

February 11, 2019

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 O'Donnell

Also Present: Town Attorney McCarthy  
Dahn Bull, Superintendent of Highways  
Mark Heggen, Comptroller  
Daniel Clemens, Supervisor of Buildings & Grounds

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett thanked everyone for their participation in WinterFest. He reported Ravenswood Restaurant won the Soup Contest and Ashlyn Boyce and Devon Jones were Clifton Park Idol Winners.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 39 of 2019, a resolution authorizing the Supervisor to sign a service agreement with CTA (California Transit Authority) Band to perform at the Town of Clifton Park's Annual July 4<sup>th</sup> Celebration on the Clifton Common.

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

WHEREAS, the Town of Clifton Park will once again be holding a July 4<sup>th</sup> celebration on the Clifton Common complete with musical entertainment, and

WHEREAS, California Transit Authority is an ensemble band formed among former members of "Chicago" and other well-known national music acts, and

WHEREAS, the Town Board wishes to contract with CTA to provide musical entertainment for the celebration, and

WHEREAS, costs associated with the performance will be offset through a sponsorship with Prestige Services, Inc.; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign a service agreement with CTA Band to perform on July 4, 2019 on the Clifton Common; and be it further

RESOLVED, that the Comptroller is authorized to increase A-2042 (4<sup>th</sup> of July Celebration) by \$16,500 and increase A-7550-52 (Expenditures – 4<sup>th</sup> of July) by \$16,500.

ROLL CALL VOTE

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

DECLARED ADOPTED

Resolution No. 40 of 2019 a resolution authorizing the hiring of 2019 summer help for the Buildings and Grounds Department.

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

WHEREAS, openings exist for seasonal help in the Buildings and Grounds Department, and

WHEREAS, Daniel Clemens, Buildings and Grounds Supervisor, has recommended that the individuals listed in Schedule A be hired to fill the positions; now, therefore, be it

RESOLVED, that individuals listed on Schedule A be hired as seasonal workers for the Buildings and Grounds Department for the summer of 2019, to be paid as noted, from A7110-E4000 (Buildings & Grounds-Part-time Employee), effective immediately.

Mr. Clemens said the department is still looking for two more summer employees 18 years or over.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 41 of 2019, a resolution approving an agreement for payment in lieu of taxes with Borrego Solar/25 Ashdown Road Solar LLC.

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

WHEREAS, Section 487 (9) of the New York State Real Property Tax law authorizes municipalities to enter into Payment in Lieu of Tax Agreements (PILOT) with solar energy developers within each taxing jurisdiction, under certain circumstances, and

WHEREAS, Borrego Solar, 1460 Broadway, New York, NY, has subdivision and site plan approval, and has been issued a Special Use Permit for the construction of a 4 MW solar energy project at 25 Ashdown Road, Rexford, and

WHEREAS, Borrego Solar LLC has established 25 Ashdown Road Solar, LLC as the operating company to construct and hold the improvement related to the solar array and relative equipment, and

WHEREAS, the Town Board wishes to enter into a PILOT agreement with 25 Ashdown Road Solar, LLC pursuant to RPTL Section 487(9); now, therefore, be it

RESOLVED that the Supervisor is authorized to execute the attached PILOT agreement with 25 Ashdown Road Solar, LLC in the amount of \$29,400 annually, for a 15-year term, attached.

Supervisor Barrett reported this is the first of three private solar farms to be constructed in 2019, noting private property with private agreements between private company and private landowner. He said the town has opted for a PILOT Agreement which will result in taxes being

paid but lower than what the full taxable status would be. The Supervisor asked the Board to consider directing funds received to a specific purpose, for example, funds from the cell tower on the Common are directed to improvements on the Common. He further noted NYSERDA provides guidance.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 42 of 2019, a resolution adopting Local Law No. 2 of 2019, amending Local Law No. 12 of 1996, Chapter 125-8 of Town Code, as amended, to add an exception to the provisions for tax penalties for withdrawal from a term conservation easement.

