

April 15, 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: Ass't Town Attorney Morelli
Dahn Bull, Superintendent of Highways
Mark Heggen, Comptroller
Daniel Clemens, Supervisor of Buildings & Grounds
Myla Kramer, Director of Parks, Recreation and Community Affairs
John Scavo, Director of Planning

MOTION BY Councilman Romano, seconded by Councilwoman Walowit, to approve the minutes of the April 1, 2019 meeting as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Councilwoman Standaert reported on Clean Up Day scheduled on April 27 and noted there are hundreds signed up but there is room for more.

Supervisor Barrett reminded residents of Shredding Day on April 28 from 1 to 3pm at Clifton Park Center. He noted over 2500 pounds of can goods were donated each year.

He further reminded residents of the Clifton Park Community Chorus concert on April 28th at 3:00 pm at Shenendehowa United Methodist Church. This concert is dedicated to the memory of Dian Dippold, chorus accompanist for many years.

Councilman Whalen said Historic Preservation Day is May 4th from 10 am to 2 pm at Grooms Tavern.

DOT PRESENTATION ON ROUTE 146 AND 146A ROUNDABOUT

Cory Barringer, NYS DOT, displayed plans and gave an overview for the Routes 146/146A roundabout project, noting construction is planned to start on July 8th with major construction completed by September 27th and completely finished by the end of the year. He said the apparent low bidder is Rifenberg Construction. Plans showed crosswalks, flag and bench area, and proposed landscaping.

Supervisor Barrett asked that no closures occur on Saturdays when the Common has very heavy activity. Mr. Barringer said there will be "suggested detours".

Mr. Barringer said once the roundabout is completed if there is traffic backup on Route 146, DOT will look at the light on Route 146 at the Shenendehowa entrance, as well as Moe Road.

Supervisor Barrett thanked NYSDOT for listening to and incorporating suggestions from the Town of Clifton Park. He stressed the importance of construction being done by the time school starts in September. He said the Highway Safety Committee has been part of the planning process and introduced members in attendance this evening.

PRESENTATION FROM NYS RECREATION AND PARK SOCIETY
DISTINGUISHED CITIZEN AWARD TO FRANK BERLIN

Lisa Morahan, Executive Director of NYS Recreation and Park Society and Myla Kramer, who nominated Frank Berlin for the award, presented him with the 2019 Distinguished Citizen Award. Ms. Kramer noted Mr. Berlin “led the charge” to have residents vote on the future of the 37 acres at Exit 9 area purchased from Shenendehowa and to keep as parkland, as well as many other activities including holding the town’s first Kite Flying Day.

Supervisor Barrett said no one is more committed to improving the town than Frank Berlin, a tireless advocate for the town.

Mr. Berlin accepted the award for everyone who voted for the 37 acres, who walk the trails and visit the parks, noting all are advocates. He thanked the Town Board for all their support over the years.

PUBLIC HEARING, 7:05 (8:12) PM
REGARDING THE RENOVATION AND IMPROVEMENT OF THE
STONY CREEK PARK DISTRICT NO. 1

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on April 4, 2019.

Supervisor Barrett said the Park District has been very thorough in determining a final plan and bringing the plan forward.

Brian Easton, Chair of the Stony Creek Park District No. 1, said paths and signs have been rejuvenated but park equipment is very old. This bond will improve the parks within the Aspenwood, Huntwood, Presidential Estates communities, He thanked Marian Warner for her assistance in putting the plan together and Supervisor of Buildings and Grounds Clemens and Director of Planning Scavo for their help. There will be 20 pieces of equipment. Ms. Warner said equipment to be replaced is from the 70s and this is being done for the safety of the children.

The public hearing was opened for comments from the audience at 8:20 p.m.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 8:21 pm.

Supervisor Barrett thanked Director of Planning Scavo and Superintendent of Buildings and Grounds Clemens for their work on this project.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 111 of 2019, a resolution authorizing the issuance of a Mass Gathering Permit to SingleCut Brewery for a fundraising event to be held for the benefit of the owners of Common Roots Brewing Company in South Glens Falls, NY.

