TOWN OF CLIFTON PARK TOWN BOARD

July 3, 2023

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
Councilman Morelli
Councilwoman Walowit
Councilman O’Hara
Councilwoman Reid
Town Clerk Brobston

Also Present: Deputy Town Attorney Wilcox
Mark Heggen, Comptroller
John Scavo, Director of Planning & Zoning
Daniel Clemens, Director of Parks, Buildings & Recreation
Michael Woerner, Director of Parks & Recreation
Norah Hoefner, Communications and Technology Coordinator

MINUTES

MOTION by Councilwoman Walowit, seconded by Councilman Morelli to approve the Town Board minutes of June 12, 2023, as presented.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman O’Hara, Councilwoman Walowit, Supervisor Barrett

Noes: None

MOTION CARRIED

MOTION by Supervisor Barrett, seconded by Councilman Morelli to TABLE the June 20, 2023, minutes for further consideration.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman O’Hara, Councilwoman Walowit, Supervisor Barrett

Noes: None

MOTION CARRIED TABLED

ANNOUNCEMENTS & COMMUNICATIONS

Supervisor Barrett reminded residents of the Town’s 4th of July Festivities including rides, exhibits, parade, race, bands and fireworks. In the event if unsettled weather and fireworks would need to be canceled, fireworks would be postponed to the next evening. Supervisor thanked the Parks & Recreation, Buildings & Grounds and Security Departments and everyone else involved in the event for their efforts in such a huge undertaking.

Supervisor Barrett gave an update on the Country Knolls pool opening. He explained in detail the reason for the delays, which was a covered jet and liner coming away from the pool structure. Repairs were made and the pool is now open. He stated a Water Safety Instructor Class was just completed which gained the Town seven new instructors for the Town’s Learn to Swim Program. He stated Summer Recreation Camps are up and running.
Supervisor Barrett announced a proposed 284 Agreement with the Highway Department was submitted to the Town Board on Friday, June 30th. He explained the Town Board, at multiple Town Board meetings, made clear they wanted a proposed list of streets to be paved and the type of paving process to be used. Following the last Town Board meeting discussion, the Highway Department provided the Board with a wish list of paving and was made clear that it was not a final list. Supervisor stated no cost estimates to any of the projects were attached, so was not useful to the Board to continue the process and have an approved 284 Agreement between the Highway Department and the Town Board according to Town Law. Supervisor Barrett stated, perhaps there is a reason for this, but it looks like $70,000 of the amount of money that was allocated in the budget was not included in this list of projects, which totals $1.19 million, as opposed to $1.89 million.

Councilman O’Hara stated, his understanding is that the Law requires the Highway Department to not only address the paving but the maintenance, if the $70,000 was for the cost of maintenance, maintenance was not addressed in the plan. An additional question was that the plan stated it is to pave 23,150 feet of roads on the list, which did show how many feet associated with each road, but that number came out to 29,915 feet higher than what the plans state?

Supervisor Barrett stated there is additional work to be done on this agreement. Additional changes or additions may be proposed. He stated this agreement will lead to a more transparent process.

Councilman O’Hara stated, back in March residents approached him about the need of paving Westchester Drive. He approached the Highway Department and was told Westchester Drive will be paved. He stated, looking at the paving list, not a single street in the Crescent Estates South, including Westchester Drive, appear on the list. Councilman O’Hara would like a correct answer for the paving of Westchester Drive.

Councilman O’Hara stated the Archaeological dig, by the local Aurgener-Seelye Chapter of amateur archaeologist, under the leadership of Dave Moyer of Birchwood Archaeological Services, at the Grooms Tavern, hosted by the Clifton Park Historic Preservation Commission and Friends of Grooms Tavern, went very well. Thank you to the Buildings & Grounds Department for prepping the area ahead of the dig. The public is welcome to attend the dig and will continue this upcoming weekend. See the Town’s website for details.

Supervisor Barrett explained, in preparation of the installation of the new Kid’s Corner Playground on the Clifton Common, the playground will be closed later this week for the removal of the existing equipment. New equipment will be installed beginning August 1 with an anticipated completion date by the end of August. The Supervisor thanked all the financial supporters and volunteers that made the original playground happen all those years ago. He stated the playground legacy will continue. The new playground will be accessible for all children and have current safety standards in place.

RESOLUTIONS

Resolution No. 150 of 2023, a resolution adopting a local law amending Chapter 176 of the Town Code relative to street opening or excavation permits issues by the Highway Department.

