

TOWN OF CLIFTON PARK TOWN BOARD

August 15, 2022

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  
Matt Andrus, Information Specialist  
John Scavo, Planning Director  
Michael Woerner, Director of Parks, Recreation & Human Services  
Daniel Clemens, Buildings, Parks & Recreation Director  
Dahn Bull, Highways Superintendent  
Michael O'Brien, Collection System Manager

MINUTES APPROVAL

MOTION by Councilwoman Walowit, seconded by Councilman Morelli, to approve the minutes of the August 1, 2022 meeting as presented.

ROLL CALL VOTE

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

Noes: None

MOTION APPROVED

ANNOUNCEMENTS AND COMMUNICATION

Supervisor Barrett announced, the last day of Town pool season for 2022 will be Sunday, August 21. The Town completed the second session for swim lessons.

Supervisor Barrett announced, the Performing Arts At The Common Series will close out the season with the Children's Series on Wednesday, August 17. Another successful entertainment series this year.

Councilwoman Flood made an announcement regarding the proposed Deer Management Plan for the Town. She stated, a public hearing was held and discussed several times at Town Board meetings since last October. During the public hearing, residents spoke both in favor and against the proposal. Some valid questions and issues were raised, and alternative programs were suggested. Deer Management programs, throughout the state, have been successful. The Deer Management Committee decided further education on the issue needs to be done. The Committee will be working its way through the issues and finding a common ground with all parties. The number of deer will continue to rise and as we continue to preserve open spaces, we would look towards all residents having shared access as well. No vote will be called for by the Town Board at this time, nor the near future.

Councilwoman Standaert commented on an issue that came up during the Deer Management public hearing. Serious concerns were voiced and the responsibilities of the Town Security Officers. She stated residents need to be aware the Town Security Officers are not law enforcement officers; they are extremely limited and restricted in their duties. After meeting with security staff and discussing and viewing video, the security officers felt and were threatened and constrained by their ability to respond. Clearly there is a disconnect about what has been

promoted and what the officers are allowed by the law. She stated she will be suggesting a review of the Security Department on procedures.

Supervisor Barrett stated, he is proud of the Town's Public Safety Department. He stated, a committee was formed years ago when he became Town Supervisor, to advise the officers and have continued to receive support from those law enforcement agencies.

PUBLIC HEARING 7:12 PM  
TOWN DEPARTMENT AND JOB TITLE AMENDMENTS

Town Clerk Brobston read the legal notice that was advertised in the August 4, 2022 edition of the Gazette.

Attorney McCarthy explained, five of the six proposed changes surround the shift of the zoning functions for the Town from the Building Department to the Planning Department. It is proposed, the Stormwater Management Technician become the Stormwater Management Officer and include the zoning administrations job and to remove the zoning functions from the current duties of Director of the Building Department. The Planning Department would become the Planning and Zoning Department, the Building and Zoning Department would become the Building and Development Department, with the associated changes in titles. In the Parks & Recreation Department, the Community Affairs portion of the department have not been active in that department for a long time and the current Directors job description, that the Saratoga County Human Resources has, is the Human Services action, that has not been performed. Job description proposals will be presented in the upcoming Board meetings. Tonight, only the titles will be addressed. The back-up amendments are to clean up the Town Code for the various references to the proposed titles.

No one wished to be heard.

Public hearing closed at 7:16 PM.

RESOLUTIONS

Resolution No. 208 of 2022, a resolution appointing Steven Myers as part-time Assistant Director of Building & Development.

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

WHEREAS, on August 5, 2022, Steven Myers resigned his position as Director of Building and Zoning, and

WHEREAS, the Town Board wishes to retain Mr. Myers on a part-time basis to assist the Department of Building and Development; now, therefore, be it

RESOLVED, that Steven Myers is hereby appointed as part-time Assistant Director of Building and Development at Grade 12, Step 10 on the part-time matrix, effective immediately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Supervisor Barrett thanked Steve Myers for his years of service as Director of Building & Development and thanked him for his willingness to help with the training needs and support, in the Department, as Assistant Director of Building & Development.

