

TOWN OF CLIFTON PARK TOWN BOARD

January 11, 2021

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 Standaert
Councilman Morelli
Councilwoman Walowit
Town Clerk Brobston

Also Present: Town Attorney McCarthy
Dahn Bull, Superintendent of Highways-Tele-conferenced
Mark Heggen, Comptroller
Daniel Clemens, Director of Buildings, Parks & Recreation
Steven Myers, Director of Building and Zoning
John Scavo, Director of Planning
Myla Kramer, Director Parks, Recreation & Community Affairs- Tele-conferenced

ANNOUNCEMENTS AND COMMUNICATION

Supervisor Barrett announced town buildings will be closed, with a 25% staff reduction, for another week due to the current pandemic. Drop-boxes have been set-up for tax payment convenience at Town Hall.

Supervisor Barrett stated, Phase 1B, for those eligible, will begin to receive COVID vaccines per protocol when the county receives them.

PUBLIC HEARING ESTABLISHING A 6 MONTH MORATORIUM ON GROUND MOUNTED SOLAR PROJECTS, 7:08 PM

Town Clerk Brobston read the public hearing notice that was advertised in the Gazette on January 4, 2021.

Supervisor Barrett explained the town has been approving solar projects for the last several years and would like to take a pause on issuing permits, to review the laws and procedures and address changes. The moratorium will provide time for the review.

Town Clerk Brobston read a statement provided by Susan Burton, Friends of Clifton Park Open Space Vice President, supporting the moratorium.

Comments from Helen Wilson were received and distributed to the Town Board before the meeting.

No one else wished to be heard. Public hearing closed 7:20 PM.

PUBLIC HEARING ON A PROPOSAL TO EXPAND TOWN CENTER ZONING TO THE AREA EAST OF I-87 AND SOUTH OF STATE ROUTE 146, 7:21 PM.

Town Clerk Brobston read the public hearing notice that was advertised in the Gazette on December 16, 2020.

Planning Director John Scavo explained the original Town Center plan from 2013 included the area east of I-87, but when the form-based code was introduced, the town focused on the west of I-87 to start with because the code was new. The town wanted to put the new code in place and review later for updating and feedback. The feedback has been positive from the Planning Board, applicants, the town and community. It was decided to pursue including the rest of the area into the form-based code. Some of the changes made was because the TC5 zone, south of 146 where the Crossing Blvd. is located, which is mostly retail, there was a concern about introducing residential too fast into that area. It is now proposed as an exclusive zone and not

permit residential growth. Multi-use pathways will be reviewed. The code does speak of incremental changes over time. North of Rte 146 a new district will be created called TNGB, Neighborhood General Business. This new zone will take into account historical aspects of the area and have the best elements from the TC5 & TC3 zones, traffic calming impact and create pedestrian and cycling connections. The use tables and future street maps were updated.

Supervisor Barrett questioned the Fire Road area and wanted to be sure the parcels will have roadway access.

Public Hearing closed at 7:31 PM

RESOLUTIONS

No one wished to be heard.

Resolution No. 13 of 2021, a resolution adopting Local Law No. 2 of 2021 to establish a moratorium on ground mounted solar arrays within Clifton Park.

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

WHEREAS, by Local Law No. 9 of 2011, the Town Board authorized the siting of ground mounted solar arrays within the R-1, R-3, CR, HR, and HM zones, and

WHEREAS, New York State policy, as well as taxpayer incentives for medium and large-scale solar energy, has evolved since the town's zoning classifications were enacted, and the 2020-state budget contained major initiatives towards siting regulations and mitigation of such facilities, and

WHEREAS, the Planning Board has processed 5 applications for ground mounted solar facilities in the 5+ MW capacity range (AC) under existing zoning authority, with an additional 2 MW facility under review, and

WHEREAS, on January 11, 2021, the Town Board held a public hearing on a proposal to impose a six-month moratorium on the processing of further applications for such facilities, in order to adequately consider the appropriate zoning tools and siting requirements for such facilities under existing and anticipated hosting capacity of regional utilities, consistent with the best interests of the community consistent with current New York State policy, procedures and economic incentives, and

