

August 3, 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  
Councilman Romano  
Councilwoman Walowit  
Town Clerk Brobston

Also Present: Town Attorney McCarthy  
Mark Heggen, Comptroller  
John Scavo, Director of Planning  
Scott Reese, Storm Water Management Technician

Alyson Horan, Dyer Dr. youth, lead the meeting with the Pledge of Allegiance.

MOTION BY Councilman Romano, seconded by Councilwoman Walowit, to approve the minutes of July 6 and 20, 2020 meetings as presented.

#### ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

#### ANNOUNCEMENTS AND COMMUNICATION

Supervisor Barrett announced the August 2 concert on The Clifton Common stage had to be cancelled due to weather and will be rescheduled. He stated the upcoming concerts will go on as scheduled and see how that goes and evaluate after. There will also be a Wednesday kids' concert held.

Supervisor Barrett explained back when it became clear that a large show fireworks celebration for the 4<sup>th</sup> of July was not a possibility because of the pandemic, it was suggested to schedule for Labor Day weekend. Now that that date is near, it does not seem possible that NYS will grant a mass gathering permit yet for such an event.

Councilman Whalen agreed to not schedule the fireworks due to the uncertainty of the upcoming month in relation to the pandemic.

Councilwoman Standaert agreed not to schedule and loose the deposit for the fireworks if the state does not allow the gathering.

Supervisor Barrett wished Alan Atwell a Happy 95<sup>th</sup> Birthday. A drive-by party was held for him by all his friends, community, and family.

#### PRESENTATION

Alyson Horan, Dyer Drive youth, voiced concerns of her neighbors about the condition of the Dyer Drive roadway, the adding of "Child at Play" signs at the entrances and traffic safety. The board was presented with a folder of road pictures and newsletters that she puts out to Dyer Drive residents weekly.

Supervisor Barrett listened to all the concerns and stated he will get back to her in 7-10 days.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 140 of 2020, a resolution adopting the revised Retention and Disposition Schedule for New York Local Government Records (LGS-1).

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

WHEREAS, the New York State Archives is revising and consolidating its local government records retention and disposition schedules and issuing a single, comprehensive retention schedule for all types of local governments effective August 1, 2020, and

WHEREAS, the new schedule, Retention and Disposition Schedule for New York Local Government Records (LGS-1), will supersede and replace the 2003 MU-1 Schedule which will expire January 2, 2021, and

WHEREAS, by consolidating multiple, disparate retention schedules, the LGS-1 helps to ensure consistent retention and disposition guidelines for records that are common to various local governments, and

WHEREAS, makes it easier to apply revisions necessitated by changes to laws, regulations or other mandates that affect retention; now, therefore, be it

RESOLVED, that the Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all town officers for the proper disposition of valueless records listed therein, and be it further

RESOLVED, that in accordance with Article 57-A, only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein; and be it further

RESOLVED, that the updated Retention and Disposition Schedule for New York Local Government Records shall take effect immediately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 141 of 2020, a resolution scheduling a public hearing on proposed amendments to Town Code Chapters 152, 153 and 92 to provide for civil penalties and authorize the acceptance of written plea agreements.

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

WHEREAS, the resolution of Town Code violations by written plea agreement require approval from Justice Court judges, and

WHEREAS, by custom and practice, the Clifton Park Justice Court has required that individuals responding to citations for such violations appear personally in court in all cases, unless represented by an attorney, and

WHEREAS, by Resolution No. 90 of 2019, the Town Board adopted Local Law No. 4 of 2019, which streamlined the mechanism for the resolution of parking tickets for the convenience of individuals receiving parking citations, and

WHEREAS, the Town Board wishes to modernize and update the procedure for resolution of Town Code violations, allowing residents to respond by mail, electronically, or via web-based solutions, in order to minimize personal appearances in night court whenever possible, and

WHEREAS, the Town Board wishes to consider a proposal to change the nature of monetary penalties associated with violations of common prohibitions within the Town Code, and to eliminate the (remote) possibility for the ordering of jail time for such violations, and

WHEREAS, the Town Board also wishes to explicitly authorize the Justice Court to accept written agreements to resolve violations of Town Code prohibitions by mail and electronic means to improve convenience to residents and individuals who receive citations under these chapters, and to enhance the efficiency within the Justice Court; now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled for 7:05 pm, August 17, 2020 on a proposal to amend Chapters, 152, 153, and 92 of the Town Code, to provide for civil penalties for such violations, to eliminate all reference to jail time for these offenses, and to explicitly authorize the acceptance of written or electronic plea agreements in resolution of Town Code violations by mail, email or through web-based solutions; and be it further

RESOLVED, that the Town Clerk is directed to publish the attached notice.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 142 of 2020, a resolution authorizing the Supervisor to sign a contract for engineering services.

