

TOWN OF CLIFTON PARK TOWN BOARD

April 18, 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  
Councilwoman Walowit  
Deputy Town Clerk Fitzgerald

Absent: Councilman Morelli

Also Present: Town Attorney McCarthy  
Mark Heggen, Comptroller  
John Scavo, Planning Director  
Daniel Clemens, Director of Buildings, Parks & Recreation  
Lori Hughes, Program Coordinator

MINUTES APPROVAL

MOTION by Councilwoman Walowit, seconded by Councilwoman Flood, to approve the minutes of the April 4 and April 11, 2022, meetings as presented.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Morelli

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATION

Supervisor Barrett expressed appreciation to those who attended a discussion with U.S. Major General Christian, Deputy Chief of Staff, United States Army Training and Doctrine Command, who is currently touring the country visiting communities. The Major General's purpose is to encourage recruiting and training for the military. The discussion was a terrific opportunity to connect local recruiting individuals with Workforce Development, County Probation, local service organizations and Sheriff's Office, as well as to seek feedback from all levels of government leaders, Social Services, Veteran Organizations and local people.

Supervisor Barrett expressed appreciation to Pastor Lilly and team of Starpoint Church for their partnership, as well as, all who participated in the Eggstravaganza held April 16, 2022, on the Clifton Common.

Supervisor Barrett reminded residents of upcoming Town services:

- Sunday, May 1, 2022, Annual Shredding Day from 1:00-3:00 pm behind Boscov's at the Clifton Park Center Mall.
- Thursday, May 5, 2022, the Paint and Stain Recycling program will commence at the Transfer Station. Residents can drop off paint and stain items for recycling. The program will run every subsequent Thursday thereafter, free of charge.

## ARPA FUNDS DISCUSSION

Supervisor Barrett stated that there was an ARPA Fund discussion, and the Town allocated funds. The Town will need to do the first reporting at the end of this month. All governments who receive funding need to prepare periodic reports. The more funding you receive, the more reporting required. Supervisor Barrett sent portal detail to Comptroller Mark Heggen for processing reports.

2021 Allocation of ARPA Funding:

- \$450,000 - emergency generators Clifton Park Sewer Department (money has been spent)
- \$350,000 - stormwater upgrades and repairs for areas of need
- \$60,000 - acquire engineering services to analyze options to upgrade gasoline pumps currently operated and maintained by the Highway Department.
- \$200,000 - to distribute to non-profit entities via our non-profit grant application project; discussion and review of applications to be scheduled next week
- Grand total of \$1,060,000 for above-mentioned items

Comptroller Mark Heggen stated, the second half of the allocation of ARPA Funding will be coming in June/July of this year.

Ideas for discussion at workshop for allocation of additional dollars:

- \$350,000 - build infrastructure of forty-one acres of beautiful parkland off Riverview Road; in need of good access and a parking lot to safely and easily park as well as stormwater, grading, etc.
- \$35,000 – three new welcome signs for the Town based on an approved design; per Daniel Clemens, one bid submitted in this amount
- \$1,300,000 – additional to current allocation to paving budget
- \$60,000 - IT Consultant has identified need to upgrade our server hardware
- \$100,000 - Non-profit Grant program
- Two sections of trail work at Clifton Country Road and Clifton Park Center Road intersection; Supervisor asked Director of Buildings, Parks, & Recreation Daniel Clemens to get estimates and coordinate with Highway Department if paving is possible by them
- Additional stormwater work to be done
- Vischer Ferry Preserve trails – Director of Buildings, Parks & Recreation Daniel Clemens expressed the issues the recent flooding has caused; thousands of feet of trail washed out with extensive damage; no estimates of yet
- Sealing Clifton Common and painting of parking lines at Clifton Common; no estimates of yet

Councilwoman Flood questioned if the ARPA funds are tied to COVID relief. Comptroller Mark Heggen stated, all funds may be used for revenue replacement.

Councilwoman Flood suggested that the Blacksmith Shop, which is in dire need of repair, be considered for allocation.

## RESOLUTIONS

No one wished to be heard.

Resolution No. 110 of 2022, a resolution hiring seasonal staff for the 2022 Parks & Recreation Programs.