WHEREAS, the proposal includes provisions to supersede and suspend Sections 276 and 267-b of the New York State Town Law relative to time period regulations and default provisions, as well as jurisdiction of the ZBA to grant relief from the moratorium under existing statutory timeframes, and to vest jurisdiction to grant relief from such moratorium solely in the Town Board during the moratorium period, and

WHEREAS, the Saratoga County Planning Board has reviewed the proposal pursuant to Section 239-m of the NYS General Municipal law, finding that the proposal serves the community's interests; now, therefore, be it

RESOLVED, that pursuant to Municipal Home Rule Law §10, the Town Board hereby adopts Local Law No. 2 of 2021, and be it further

RESOLVED, that the Town Clerk is directed to file same with the Office of the Secretary of State and to provide appropriate notice of same, and that the local law be posted prominently on Cliftonpark.org.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 14 of 2021, a resolution authorizing Donovan Ryan to serve alcoholic beverages at a gathering to be held at the Clifton Park Senior Community Center on January 23, 2021.

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

WHEREAS, Donovan Ryan, 5D Brookside Meadows, Ballston Lake, is hosting a gathering on January 23, 2021 from 7-8 P.M., and

WHEREAS, Donovan Ryan has requested permission to serve alcohol in the form of beer and wine at the event; now, therefore, be it

RESOLVED, that Donovan Ryan is hereby authorized to serve beer and wine at a gathering at the Clifton Park Senior Community Center on January 23, 2021 from 7-8 P.M.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 15 of 2021, a resolution authorizing the Supervisor to sign contracts with 2021 subcontract hires.

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

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has requested that the Town Board authorize contracts for certain recreation programs, and

WHEREAS, the Town Board supports continuation of the listed recreation programs with the subcontractors listed on the attached Schedule "A"; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign contracts with 2021 Recreation Subcontractors, per Schedule "A".

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 16 of 2021, a resolution awarding a contract for landscape work for the Sherwood Forest Park District.

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

WHEREAS, quotes were received by the Town Board, as Commissioners of the Sherwood Forest Park District, for landscape work for the district, and

WHEREAS, the lowest conforming quote for the work to be done which includes mowing, trimming, weeding, mulching and plantings, as outlined in the invitation to provide price quote, was submitted by A to Z Property Management, in an amount not to exceed \$9,480 plus \$361.11 for any additional cuts 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 price quote from A to Z Property Management, for the landscape work at the Sherwood Forest Park District, at a cost of \$9,480 for 19 cuts and \$361.11 for additional requested cuts for the 2021 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 Standaert, Councilman Morelli, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 17 of 2021, a resolution authorizing the Department of Buildings & Grounds to purchase a dump truck with snowplow from the state contract.

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

WHEREAS, Daniel Clemens, Director of Buildings, Parks, and Recreation, has requested authorization to purchase one 2021 Chevrolet Silverado 3500HD dump truck with snowplow, and

WHEREAS, one such dump truck with plow, at a cost of \$47,732.38, is available from Robert Green Auto & Truck Inc., 236 Bridgeville Road, Monticello, NY, through a mini-bid process under the NYS Office of General Services mini-bid #23166; now, therefore, be it

RESOLVED, that the Director of Buildings, Parks, and Recreation, is authorized to purchase the above referenced vehicle for use by the Buildings & Grounds Department, in a total amount not to exceed \$47,732.38 from A-7110-200 (General Fund-Buildings & Grounds-Equipment & Building).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 18 of 2021, a resolution regarding construction inspection and support for the Pedestrian Safety Action Project in the vicinity of Route 146 and Clifton Park Center Road, and the intersection improvement project planned for the intersection of Moe Road with Grooms Road.