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

WHEREAS, the town maintains an active term Conservation Easement Program, allowing landowners to apply for reduced assessments on real property in exchange for term agreements to refrain from developing property pursuant to Chapter 125 of the Town Code, and

WHEREAS, pursuant to Chapter 125-8 of the Town Code, the Assessor is directed to assess back taxes and penalties in cases where landowners withdraw from the program prior to expiration of the terms applied for, with certain exceptions, and

WHEREAS, the Town Board wishes to provide relief from the back tax and penalty provisions of Chapter 125-8 of the Town Code in cases where the purpose of a landowner's application to withdraw from the term Conservation Easement Program is to convey a permanent conservation easement over the same lands covered within the term program, where the town has expressed its willingness to acquire the development rights, and

WHEREAS, on February 4, 2019, the Town Board held a public hearing on the proposal to add Chapter 125-8 C (3) as an exception to the penalty provisions of the term Conservation Easement Program; now, therefore, be it

RESOLVED, that the Town Board hereby adopts Local Law No. 2 of 2019, a local law amending Local Law No. 12 of 1996, Chapter 125-8 of Town Code, as amended, to add an exception to the provisions for tax penalties for withdrawal from a term conservation easement, as attached.

Supervisor Barrett said there was no public comment on the proposal. He said the four farms to receive funds will be protected in perpetuity.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 43 of 2019, a resolution accepting the salaries and hourly rates for day camp and pool staff for the 2019 summer season.

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

WHEREAS, the Town Board wishes to hire management and staff to operate the day camps and three town-owned pools for the 2019 season, and

WHEREAS, the Town Board also wishes to establish a salary matrix for seasonal personnel to be hired to operate summer day camps and town-owned pools for the 2019 season; now, therefore, be it

RESOLVED, that the Town Board hereby establishes Schedule A for the rates of pay for seasonal personnel associated with the summer recreation day camps; and be it further

RESOLVED, that the Town Board hereby establishes Schedule B for the rates of pay for seasonal personnel associated with the town pools.

Supervisor Barrett reviewed salaries and noted salaries have increased significantly. The increases total \$60,000.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 44 of 2019, a resolution authorizing the hiring of pool management for the 2019 season, per "2019 Summer Pool Directors/Managers Schedule A".

Introduced by Councilwoman Standaert, 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 2019 season, and

WHEREAS, the Town Board wishes to rehire the returning Pool Director and Managers - Duane Nichols, Brian Czerpak, Bruce Sutphin, and Michael Stone, as per "Schedule A 2019 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; and be it further

RESOLVED, that all hires are effective with start dates and ending dates as per the attached "Schedule A 2019 Summer Pool Directors/Managers " in accordance with the adopted rates of pay in the previous Resolution No. 43 of 2019.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 45 of 2019, a resolution authorizing the Supervisor to accept a proposal for professional engineering services for the design, bidding and construction phase support for a proposed streetscape improvement project along Clifton Country Road

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

WHEREAS, Planning Director John Scavo solicited bids from qualified engineering firms for engineering services relative to streetscape improvements along a portion of Clifton Country Road, and

WHEREAS, MJ Engineering and Land Surveying, P.C. has submitted a proposal for the engineering services in the amount of \$20,650, and

WHEREAS, Mr. Scavo recommends the retention of MJ Engineering for the work, based on their experience and familiarity with project needs; now, therefore, be it

RESOLVED, that the Supervisor is authorized to approve the attached proposal for the design, bidding and construction support services from MJ Engineering & Land Surveying, P.C., and be it further

RESOLVED, that the Comptroller is authorized to compensate MJ Engineering & Land Surveying, P.C. in an amount not to exceed \$20,650 for engineering services prior to construction, from A-3310-215 (Traffic Safety); and be it further

RESOLVED, that the Comptroller is authorized to transfer \$10,000 from A-1440-135 (Engineering) to A-3310-215 (Traffic Safety).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 46 of 2019, a resolution authorizing the establishment of a Community Action Fund Committee.