Resolution No. 209 of 2022, a resolution hiring additional seasonal staff for the 2022 Parks & Recreation Programs.

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

WHEREAS, the Town Board wishes to hire additional staff for the remainder of the Summer 2022 season, and

WHEREAS, co-liaisons Councilwoman Walowit and Councilwoman Standaert have recommended that the individuals, listed in the attached Schedule A, be hired as Head Lifeguards, with pay as indicated; now, therefore be it

RESOLVED, that the individuals listed, in the attached Schedule A, be retained as staff for the Town's pools, to be paid as indicated on the schedule through the end of the pool season.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 210 of 2022, a resolution appointing Agatha D'Ambra as a member of the Clifton Park Water Authority.

Introduced by Councilman Morelli, who moved its adoption, seconded by Supervisor Barrett.

WHEREAS, due to the resignation of Alexis Osborne from the Clifton Park Water Authority, a vacancy exists on the board, and

WHEREAS, Agatha D'Ambra, 7 Sambrook Edge, Rexford, has been recommended to fill the position, and

WHEREAS, Ms. D'Ambra's presence on the Clifton Park Water Authority will confer a benefit to the Town of Clifton Park; now, therefore, be it

RESOLVED, that Agatha D'Ambra is hereby appointed to the Clifton Park Water Authority for the remainder of a five-year term, term to expire December 31, 2025.

ROLL CALL VOTE

Ayes: Councilman Morelli, Supervisor Barrett

Noes: Councilwoman Flood, Councilwoman Standaert, Councilwoman Walowit

DECLARED DENIED

Supervisor Barrett explained, when this resolution was previously on the agenda, there was not a full Board in attendance. The vote resulted in a tie, 2 for and 2 against. He requested the tie vote be resolved to fill the vacancy on the Water Authority Board.

Discussion on the applicants' credentials, experience and concerns with the applicant ensued.

Councilman Morelli stated no one else has expressed interest in the position.

Councilwoman Standaert stated she will be voting no again because of concerns with the applicants behavior.

Councilwoman Walowit stated concerns with the applicant behavior, no back-up and will be voting no.

Councilman Morelli stated, as a Town Board official, we need to be able to accept criticism or have different opinions and still work with them.

Councilwoman Flood has concern there was no back-up documentation for the current application.

Resolution No. 211 of 2022, a resolution awarding the construction contract for the Moe Road Multi-Use Trail Gap Closure Project, funded by the Federal/State Congestion Mitigation and Air Quality (CMAQ) Grant Program.

Introduced by Councilwoman Walowit, who moved its adoption, seconded by Supervisor Barrett.

WHEREAS, Resolution No. 162 of 2022 authorized the implementation and funding in the first instance of 100% of Federal-aid and State "Marchiselli" Program-aid eligible costs of CMAQ Moe Road Multi-Use Path Gap Closure, Town of Clifton Park, P.I.N. 1760.82 (the "Project") in the amount of \$910,000 to cover the cost of construction and construction inspections, and

WHEREAS, the Town Board desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of both construction and construction inspections, and

WHEREAS, bids were solicited and opened on July 19<sup>th</sup>, 2022, and

WHEREAS, Peter Luizzi & Bros. Contracting, Inc. supplied the lowest bid at \$945,725.10, and

WHEREAS, in a letter dated July 22, 2022, MJ Engineering and Land Surveying, P.C. recommended that Peter Luizzi & Bros. Contracting, Inc. be awarded the contract for the Project as low bidder, and

WHEREAS, by correspondence dated August 2, 2022, the NYS Department of Transportation concurs in the selection of Peter Luizzi & Bros. Contracting for contract award, and authorization to commence the construction phase of the project; now, therefore, be it

RESOLVED, that MJ Engineering is authorized to issue contract award and notice to proceed to Peter Luizzi & Bros.; and be it further

RESOLVED, that the Town Board hereby approves the Moe Road Multi-use Trail Gap Closure Project, in an amount not to exceed \$945,725.10; and be it further

RESOLVED, that the Town Board hereby authorizes the Comptroller to transfer \$35,725 from A-914 (Unassigned Fund Balance) to H58-7629-200 (Capital Projects Fund) to complete the commitment of funding in the first instance.