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

WHEREAS, the Town Board wishes to retain new and returning counselors as staff members for operation of the Town's Summer Camp Program for 2022 and the Barney Road Golf Course, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that the individuals listed in the attached Schedules A, B and C be hired; now, therefore, be it

RESOLVED, that the individuals listed in the attached Schedules A, B, and C be accepted as staff for the Town's 2022 Day Camp Program and the Barney Road Golf Course, to be paid as indicated on the schedules through the end of the respective seasons.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Morelli

DECLARED ADOPTED

Resolution No. 111 of 2022, a resolution awarding a contract for replacing fencing at Clifton Common.

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

WHEREAS, Director of Buildings, Parks, and Recreation, Daniel Clemens, advertised for sealed bids for fence replacement located at Clifton Common, and

WHEREAS, sealed bids were opened on February 11, 2022; WBE Fence Company, Inc. 11 Deer Court, Brewster, NY submitting the low bid of \$252,501 for removal and replacement of stockade fencing around the perimeter of the Clifton Common with gates, and removal and installation of 4-foot-high black chain link fence with gates surrounding the soccer fields, and

WHEREAS, the Director of Buildings, Parks, and Recreation recommends awarding the bid to WBE Fence Company, Inc., as lowest responsible bidder; now, therefore, be it

RESOLVED, that the Comptroller is authorized to transfer from A-00914 (General Fund -Unassigned Fund Balance) to cover the costs in the amount of \$252,501 to A-07112-00200 (General Fund – Clifton Common – Equipment); and be it further

RESOLVED, that the Supervisor is authorized to sign a contract with WBE Fence Company, Inc., for the fencing, in an amount not to exceed \$252,501 for removal and installation of fencing and gates at Clifton Common.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Morelli

DECLARED ADOPTED

Resolution No. 112 of 2022, a resolution awarding the construction contract for improvements to the Town Center Park pursuant to competitive bid.

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

WHEREAS, by Resolution No. 243 of 2017, the Town Board authorized the acquisition of 34 +/- acres of land in the Town Center area for park purposes, and

WHEREAS, by Resolution No. 25 of 2020, the Town Board adopted a Master Plan for the Town Center Park, and

WHEREAS, by Resolution No. 101 of 2021, the Town Board retained Environmental Design Partners (EDP) to design Phase I of the development plan and to prepare bid specifications for the Park, including initial storm water and archeological study, park access, and first trail connections, and

WHEREAS, by Resolution No. 227 of 2021, the Town Board appropriated \$1,500,000 for the construction of Phase I of the Town Center Park and established a H-60 (Capital Projects Fund) with the initial appropriation, and

WHEREAS, on behalf of the Town Board, EDP published bid specifications and solicited sealed bids for Phase I of the project pursuant to General Municipal Law 103, and

WHEREAS, after a bid opening on April 4, 2022, EDP performed a bid analysis and recommended that the construction contract be awarded to DelSignore Blacktop Paving Inc., as low bidder, at a cost not to exceed \$2,074,469 including the Base Bid and Alternative No. 1, which provides electrical service enhancements and upgrades for the park's future needs; now, therefore, be it

RESOLVED, that the Town Board accepts the recommendation of the project design engineer, EDP, and hereby awards the construction contract for the Town Center Park Phase I Plan to DelSignore Blacktop Paving Inc., pursuant to General Municipal Law Section 103, at a cost not to exceed \$2,074,469 which represents a base low bid of \$1,994,494 and \$79,975 for bid Alternative No. 1, which provides electrical service enhancements and upgrades for the park's future needs; and be it further

RESOLVED, that the Comptroller is authorized to transfer funds from A-00914 (Unassigned Fund Balance) to A-08150-00015 (General Fund – Interfund Transfer – Contractual) to be transferred to H60-07250-0200 (Capital Projects Town Center Park – Town Center Park – Equipment) an increase in expenditures and revenues of H60-05031 (Capital Projects Town Center Park – Interfund Revenues) shall be increased by the same amount; and be it further

RESOLVED, that an additional \$574,469 be transferred from A-00915 (Undesignated Fund Balance) to H60 (Capital Projects – Town Center Phase I Construction), to offset the low bid award construction costs of Phase 1 of the park development; and be it further

RESOLVED, that Environmental Design Partnership is authorized to notify DelSignore Blacktop Paving Inc., to proceed with construction once construction contract documents are executed between DelSignore Blacktop Paving, Inc., and the Town of Clifton Park; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute all contract documents implementing this resolution.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Morelli

DECLARED ADOPTED

Resolution No. 113 of 2022, a resolution declaring an emergency for procurement purposes under Section 103 (4) of General Municipal Law and accepting a quote from Buddy's Tree Service for the removal of trees in the Moe Road Multi-Use Pathway Extension Project.