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

WHEREAS, the Town Board wishes to appoint a committee that will manage a process to support non-profit community programs and organizations that directly support people in Clifton Park, and oversee the collection of bottles and cans donated in support of the program, and

WHEREAS, Supervisor Barrett and Councilwoman Walowit have expressed a willingness to serve on the committee as representatives of the town, and

WHEREAS, Supervisor Barrett recommends that Matt Grattan, 5 Belmonte Lane, Clifton Park, Janine Mika, 14 Plaid Place, Clifton Park, and Greg Szczesny, 26 Castle Pines, Clifton Park, be appointed as resident representatives to serve on the committee; now, therefore, be it

RESOLVED, that the Town Board establishes the Clifton Park Community Action Fund Committee as attached; and be it further

RESOLVED, that the Comptroller is hereby directed to create the Community Action Fund Committee.

Supervisor Barrett explained the action fund will be a way to take redeemable bottles and cans to collect money to invest back into community organizations. He recommends only considering applications from community organizations not individuals, however, an organization could submit on behalf of an individual. He said bottles and cans can be brought to either the collection site at the Transfer Station or the redemption center on Vischer Ferry Road.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 47 of 2019, a resolution authorizing the Supervisor to sign and execute an engineering contract with Barton & Loguidice, D.P.C. for professional engineering and design services for a culvert replacement project under portions of Plank, Nadler and Bruno Roads, and authorize a transfer from unassigned fund balance.

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

WHEREAS, Highways Superintendent Dahn Bull has requested authority to determine the feasibility of repairing or replacing culvert pipes under portions of Plank, Nadler and Bruno Roads, and

WHEREAS, work in these areas may require permits from outside regulatory agencies including the Army Corps of Engineering and DEC, and

WHEREAS, the Town Board has been made aware by the Highway Department that the culvert pipes within the project area are in need of repair, and

WHEREAS, the Town Highways Superintendent has received and recommends the Town Board consider advancing a scope of services from professional design and engineering services bid packet preparation, and construction inspection services from Barton & Loguidice, D.P.C., to develop detailed design drawings, facilitate necessary permitting and bid specifications and construction inspection services with the aforementioned project; now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to execute a professional engineering services agreement with Barton & Loguidice, D.P.C. for the engineering design and stormwater permitting of a plan to rehabilitate and replace culverts under portions of Plank, Nadler and Bruno Roads, and be it further

RESOLVED, that the total compensation for services and reimbursable expenses for Barton & Loguidice, D.P.C. shall not exceed \$47,253 for said services without additional Town Board written authorization and approval; and be it further

RESOLVED, that said amount shall be paid from account A-8540-135 (Drainage Repairs-Engineering), with a transfer from unassigned fund balance.

Supervisor Barrett explained this has been looked at over the years and the need for drainage improvement is being “stymied” by the fact the streams are consider certified trout streams and are protected.

Highway Superintendent Bull said at this time the town is allowed to do minor excavations at the inlets and outlets but overall these are undersized for the location. Wetlands on either side of the three culverts are protected by DEC and Army Corps of Engineers, and making it more complicated, major utility, water, sewer, power and gas run thru the locations. The first step is to

have a plan constructed that DEC is happy with. Mr. Bull stated these are class TC3 streams and protection regulations are much higher so we have to be very careful.

Supervisor Barrett said DEC and ACOE have been on the site on multiple occasions with no definitive resolution. The town has hired legal counsel to try to move the process along to eventually obtain a permit to allow additional work other than just being able to clear sediment from areas surrounding opening of pipes which is very short term solution. He commented the town had no idea it would be this difficult to get permission to protect town infrastructure and roadways.

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 , adjourn the meeting to the next regular meeting or any other meeting necessary for the conduct of Town business.

Motion carried at 7:46 p.m.

Patricia O'Donnell  
Town Clerk