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

WHEREAS, by Resolution No. 2 of 2019, the Town Board approved an agreement with Greenman-Pedersen, Inc. for engineering design services for the installation of a pedestrian safety project for the Moe Road trail crosswalk at the intersection of Grooms and Moe Roads, and

WHEREAS, the Town Board wishes to proceed with additional engineering and construction services for right-of-way acquisition necessary for the project, and

WHEREAS, the Planning Director recommends that the professional right-of-way services contract be awarded to Greenman-Pedersen, Inc. based on their initial response to the town's request for expressions of interest, and their preliminary design in support of the Moe Road Multi-Use Path Extension Project, and

WHEREAS, the Town Board wishes to fund the design services for the project with local funds; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign the attached Engineering Consulting Agreement for design services with GPI, in an amount not to exceed \$106,000 from H52-3310-215 (Moe Rd. Gap Closure Trail-Traffic Safety).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

John Scavo, Planning Director, explained the Moe Road Trail Extension Project is moving forward and the town has worked with Greenman-Pedersen on other projects and have done a good job. He explained this will be a 12-month project. The pathway will go from Okte Elementary School north up Moe Road to the intersection of Sugarbush.

Resolution No. 143 of 2020, a resolution to accept a New York State Department of Environmental Conservation Lake Management Plan Grant in partnership with the Town of Ballston and commit \$1,200 in local matching funds toward a watershed management plan for Ballston Lake.

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

WHEREAS, the Town of Ballston has applied for and received a grant of \$19,635 to offset a portion of the costs of conducting water sampling and analysis to be utilized in the preparation of a watershed protection management plan for Ballston Lake, and

WHEREAS, the Ecologic and Upstate Freshwater Institute has submitted a bid to compile the lake water quality studies in an amount not to exceed \$26,100, and

WHEREAS, the Town of Ballston has appropriated \$5,345 in local matching funds toward the project, and

WHEREAS, the Town Board wishes to contribute local matching funds to support the project; now, therefore, be it

RESOLVED, that \$1,200 is hereby appropriated to constitute the town’s share of the local match based on the relative proportion of lakeshore within the Town of Clifton Park; and be it further

RESOLVED, that the Comptroller is authorized to transfer \$1,200 from A-8540-135 (Stormwater – Engineering) to offset costs of the town’s contribution.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Scott Reese, Storm Water Management Technician, explained the local matching funds would go toward a watershed management plan for Ballston Lake. DEC declared Ballston Lake an impaired body of water. This study will address concerns and improve the water quality.

Resolution No. 144 of 2020, a resolution approving the reassignment of a PILOT Agreement to Standard Solar, LLC for a solar energy system located at 164 Sugar Hill Road.

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

WHEREAS, Resolution No. 83 of 2019 authorized the Supervisor to sign a Payment in Lieu of Taxes Agreement for Solar Energy Systems between the Town of Clifton Park and Solitude Solar LLC d/b/a U.S. Lightenergy for a solar project located at 164 Sugar Hill Road in the Town of Clifton Park, and

WHEREAS, the town has received a request from US Lightenergy for the town's consent to reassign the existing agreement to Standard Solar, LLC, and

WHEREAS, the Town Attorney and Comptroller have reviewed the documentation from Standard Solar and recommend the Town Board consent to the assignment pursuant to paragraph 7 of the agreement; now, therefore, be it

RESOLVED, that the Town Board hereby consents to the assignment by Solitude Solar d/b/a U.S. Lightenergy to Standard. LLC of the PILOT Agreement for a solar energy system located at 164 Sugar Hill Road.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 145 of 2020, a resolution authorizing the replacement of the pool liner at the Locust Lane Pool.

Introduced by Councilman Romano, who moved its adoption, seconded by Councilman Whalen.

WHEREAS, the Supervisor wishes to replace the liner at the Locust Lane Pool, and

WHEREAS, bids were opened for pool liner replacement on July 22, 2020, and

WHEREAS, the Supervisor has recommended that Patterson-Stevens, Inc. be authorized to replace the pool liner, for an amount not to exceed \$171,500; now, therefore, be it

RESOLVED, that the pool liner replacement of the Locust Lane Pool is awarded to Patterson-Stevens, Inc., Tonawanda, NY, at a cost not to exceed \$171,500 to be paid from A-7152-200 (Locust Lane Pool-Equipment); and be it further

RESOLVED, that the Comptroller is authorized to transfer funds from A-914 (Undesignated Fund Balance) to the above line.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 146 of 2020, a resolution appointing election inspectors to work the Ballston Lake Sewer District #1 special election.

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

WHEREAS, by Resolution No. 118 of 2020, the Town Board scheduled a referendum/special election to be held on August 17, 2020, 12 Noon-8PM at the Ballston Lake Fire House, and

WHEREAS, election inspectors will be needed to facilitate the vote; now, therefore, be it

RESOLVED, that Robert Partak and Terri Bucci be approved to work as Election Inspectors for the Ballston Lake Sewer District #1 special election to be held on August 17, 2020, and be paid \$150 each with a transfer of \$300 from A1620-24 (Town Hall-General Maintenance) to A1450-E4000 (Elections-Part-time Employee).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

No one wished to be heard.

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 8:05 p.m.

Teresa Brobston  
Town Clerk