ROLL CALL VOTE

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

Noes: Councilwoman Standaert

DECLARED ADOPTED

Planning Director Scavo stated, construction ready to begin this fall.

Councilwoman Standaert asked if the Town have used Luizzi & Bros for other projects?

Planning Director Scavo answered, they have worked on several projects in the previous years.

Discussion on a received Town Hall phone call about political contributions ensued.

**AMENDMENT:**

~~Councilwoman Standaert stated she will be voting no on the resolution due to political contributions being received by Luizzi Bros at Town Hall.~~

**Taken Verbatim-**Councilwoman Standaert stated she is not going to support accepting awarding a bid that has political undertones to it.

**(Clerk's Note-**Relating to the above discussion. Copy of emails are included in the September 6, 2022 minutes) Town Attorney McCarthy submitted copies of emails back and forth from himself, Matt Andrus and the Supervisor on the day, April 4, a phone call came in regarding political contributions that demonstrates the phone call was handled appropriately and no contributions were made at the town hall. The emails show Matt Andrus using Town equipment during Town time along with Councilwoman Standaert to handle political. He stated he would like the emails included in the minutes to show accuracy on what actually happened.

Resolution No. 212 of 2022, a resolution accepting a quote from AJ Sign for the purchase and installation of (3) new entrance signs for entrances in the Stoney Creek #2 Park District.

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

WHEREAS, quotes were received for the purchase and installation of (3) entrance signs in the Stoney Creek #2 Park District, and

WHEREAS, AJ Sign Co., submitted the sole response to a request for quotes in the amount of \$8,355 for the entrance signs for Park Lane Estates, and

WHEREAS, Daniel Clemens, Director of Buildings, Parks, and Recreation, has reviewed the quotes and recommends accepting the lowest quote which was submitted by AJ Sign Co., 842 Saratoga Road, Burnt Hills, New York; now, therefore, be it

RESOLVED, that the Town Board, as Commissioners of the Stoney Creek #2 Park District, accepts the quote of AJ Sign Co. for the purchase and installation of (3) Park Lane Estates entrance signs, in an amount of \$8,355, to be paid from SP0-7120-200 (Stoney Creek #2 Park District – Capital Improvements); and be it further

RESOLVED, that the Comptroller is authorized to transfer \$8,355 from SPO-915 (Assigned Fund Balance) to SPO-7120-200 (Stoney Creek II Park District – Equipment) to offset costs of the signs.

ROLL CALL VOTE

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

Noes: None

Recuse: Councilman Morelli

DECLARED ADOPTED

Councilman Morelli recused himself due to his residents in Park Lane Estates.

Resolution No. 213 of 2022, a resolution authorizing the purchase of utility carts under state contract for use by the Buildings and Grounds Department.

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

WHEREAS, Daniel Clemens, Director of Buildings, Parks, and Recreation, has requested authorization to purchase new equipment for use by the Buildings & Grounds Department, and

WHEREAS, Mr. Clemens has recommended that the Board approve the purchase of (2) Workman GTX Utility Carts from Grassland Equipment & Irrigation Corp., 892-898 Troy-Schenectady Road, Latham, for the amounts listed below and on the attached quotes, under New York State Contract PC69682, Group 40625 Heavy Equipment, Award PGB-22792 for a total not to exceed \$27,330.48; now, therefore, be it

RESOLVED, that the Clifton Park Town Board hereby authorizes the purchase of the (2) specified pieces of equipment from Grassland Equipment & Irrigation, as described in the attached documents, at a total cost not to exceed \$27,330.48, under State Contract PC69682, to be paid from A-7110-200 (Buildings & Grounds – Equipment)

•	man GTX Model #07410 (Common) .....	Work \$14,604.37
•	man GTX Model #07409 (Barney Rd Golf Course).....	Work \$12,726.11

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 214 of 2022, a resolution amending a contract for landscape work for the Sherwood Forest Park District.