Introduced by Councilman Morelli, who moved its adoption, seconded by Councilman O’Hara.

WHEREAS, Chapter 176 of the Town Code, enacted through Local Law # 6 of 2012, sets forth a procedure for the issuance of Street Opening Permits for authorized utilities, communications companies, and entities to excavate Town owned streets and roads for the purpose of laying pipe, conduit, fiber and related infrastructure for purposes consistent with the public good, and
WHEREAS, on June 20, 2023, the Town Board held a public hearing on a proposal to amend Chapter 176 of the Town Code, to require adequate record keeping, establish reasonable deadlines for the disposition on applications for such permits, update the Town’s fee schedule for such applications and require all sums to be adequately accounted for and deposited with the Receiver of Taxes and Assessments, and

WHEREAS, the Town Board wishes to adopt codes and policies for the efficient and fair review of applications for street openings and excavations, so that applicants with a business purpose to provide services to residents, businesses and other users within the Town, are treated fairly by the Highway Department, with reporting to the Comptroller’s office, Town Board and Receiver of Taxes so that auditable records are guaranteed and retained; now, therefore, be it

RESOLVED, that Local Law No. 5, a Local Law amending Chapter 176 of the Town Code, attached, is hereby adopted, and be it further

RESOLVED, that the fee schedule for street opening and cutting or excavating on Town roads, contained in Schedule A, attached, is hereby adopted; and be it further

RESOLVED, that the Highways Superintendent and Deputy Superintendent are directed to cooperate fully.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman O’Hara, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Supervisor Barrett stated, with the proposed local law changes of the structure of the street opening permit process, it will afford an improved process with important standards for record keeping, fee collection and a process to improve cooperation with utility companies annually. The current process was lacking, per the outside audit performed recently.

Councilman Morelli stated the changes are constructive and reasonable given to what the external report stated. Councilman suggested a review should be in place in the future to be sure procedures are being followed.

Supervisor Barrett suggested every six months for a review.

Resolution No. 151 of 2023, a resolution awarding a contract for purchase of a new aerating fountain with light, at the Trevor Court Pond in the Riverview Park District.

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

WHEREAS, a lighted fountain circulating water throughout the stormwater retention pond at Trevor Court has ceased operating and needs replacement, and

WHEREAS, the Supervisor directed the Buildings and Grounds Department to obtain quotes to replace the fountain and assume responsibility for utility connections for the fountain, pump and lights, and

WHEREAS, Daniel Clemens, Director of Buildings, Parks and Recreation, has reviewed the proposals submitted for the purchase of the fountain and recommends that Empire Water Gardens, LLC, of Clifton Park, as lowest qualified bidder, be selected to supply the fountain, in an amount not to exceed $3,485, and

WHEREAS, Mark Heggen, Town Comptroller, has submitted an annual electricity estimate of $1,600 to operate the fountain; now, therefore, be it
RESOLVED, that the quote to purchase a new aerating fountain with light for the Trevor Court pond in the Riverview Park District, is hereby awarded to Empire Water Gardens, LLC with funds not to exceed $5,085, which includes the annual cost for electricity to operate the fountain, to be paid from A-08510-00005 (General Fund-Community Beautification-Utilities).

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman O’Hara, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Supervisor Barrett explained this situation with the aerator dates back to the mid-nineties which was part of an agreement between the company that built the homes and the Town. But the agreement was open-ended. The agreement stated the Town would take over maintenance of the fountain but did not address a broken aerator. The aerator has been replaced once already.

Resolution No. 152 of 2023, a resolution authorizing a change order to add augering/hole drilling to the design and installation portion of the new playground planned for the Castle Park/Kids' Corner Playground at the Clifton Common.

Introduced by Councilwoman Reid, who moved its adoption, seconded by Councilman O’Hara.