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

WHEREAS, DoubleCut, LLC has requested that the town issue a mass gathering permit for a party to be held at the SingleCut Brewery located at 6 Fairchild Square, and

WHEREAS, the gathering will be held on Saturday, May 4, 2019, from 5 - 8 PM, with attendance estimated at 700± people in attendance, and

WHEREAS, a one-day permit was issued to the brewery by the New York State Liquor Authority, and

WHEREAS, Chapter 64-3 of the Town Code requires a mass gathering permit for one-day events where admission is charged, and

WHEREAS, the town has been provided with information concerning this activity, and

WHEREAS, the town has been named as an additional insured on the required insurance policy; 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 permit be issued to DoubleCut, LLC dba SingleCut North to take place on May 4, 2019 from 5 - 8:00 PM, upon compliance with Chapter 103-16 of the Town Code, for a tent permit.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 112 of 2019, a resolution hiring returning part-time Golf Course Attendants for the Barney Road Golf Course for the 2019 season.

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

WHEREAS, the Town Board wishes to hire seasonal staff for the upcoming season at the Barney Road Golf Course, and

WHEREAS, Myla Kramer, Director of the Office of Parks, Recreation and Community Affairs, has recommended that James Harding, 19 Casablanca Court, Clifton Park and David Trifilo, 621 Englemore Road, Clifton Park, be hired to fill the positions; now, therefore, be it

RESOLVED, that authorization is hereby given to hire James Harding and David Trifilo, as part-time attendants for the Barney Road Golf Course, effective April 1, 2019 through November 18, 2019, to be paid \$9.75/hour from A-7190-E4000 (Golf Course-Part-time Employee).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 113 of 2019, a resolution authorizing 2018 Final Budget Adjustments as specified in Exhibit A.

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

WHEREAS, the Comptroller has recommended that certain budget adjustments contained in Exhibit A be made to address the needs of all funds, as well as other miscellaneous expenditures as set forth in Exhibit A; now, therefore, be it

RESOLVED, that the budget adjustments specified in Exhibit A be adopted per the Comptroller's recommendations.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 114 of 2019, a resolution accepting the attached list of alternate Lifeguards to be hired, as needed, for the three town owned pools.

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

WHEREAS, Supervisor Barrett has recommended that the list of individuals listed as Schedule "A", be accepted as alternate Lifeguards for the 2019 season; now, therefore, be it

RESOLVED, that the attached Schedule "A" be accepted as the list of alternate Lifeguards to be hired if needed; and be it further

RESOLVED, that the alternate Lifeguards shall be paid \$10.25/hour from the appropriate fund: A-7150-E4690 (Barney Road Life Guards), A-7152-E4690 (Locust Lane Life Guards), or SP5-7151-E4000 (Longkill Park District #1 Guards).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 115 of 2019, a resolution authorizing the hiring of 2019 summer help for the Buildings and Grounds Department.

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

WHEREAS, an opening exists for seasonal help in the Buildings and Grounds Department, and

WHEREAS, Daniel Clemens, Buildings and Grounds Supervisor, has recommended that Ray E. Pillow, 178 Milton Ave., #2, Ballston Spa, be hired to fill the position; now, therefore, be it

RESOLVED, that Ray Pillow be hired as a seasonal worker for Buildings and Grounds for the summer of 2019, at \$11.10 per hour, effective immediately, to be budgeted from A7110-E4000 (Buildings & Grounds-Part-time Employee).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 116 of 2019, a resolution approving the renovation and improvement of the parks within the Stony Creek 1 Park District.

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

WHEREAS, pursuant to Town Law Chapter 202-b, the Town Board of the Town of Clifton Park (the "Town") proposes to undertake the renovation and improvement of the Aspenwood, Huntwood, Aspenwood Haystack Loop, and Presidential Estates Parks within the Stony Creek I Park District, including the acquisition and installation of playground equipment and apparatus (the "Project"), as described in the engineering plans, drawings and bid documents prepared by MJ Engineering dated July 23, 2018 which is on file in the Town Clerk's office and posted on the town's website, and

WHEREAS, the total estimated maximum cost of the Project is \$150,000, and

WHEREAS, on April 15, 2019, the Town Board held a public hearing regarding the Project, as required by Town Law Chapter 202-b; now, therefore, be it

RESOLVED, that the Town Board hereby determines that it is in the public interest to undertake the Project; and be it further

RESOLVED, that the Town Board hereby authorizes the Town Supervisor and Planning Department to proceed with the Project provided, however, that the financing of the Project shall not occur until the Town Board has adopted a bond resolution in accordance with the New York Local Finance Law.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 117 of 2019, a Bond Resolution authorizing the renovation and improvement of parks within the Stony Creek 1 Park District in the Town of Clifton Park, Saratoga County, New York, at a maximum estimated cost of \$150,000 and authorizing the issuance of not to exceed \$50,000 serial bonds to pay the cost thereof.