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

WHEREAS, Resolution No. 16 of 2021, was passed by the Town Board, as Commissioners of the Sherwood Forest Park District, to authorize A to Z Property Management to perform landscape work for the District through December 2024, and

WHEREAS, the A to Z Property Management was retained based on the lowest quote for the Park District, and

WHEREAS, the Sherwood Forest Park District has since been extended to include properties in the subdivision known as Vistas West, and

WHEREAS, A to Z Property Management has agreed to perform additional mowing services in Vistas West, in the amount of \$150/mow as requested by the Park District; now, therefore, be it

RESOLVED, that the Town Board, as Commissioners of the Sherwood Forest Park District, hereby accepts the amended price quote from A to Z Property Management, for the landscape work at the Sherwood Park District, at a cost of \$1,650 for 11 cuts already performed, and \$150 for additional requested cuts for the 2022 season, to be budgeted from SP8-7125-024 (Sherwood Forest Park District-Sherwood Forest - Maintenance), and authorizes the Buildings & Grounds Department to issue a purchase order to A to Z Property Management in those amounts; and be it further

RESOLVED, that the agreement is renewable through the 2024 season, upon mutual consent.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 215 of 2022, a resolution declaring a public emergency pursuant to General Municipal Law Section 103(4), for a repair to a sewer main backup at 7 Orchard Park.

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

WHEREAS, on June 30, 2022, the Clifton Park Sewer Department identified a major sewer main blockage within the Clifton Park Sewer District #1, that caused significant flooding at 7 Orchard Park due to settling of a 2019 stormwater repair, and

WHEREAS, the Collection Systems Manager Mike O'Brien, engaged Quick Response to perform immediate cleanup and sanitation services at the residence, pursuant to General Municipal Law 103(4), with invoiced charges of \$17,601.34, and

WHEREAS, Quick Response estimates that repair and replacement costs for damaged items, furniture, and structures may amount to an additional \$60,000, and

WHEREAS, Section 103(4) of the NYS General Municipal Law, provides that in cases of an emergency situation arising from unforeseen circumstances affecting public property or the health or safety of the public, the Town Board may authorize the purchase of service, material and equipment without competitive bids; now, therefore, be it

RESOLVED, that the Town Board determines that the resulting damage to 7 Orchard Park, due to the sewer main backup within the Clifton Park Sewer District #1, as determined on June 30, 2022, constitutes an emergency for procurement purposes under Section 103(4) of General Municipal Law, and be it further

RESOLVED, that the Comptroller is authorized to compensate Quick Response the amount of \$17,601.34 for initial cleanup and sanitization services, per the attached invoice, and be it further

RESOLVED, that the Sewer Department is directed to authorize Quick Response to proceed with remaining items of repair and replacement; and be it further

RESOLVED, that the Town Attorney is authorized to file a claim with the Town's insurance carriers for reimbursement of costs expended as a result of the sewer main failure.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Councilwoman Standaert stated Greenlight has been working in this neighborhood and have created significant damage with lawns and roadway.

Highways Superintendent Bull stated they are holding future permits requested by Greenlight until the previous damages are repaired.

Resolution No. 216 of 2022, a resolution contracting for paving services for the Town's Highway Department.

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

WHEREAS, the Highway Department is piggybacking off paving services Contract 20-PWPST-43R entered into by the County of Saratoga, for paving of portions of roads known as Taylor Drive, Brian Drive, Robinson Drive, Sunset Street, Camp Road and Frank Street, and

WHEREAS, quotes in the attached submission from the Highways Superintendent are not exact, as tonnage, time, and unforeseen issues may arise affecting the quote; now, therefore, be it

RESOLVED, that the Highways Superintendent is authorized to enter a piggyback agreement with Evolution Construction Services, Mechanicville, NY, per Saratoga County Contract 20-PWPSR-46R in an amount up to \$52,257.50, with invoices to be paid from DA-5110-030 (Highway – Paving – Blacktop).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Highways Superintendent Bull explained, the Highway Department wants to use this new to Town process, fibermatic, for roads. The process corrects paving that resembles "alligator" surface.