WHEREAS, by Resolution No. 118 of 2023, the Town Board authorized the execution of a purchase order to acquire upgraded play apparatus and playground equipment from BCI Burke Company, and design and installation services through Play by Design, through Sourcewell Contract #010521-BUR, in an amount not to exceed $693,180, and

WHEREAS, Play by Design has submitted an updated cost proposal for the project in the amount of $708,980, which reflects the addition of the cost of $15,800 for the augering/hole drilling for the project, and

WHEREAS, MJ Engineering recommended that the Town initiate and authorize a change order for the cost of the necessary augering/hole drilling for the project, in an amount not to exceed $15,800; now, therefore, be it

RESOLVED, that a change order adding $15,800 to the project cost for the installation of the new playground at the Castle Park/Kids’ Corner playground at the Clifton Common is approved, and Daniel Clemens, Director of Buildings, Parks and Recreation, is authorized to accept the attached proposal from Play by Design, at a cost not to exceed $15,800, the funds to come from the funds previously identified from American Recovery Plan Act (ARPA), A-07109-00200 (General Fund- ARPA Park Projects-Equipment), with a transfer to A-07112-00200 (General Fund- Clifton Common- Equipment).

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman O’Hara, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 153 of 2023, a resolution awarding the construction contract for sealcoating of the multi-use trail along Van Patten Drive in Clifton Park, pursuant to competitive quote.

Introduced by Councilwoman Walowit, who moved its adoption, seconded by Councilman O’Hara.
WHEREAS, Daniel Clemens, Director of Buildings, Parks, and Recreation solicited quotes for a project consisting of cleaning, filling cracks, and applying one coat of latex sealer to approximately 1.3 miles of multi-use blacktop trail along Van Patten Drive, and

WHEREAS, Mr. Clemens recommends that the work be awarded to Capital Surface Maintenance, as lowest conforming quoter, at a total cost not to exceed $6,350; now, therefore, be it

RESOLVED, that the Town Board accepts the recommendation of the Director of Buildings, Parks, and Recreation, and hereby awards the quote for the trail sealcoating project to Capital Surface Maintenance, at a cost not to exceed $6,350 to be paid from A-07629-00200 (General Fund-Trails Contractual-Equipment).

ROLL CALL VOTE
Ayes: Councilman Morelli, Councilwoman Reid, Councilman O’Hara, Councilwoman Walowit, Supervisor Barrett
Noes: None
DECLARED ADOPTED

Resolution No. 154 of 2023, a resolution awarding the bid for the Veteran’s Memorial enhancements project to Gallo Construction.

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

WHEREAS, Daniel Clemens, Director of Buildings, Parks and Recreation, published bid specifications and solicited bids for the enhancement of the Veteran’s Memorial at the Clifton Common, and

WHEREAS, the enhancements involve construction of paver walkways, concrete and brick veneer seat walls and landscape enhancements, and

WHEREAS, after a bid opening on June 29, 2023, Mr. Clemens recommends that the construction contract be awarded to Gallo Construction, as low bidder, at a total cost not to exceed $203,770, and

WHEREAS, the Town has budgeted funds in 2022 and 2023 for the project, and

WHEREAS, the Town has $53,770 in funds from the American Rescue Plan Act to cover the remaining balance; now, therefore, be it

RESOLVED, that the Town Board hereby awards the Veteran’s Memorial Enhancement Project to Gallo Construction, at a total cost not to exceed $203,770 to be paid from A-07112-00015 (General Fund- Clifton Common- Other Contractual).

ROLL CALL VOTE
Ayes: Councilman Morelli, Councilwoman Reid, Councilman O’Hara, Councilwoman Walowit, Supervisor Barrett
Noes: None
DECLARED ADOPTED

Supervisor Barrett stated paving bricks are still available to purchase for this project from the Parks & Recreation Department. The Supervisor thanked MJ Engineering for donating their skills to the project.
Resolution No. 155 of 2023, a resolution awarding the bid for reconstruction of the trail between Miller Road and Wallflower Drive to Carver Construction pursuant to competitive bid.

Introduced by Councilman O’Hara, who moved its adoption, seconded by Councilman Morelli.

WHEREAS, Daniel Clemens, Director of Buildings, Parks, and Recreation, published bid specifications and solicited sealed bids for the reconstruction of the trail between Miller Road and Wallflower Drive that was damaged by another paving contractor during a recent paving project of two sections of multi-use trails in the Summerhill and Settler’s Hill subdivisions, and

WHEREAS, after a bid opening on June 29, 2023, Mr. Clemens recommends that the construction contract be awarded to Carver Construction, as low bidder, at a total cost not to exceed $417,145; now, therefore, be it

RESOLVED, that the Town Board accepts the recommendation of the Director of Buildings, Parks, and Recreation, and hereby awards the construction contract for the trail reconstruction project to Carver Construction, pursuant to General Municipal Law Section 103, at a cost not to exceed $417,145; and be it further

RESOLVED, that the Comptroller is authorized to transfer funds from A-914 (Unreserved Fund Balance) to A-7629-200 (General Fund- Trails Contractual- Equipment).