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

RESOLVED, by the Town Board of the Town of Clifton Park, Saratoga County, New York, (the "Town"), as follows:

Section 1. The renovation and improvement of the Aspenwood, Huntwood, Aspenwood Haystack Loop, and Presidential Estates Parks within the Stony Creek 1 Park District (the "District"), including the renovation and acquisition of new playground equipment and apparatus, (the "Project"), is hereby authorized at an estimated maximum cost of \$150,000.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific objects or purposes is \$150,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of \$100,000 from Stony Creek 1 Park District contribution and the issuance of up to \$50,000 serial bonds (the "Bonds") of the town authorized to be issued pursuant to this bond resolution and the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen (15) years, pursuant to subparagraph 19(c) of Section 11.00(a) of the Local Finance Law. The proposed maturity of the Bonds will be in excess of five years.

Section 4. Pursuant to Section 107.00(d)(9) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any bond anticipation notes issued in anticipation of the Bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be apportioned and assessed upon the several lots and parcels of land within the District, which the Town Board determines to be especially benefited by the Project, an amount sufficient to pay the principal of and interest on such obligations as the same becomes due and payable, but if not paid from such source, all the taxable real property in the Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on such obligations when due.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00 inclusive of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to sell and deliver the Bonds and any bond anticipation notes providing for substantially level or declining annual debt service, is hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 8. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Town's General Fund. It is intended that the Town shall then reimburse such expenditures with the proceeds of the Bonds and bond anticipation notes authorized by this resolution and that the interest payable on the Bonds and any bond anticipation notes issued in anticipation of the Bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by this resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Regulation Section 1.150-2.

Section 9. The validity of the Bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution, or a summary hereof, shall be published in the official newspapers of the Town for such purpose, together with a notice of the Clerk of the Town in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 11. This resolution is not subject to a referendum on petition in accordance with Section 35.00(b)(2) of the Local Finance Law.

Section 12. The Town Supervisor, as chief fiscal officer of the Town, is hereby authorized to enter into an undertaking for the benefit of the holders of the Bonds from time to time, and any bond anticipation notes issued in anticipation of the sale of the Bonds, requiring the Town to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15c2-12.

Section 13. The Town Board hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 14. This resolution shall take effect immediately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 118 of 2019, a resolution awarding the bid for the Clifton Park Highway paving contract pursuant to General Municipal Law Section 103.

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

WHEREAS, bids for the Highway Department's 2019 paving contract were opened on March 20, 2019, and

WHEREAS, Best Paving & Seal Coating, Inc., Albany, New York, submitted a bid of 6F grade asphalt, \$56.75 per ton in place, and grade 7F, \$57.25 per ton in place, and dense binder grade, \$49.50 per ton in place, and

WHEREAS, Dahn Bull, Superintendent of Highways, recommends that the contract be awarded to Best Paving & Seal Coating, Inc., as the lowest bidder, and

WHEREAS, Best Paving & Seal Coating has performed paving work in other municipalities, and through discussions with previous and current customers, Best Paving has demonstrated the qualifications and ability to perform the duties and expectations outlined in the contract for which they bid; now, therefore, be it

RESOLVED, that the 2019 Clifton Park Highway bid for paving is awarded to Best Paving and Seal Coating, Inc. of Albany, New York, at \$56.75 per ton in place for 6F grade asphalt, \$57.25 per ton in place for grade 7F asphalt, and \$49.50 per ton in place for binder grade asphalt, per the bid documents and successful responsive bid; and be it further

RESOLVED, that the Town Board authorizes Dahn Bull, Superintendent of Highways, to sign a contract for these services with Best Paving & Seal Coating.

Supervisor Barrett explained the financial implications of prevailing wage. Highway Superintendent Bull commented CHIPS money will be decreased this year.

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 8:47 p.m.

Patricia O'Donnell
Town Clerk