Resolution No. 217 of 2022, a resolution authorizing the issuance of a Mass Gathering Permit to BPOE Clifton Park Lodge No. 2466, for an antique show to be held at the Clifton Park Elks Lodge.

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

WHEREAS, Michael Bloss, Facility Manager of the Clifton Park Elks Lodge No. 2466, has requested that the Town issue a Mass Gathering Permit to host an antique show to be held at the Elks Lodge located at 695 Mac Elroy Road, Ballston Lake, and

WHEREAS, the gathering will be held on Sunday, September 18, 2022 from 9:00AM to 4:00PM, with attendance estimated at 1000± people and 60± vendors, and

WHEREAS, Chapter 64-3 of the Town Code, requires a Mass Gathering Permit for one day events where admission is charged; now, therefore, be it

RESOLVED, that the Town Board is satisfied with the information provided and that the proposed public assemblage will have no effect upon the public health, safety and welfare of the people and property of the Town of Clifton Park; and be it further

RESOLVED, that the Town Board hereby directs that a Mass Gathering Permit be issued to the Clifton Park Elks Lodge No. 2466, to take place on September 18, 2022 from 9:00AM to 4:00PM, upon compliance with Chapter 103-16 of the Town Code, for a Tent Permit provided that the Town is given a Certificate of Insurance in the amount of \$1,000,000, naming the Town of Clifton Park as additionally insured, no less than 4 weeks prior to the event.



ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli,  
Councilwoman Walowit, Supervisor Barrett  
Noes: None

DECLARED ADOPTED

No one else wished to be heard.

Concerns about the voicemail received at Town Hall was further discussed.

PUBLIC PRIVILEGE

Agatha D'Ambra, Sambrook Edge, stated her continued interest in helping out in the community. She stated she did reach out to two Councilwomen prior to tonight's meeting and received no response. She has been involved in previous public hearing discussions. She expressed she would be happy to meet with any Town Board member, in regards with their concerns and her ability to volunteer on the Water Authority Board.

Mark Brockbank, Stoney Creek Dr., expressed concern with the Town Board not approving Ms. D'Ambra to the Water Authority Board. Disagreed with the Town Board on the purchase of laptops. Concerns with the not approved request of hiring a hearing officer, and the approved, by some members of the Town Board, the hiring of outside council. Expressed confusion on a sealed bid resolution and a political contribution by the same company.

Darlene McGraw, Northpointe Apts., questioned the progress of the proposed Chick-fill-a. Disagrees with way finding signs in the public right-of-way. Questioned CHIPS funding use for sidewalks. Requests accessible playgrounds for those with disabilities in Town. Requested Planning Board members, during meetings, to use the microphones. Noticed various street signs that need to be replaced.

Planning Director Scavo stated the Chick-fill-a project will begin this fall.

Supervisor Barrett explained CHIPS funds are separate projects.

Supervisor Barrett stated playgrounds, for those with disabilities, are currently in the planning process.

Councilman Morelli expressed concerns about the microphones in the Wood Room.

Daniel Clemens, Director of Buildings, Parks and Recreation, stated he is currently researching companies pertaining to the sound system and microphone replacement.

Kevin Goggan, Thoroughbred Way, questioned how many times, over the years, has a resident been not approved to be a member of a board? Concerns on what else can be done, as far as duties and by law, for the Town Security.

Supervisor Barrett answered, he can't remember the last time not approving a resident to a board has happened or is extremely rare.

Councilwoman Standaert explained, right now the Town Security has the ability to issue appearance tickets, but they can't do much else. They currently do a great job in our community, however, there has been several instances where the Security Officer's were put in precarious and dangerous situations that could have escalated quickly and they had no recourse. One of the concerns from the Officer's is that there really is no standard operating procedure on how to proceed for them. The proposed Committee would address this.

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 8:56 PM Teresa Brobston, Town Clerk