a resolution accepting quotes for fencing repairs along a portion of the ball fields at Veteran’s Memorial Park.

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

WHEREAS, quotes were received by the Buildings and Grounds Department for fence repairs, per the attached quote, around Field #3 at Veteran’s Memorial Park, and

WHEREAS, the lowest conforming quote for the repairs was submitted by Mariaville Fence, 60-1 Blue Barns Road, Rexford, in an amount not to exceed \$6,335 and

WHEREAS, the lowest conforming quote for the fence installation was submitted by Mariaville Fence, 60-1 Blue Barns Road, Rexford, NY in an amount not to exceed \$6,460; now, therefore, be it

RESOLVED, that the Town Board hereby awards the contract to Mariaville Fence repairs to the fencing, gates and backstop of Field #3 in Veteran’s Memorial Park, at a total cost not to exceed \$6,460, to be charged from A-7024-200 (General Fund – Veteran’s Park - Equipment).

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 264 of 2021, a resolution to go out to bid for the construction of a permanent awning structure at the Clifton Park Highway Department.

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

WHEREAS, on August 17, 2021, the Clifton Park Highway had an accidental fire that caused severe damage to the facility known locally as “the white building”, and

WHEREAS, “The White Building” housed various pieces of equipment and machinery, as well as 7 bays for plow trucks over the winter months, and

WHEREAS, there is an immediate need to design and construct permanent structures in order to provide cover and protection from the elements to our plow fleet, and

WHEREAS, Prime AE Group of NY, has produced an estimate and scope of work for the construction of a permanent, wood and steel structured awning, that will protect vehicles and equipment displaced by the fire from winter weather, and

WHEREAS, Prime AE Group of New York, has estimated the cost of the project not to exceed \$98,000, and

WHEREAS, Prime AE Group will prepare bid documents, advertise bids, and provide recommendations and analysis for bid responses; now, therefore, be it

RESOLVED, that the Town Board authorizes the Superintendent of Highways to go out to bid with the specifications and estimations determined by Prime AE Group of New York; and be it further

RESOLVED, that Prime AE Group of New York will continue to work at the contractual rates that have been previously adopted by the Town Board in Resolution No. 1 of 2021.

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Clerk Note: Resolution No. 264 of 2021 was amended to state, in the 3<sup>rd</sup> WHEREAS, there is an immediate need to design and construct permanent [temporary] structures

Resolution No. 265 of 2021, a resolution appointing James Coulombe as a Building Inspector, per civil service classification.

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

WHEREAS, James Coulombe successfully passed the Civil Service Exam and was placed on the Certification List of Eligible Building Inspectors provided by Saratoga County Human Resources on October 14, 2021, and

WHEREAS, an opening exists for a Building Inspector in the Department of Building & Development, and

WHEREAS, Steve Myers, Director of Building & Zoning, has interviewed Mr. Coulombe and wishes to hire Mr. Coulombe as a Building Inspector; now, therefore, be it

RESOLVED, that James Coulombe, 128 Pruyn Hill Road, Mechanicville, is hereby appointed as Building Inspector for the Town of Clifton Park, per Civil Service Certification, effective November 29, 2021.

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 266 of 2021, a resolution authorizing the issuance of Right-of-Way Permits for installation of fiber optic high speed internet throughout Clifton Park.

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

WHEREAS, Greenlight Networks, 1777 E. Henrietta Road, Rochester, NY, is an internet service provider in the business of providing high speed broadband internet service through fiber optic cables for residential and commercial customers, and

WHEREAS, Greenlight has requested permission to occupy space within the town's roadway right-of-way, for both overhead and underground communication facilities, improvements, and conduits, and

WHEREAS, pursuant to NYS Highway Law §149, the Town Board may authorize the Highways Superintendent to issue permits for such purposes, upon terms and conditions that the Highway Department shall determine for the protection and restoration of the town roadways and rights-of-way in each case, and

WHEREAS, the Town Board supports the initiative to enhance access to broadband and high-speed internet access for residents and businesses within the town; now, therefore, be it

RESOLVED, that the Supervisor is authorized to execute the attached Memorandum of Agreement with Greenlight Networks, to authorize the installation of fiber optic lines above ground pursuant to the attached annual permit, consistent with an agreement with utilities owning and maintaining such poles and supporting installations, and be it further

RESOLVED, that the Highways Superintendent is authorized to issue an annual permit pursuant to Highway Law §149, as well as individual permits for construction within the town right-of-way, as attached; and be it further

RESOLVED, that the annual permit fee for maintenance of fiber optic facilities within the ROW is set at \$3,000, and the Highways Superintendent is authorized to collect per-cut permit fees, per the attached schedule, for underground installations.

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Supervisor Barrett explained this is the first step for Greenlight offering services in the region. This is a great opportunity for the town to increase competition. Anyone interested in the service can go to [greenlightnetworks.com](http://greenlightnetworks.com) for information.

Superintendent of Highways Bull questioned the fee of \$3,000.

Attorney McCarthy stated most of the lines are above ground with existing poles. The fee of \$3,000 is permission to use the pole and occupy the space in the right-of-way and assurance/protection that the work is complete and correct.

Superintendent Bull stated the Highway Right-of-Way Permit fee is \$500, and this sets out a fee of \$315, what was the reason for the decrease. The \$500 is held as a retainer for correct work, if completed and pass inspection, it is returned to the applicant. He questioned if this is a practice that the Town Board would like to put in place for other utilities.

Attorney McCarthy stated he would like to open-up conversation with the Town Board about amending Chapter 176 of the Town Code. He was surprised that the Highway Department has not been collecting a fee. The current fee is \$150.

Attorney McCarthy stated final maps of placement of lines will be forthcoming.

Superintendent Bull stated neighborhoods with above ground utilities will continue to be above ground and neighborhoods with below ground utilities will stay below ground? No new poles to be erected? Highway Department will be performing the inspections?

Attorney McCarthy answered yes, that is why the Highway Department is collecting the fees. Mr. McCarthy stated in the agreement the placement of new poles is not under consideration.

Superintendent Bull stated in the past, any time a new pole has been placed was in emergency situations.

Resolution No. 267 of 2021, a resolution appointing Scott P. Styles to the Zoning Board of Appeals.

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

WHEREAS, due to the resignation of Dr. Yifeng Wang, a vacancy for an alternate member exists on the Zoning Board of Appeals, and

WHEREAS, Scott P. Styles, 54 Hemlock Drive, Clifton Park, has been recommended to fill the vacant position, and

WHEREAS, Mr. Styles has the background experience, education and training to act effectively as a Zoning Board member; now, therefore, be it

RESOLVED, that Scott Styles is hereby appointed as an Alternate to the Zoning Board of Appeals, term to expire December 31, 2021.

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Supervisor Barrett thanked Dr. Wang for his volunteerism on the ZBA.

No one else wished to be heard.

PUBLIC PRIVILEGE

Mark Galio, Calico Colony, requested an update on the construction of pickleball courts on the Clifton Common. He has a petition of 100 names in support of the construction of the courts. And what is the process to have courts constructed.

Councilwoman Standaert and Supervisor Barrett stated no plans to construct pickleball courts are currently underway for the Clifton Common.

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 8:22 PM

Teresa Brobston  
Town Clerk