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

WHEREAS, the town was awarded grant funding of \$400,000 under the New York State Pedestrian Safety Action Plan for the pedestrian safety project, and

WHEREAS, by Resolutions Nos. 37 and 297 of 2018, the Town Board authorized professional services agreements with Greenman-Pedersen, Inc. (GPI) for preliminary design work right-of-way acquisition services for the project, which is intended to improve pedestrian access and safety in the Exit 9 area, and

WHEREAS, right-of-way acquisition is complete, and the Town Board wishes to prepare for the final design approvals and to retain engineering consultants for construction inspection and support services associated with the construction phase of the projects, and

WHEREAS, GPI has prepared the preliminary design and proposed final design documents for both projects, and has submitted a proposed scope of services for the construction support, as estimated pre-bid, with \$53,000 for services associated with the Exit 9 area project, and \$6,000 for the Moe Road intersection improvements, and

WHEREAS, the board recognizes GPI's preliminary and advanced work on both projects, and wishes to advance the project, and

WHEREAS, pursuant to PSAP grant terms, the town commits to funding 100% of the construction inspection and support services in the first instance, with reimbursement anticipated for \$53,000 in construction support for the federally funded PSAP project; now, therefore, be it

RESOLVED, that the Town Board authorizes the payment in the first instance of \$53,000 in construction inspection and support for the Clifton Park Pedestrian Safety and Improvements Project, PIN 1760.93, and be it further

RESOLVED, the Comptroller is authorized to encumber \$59,000 from H53-3310-200 (Capital Projects-Moe & Grooms PSAP-Traffic Improvements-Equipment) for Supplemental Agreement #2, attached, to advance the project and retain Greenman Pederson, Inc. for the construction support and inspection services prior to the final preparation of bid documents; and be it further

RESOLVED, that the Supervisor is authorized to sign Supplemental Agreement #2, attached.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 19 of 2021, a resolution to authorize execution of a grant contract with the County of Saratoga for restoration of the Meadow Estates multi-use trail.

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

WHEREAS, March 22, 1994, the Planning Board approved the Meadow Estates subdivision, contingent upon the completion of a multi-use trail prior to issuance of the 31st building permit, and

WHEREAS, the existing trail is in need of significant repair and restoration, and

WHEREAS, on behalf of the Town Board, the Planning Department has prepared a grant fund application to the Saratoga County Trails Grant Program, and

WHEREAS, the Board of Supervisor has approved a grant proposal for the project in the amount of \$10,000, contingent upon an overall project budget of no less than \$12,000 with remaining funds or in-kind services to be contributed by the town; now, therefore, be it

RESOLVED, that the Town Board authorize Supervisor to execute the grant contract as approved by the Board of Supervisors.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 20 of 2021, a resolution approving a supplemental agreement with Barton & Loguidice for additional engineering services required for the supervision and inspection of the construction phase of the Vischer Ferry Nature & Historic Preserve – Gateway and Accessibility Improvements Project.

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

WHEREAS, the Town of Clifton Park has an existing grant contract with the NYS Canals Corporation #C010174, and a grant contract with NYS DOT identified as PIN 1SB1.32/D034917 to fund a portion of the Vischer Ferry Nature & Historic Preserve Project as a transportation federal-aid project and appropriating funds therefore, and

WHEREAS, by Resolution No. 286 of 2014, the Town Board retained Barton & Loguidice, D.P.C. (B&L) for engineering design documents for the project, and

WHEREAS, by Resolution No. 125 of 2018, the Town Board authorized B&L to prepare final design documents and conduct construction management services for the construction phase which had been anticipated for 2018, and

WHEREAS, by Resolution No. 102 of 2020, on May 11, 2020, the town accepted the recommendation of Barton & Loguidice, and awarded the construction contract to Bette & Cring, LLC, for the project, and

WHEREAS, by Resolution No. 108 of 2020, the Town Board authorized B & L to provide construction inspection and support services for the construction phase of the project, based on project estimates, and

WHEREAS, by Resolution No. 316 of 2014, the Town Board created a capital projects fund to cover the costs of design and construction for the project and payment in the first instance, and

WHEREAS, the project is supported by federal, state, and local funding sources, and

WHEREAS, Barton & Loguidice provided engineering and construction support services in support of town efforts to secure additional grant funding sources, to close funding gaps identified through the final bid process, and provided inspection and support services to meet NYSDOT grant fund requirements throughout the project, which was completed on time and under final budgets established after bids were received; now, therefore, be it

RESOLVED, the Supervisor is authorized to execute the attached Supplemental Agreement #3 for engineering and construction support services, associated with the final construction and closeout phase of the Vischer Ferry Nature & Historic Preserve – Gateway and Accessibility Improvements Project, and be it further

RESOLVED, that the Comptroller is authorized to increase budget line H36-7629 (Vischer Ferry Nature Preserve-Trails Contractual-Engineering) by \$24,788 as per attached Supplement Agreement #3, Attachment A; and be it further

RESOLVED, that the Town Board authorizes the Comptroller to pay 100% of the costs of the construction and construction management services in the first instance, pending reimbursement from grant funding sources, per operative grant contracts in place for the project.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 21 of 2021, a resolution authorizing the purchase of two 2021 Chevrolet 2500 pickup trucks for Highway Department purposes from an existing contract with Onondaga County.