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman O’Hara, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 156 of 2023, a resolution appointing Cindy Zlogar to permanent status as the Confidential Secretary to the Town Attorney.

Introduced by Councilman O’Hara, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, by Resolution No. 28 of 2023, Cindy Zlogar of Clifton Park, was appointed to the position of Confidential Secretary to the Town Attorney on a temporary interim basis, due to the vacancy existing from the temporary disability of Meg Springli, and

WHEREAS, the Town Board wishes to make the appointment of Ms. Zlogar permanent following the retirement of Ms. Springli; now, therefore, be it

RESOLVED, that Cindy Zlogar of Clifton Park, is hereby appointed Confidential Secretary to the Town Attorney at Grade 7, Step 3, $35.06 per hour; and be it further

RESOLVED, that the amount of $28,900 be transferred from A-1420-E0094 (General Fund-Legal-M. Springli) and $17,700 be transferred from A-914 (General Fund- Unreserved Fund Balance) to A-1420-E0252 (General Fund- Legal- C.Zlogar).

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman O’Hara, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED
Resolution No. 157 of 2023, a resolution hiring additional employees for the 2023 summer season at the Town’s pools.

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

WHEREAS, the Town Board wishes to hire additional qualified lifeguards and 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 2023 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 O’Hara, Councilwoman Walowit, Supervisor Barrett
Noes: None
DECLARED ADOPTED

Supervisor Barrett announced Saratoga County will be offering free Lifeguard Classes again this fall. Additional details, when available, will be found on the County website.

Resolution No. 158 of 2023, a resolution increasing the General Fund Trips & Tours - Senior Center revenues and expenditures by $76,668.

Introduced by Councilwoman Reid, who moved its adoption, seconded by Councilman O’Hara.

WHEREAS, the Clifton Park Senior Community Center generally offers two multi-day trips/tours per year, and

WHEREAS, Sue Leonard, Director of the Clifton Park Senior Community Center, recommends an increase of $76,668 to the General Fund revenues and expenditures as all costs associated with these trips have increased, including the cost of transportation, food and entertainment, and

WHEREAS, the Senior Community Center will collect fees from participants for the planned day and multi-day trips/tours; now, therefore, be it

RESOLVED, that the 2023 General Fund Trips & Tours – Senior Center Revenues (A-02031-00000-1624) is hereby increased by $76,668, and Expenditures- Senior Center Day Trips (A-06773-00077) will be increased by $20,418 and Expenditures- Senior Center Multi-Day Trips (A-06773-00077) will be increased by $56,250, also totaling $76,668.

ROLL CALL VOTE
Ayes: Councilman Morelli, Councilwoman Reid, Councilman O’Hara, Councilwoman Walowit, Supervisor Barrett
Noes: None
DECLARED ADOPTED
Supervisor Barrett stated the demand for trips continues to be very strong, so we want to continue to add more trips to help eliminate waitlists. The expenses will be covered by those who attend the trips.

Resolution No. 159 of 2023, a resolution authorizing the implementation, and funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds, therefore

Introduced by Councilman Morelli, who moved its adoption, seconded by Councilman O’Hara.

WHEREAS, a Project, Town Center Walkability Clifton Country Road Corridor Pedestrian and Bike Improvement Project, PIN 1762.60/D040896, is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds, and

WHEREAS, the Town of Clifton Park desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of design work for the Project or portions thereof, and be it

RESOLVED, that the Town Board hereby approves the above-subject project, and be it further

RESOLVED, that the Town Board hereby authorizes to pay in the first instance 100% of the federal and non-federal share of the cost of design work for the Project or portions thereof, and be it further

RESOLVED, that the sum of $342,000 hereby appropriated from H66-07629-00135 (Capital Projects Fund-Town Center Walkability- Trails Contractual- Engineering) and made available to cover the cost of participation in the above phases of the Project, and be it further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further

RESOLVED, that the Town Supervisor be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for federal aid and/or Marchiselli Aid on behalf of the Town of Clifton Park with the New York State Department of Transportation, in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project: and be it further

RESOLVED, this Resolution shall take effect immediately.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman O’Hara, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

No one wished to be heard.

PUBLIC PRIVILEGE

No one wished to be heard.
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 8:11 PM

Teresa Brobson
Town Clerk