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

WHEREAS, after assessing the needs of the Highway Department, Highways Superintendent Dahn Bull has recommended the purchase of two Chevy pickup trucks for use by the Highway Department, per the attached, and

WHEREAS, the prices quoted are extended from the Onondaga County Bid award, under the provisions of New York State General Municipal Law Section 103 of the General Municipal Law, which allows one municipality to utilize existing contracts of another municipality, as long as that contract was pursuant to competitive bidding consistent with state law and made available for use by other government entities, and

WHEREAS, General Municipal Law Section 103(16) has been amended to allow the extension of equipment configurations and awarded pricing discounts to all political subdivisions in New York State, based upon qualified bid responses to a municipal entity with notice, and

WHEREAS, after reviewing the options available, Superintendent Bull has recommended that the pricing from Robert Green Truck Division, PO Box 8002, Rock Hill, New York, be accepted for an amount of \$84,184, and

WHEREAS, by Resolution No. 55 of 2018, the Town Board authorized the execution of a master municipal lease with KeyBank for cost-effective financing of town vehicles, including Highway equipment; now, therefore, be it

RESOLVED, that the Highway Department is authorized to purchase two 2021 Chevrolet pickup trucks, as per the attached Schedule A, from Robert Green Truck Division, PO Box 8002, Rock Hill, New York, 12775; and be it further

RESOLVED, that the Clifton Park Town Board hereby authorizes the purchase under Onondaga County Contract #ONGOV-106-19, in an amount not to exceed \$84,184, to be paid through the master municipal lease with KeyBank established in 2018.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 22 of 2021, a resolution appointing Betsey Snyder as a part-time clerk, as needed, for Town Hall.

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

WHEREAS, a need exists for a part-time clerk and Betsey Snyder, 607 Grooms Road, Clifton Park, has been recommended to fill this position; now, therefore, be it

RESOLVED, that Betsey Snyder, 607 Grooms Road, Clifton Park, be appointed as a part-time clerk to fill in as needed, at Grade 4, Step 8, \$26.46 per hour, to be paid from departments as needed, effective January 11 through March 31, 2021.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 23 of 2021, a resolution extending the provisions of the Families First Coronavirus Response Act for employee leave for individuals and families impacted by the coronavirus pandemic.

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

WHEREAS, on March 18, 2020, President Trump signed the Families First Coronavirus Response Act (FFRCA), which, among other things, provided employees with mandatory paid leave for six separate reasons related to the coronavirus pandemic, and

WHEREAS, on December 27, 2020, the President signed the Federal Emergency Stimulus Legislation into law, which authorizes employers to continue provision of the FFRCA voluntarily, and

WHEREAS, the Coronavirus Pandemic continues to impact employees and their families throughout the region, as the vaccines approved by the relevant federal authorities in late 2020 have yet to become widely available within the state, and

WHEREAS, the Town Board wishes to extend the provisions of the FFRCA through March 31, 2021, consistent with recent federal legislation, to assist employees and their families who are impacted by quarantine requirements and school closures impacted by executive order pending distribution of vaccines against the virus; now, therefore, be it

RESOLVED, that the Comptroller's office and staff are authorized to continue the policies contained within the March 2020 FFRCA, as interpreted and implemented by the Town, ***effective January 1, 2021 through** and including March 31, 2021.

***Amended to include effective date of January 1, 2021**

MOTION TO AMEND THE RESOLUTION BY Councilwoman Standaert, seconded by Councilman Morelli.

ROLL CALL VOTE

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

Noes: None

MOTION ADOPTED

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

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 8:10 PM

Teresa Brobston
Town Clerk