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

WHEREAS, the Town Board, working through the Planning Staff, continues to advance the Moe Road Multi-Use Path Gap Closure project funded through a Congestion Mitigation and Air Quality Improvement Program Grant utilizing Federal Highway Administration (FHA) Funds administered through the NYS Department of Transportation, and

WHEREAS, Federal rules governing the program require that all Right of Way and land acquisition for the project is complete prior to the solicitation of bids or quotes for any aspect of the work, and

WHEREAS, the ROW acquisition for the project was delayed due to unforeseen circumstances within the willing seller negotiations for one property necessary for the project, jeopardizing the Town’s ability to competitively bid and complete tree cutting necessary to commence the project prior to May 1 pursuant to Army Corp of Engineers Wetland Disturbance Permits associated with the project, and

WHEREAS, that acquisition issue has been resolved, and the Town may now proceed with bid/quote solicitation consistent with FHA requirements authorization, and

WHEREAS, General Municipal Law Section 103 (4) provides authorization for the Town Board to proceed in cases where unforeseen circumstances affecting public property require immediate action which cannot await competitive bidding, and

WHEREAS, Buddy’s Tree Service has submitted a quote for the work in the amount of \$22,000, and

WHEREAS, Buddy’s Tree Service has completed numerous projects for the Town, and the Director of Buildings, Parks, and Recreation advises that the quote is in line with other tree cutting services within the Town; now, therefore, be it

RESOLVED, that the Town Board determines that the unique and unforeseen circumstances caused by the interplay of two separate Federal Statutes upon the project constitutes an emergency for procurement purposes under Section 103 (4) of the General Municipal law; and be it further

RESOLVED, that the Planning Staff is authorized to accept the quote of Buddy’s Tree Service for necessary tree cutting for the Moe Road Multi-Use Path Gap Closure Project, and to authorize Buddy’s Tree Service to proceed with the work; and be it further

RESOLVED, that the Town Board authorizes the expenditure of up to \$22,000 for the tree cutting services, effective immediately.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Morelli

DECLARED ADOPTED

Resolution No 114 of 2022, a resolution to transfer funds from Contingency to A-7160 - 200 (General Fund - Garnsey Park - Equipment) for the purchase of building materials for a timber pedestrian bridge along a trail at Garnsey Park.

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

WHEREAS, Construction Management students at SUNY Environmental Science & Forestry Program have designed, built and tested a bridge and have offered to place the structure within the Garnsey Park Trail system at material cost, and

WHEREAS, Open Space Coordinator, Jennifer Viggiani, has recommended a location for placement of such a bridge to benefit residents using trails in Garnsey Park, and

WHEREAS, the Planning Staff have solicited quotes for the necessary materials pursuant to a materials list provided by SUNY program students, and

WHEREAS, Ms. Viggiani recommends awarding the bid to Tully Building Supply, Inc., Tully, NY, as low bidder in the amount of \$1,425.34; now, therefore, be it

RESOLVED, that the bid of Tully's Building Supply, Inc., is accepted in the amount of \$1,425.34; and be it further

RESOLVED, that the Comptroller is authorized to transfer from Contingency \$1,425.34 to A-7160-200 (General Fund – Garnsey Park – Equipment).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Morelli

DECLARED ADOPTED

Resolution No. 115 of 2022, a resolution authorizing SingleCut Beersmiths Brewery to use Town roadways for their charity road race 5k, on April 30, 2022.

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

WHEREAS, SingleCut Beersmiths Brewery has requested the use of the Town of Clifton Park roadways as specified in the attachment hereto, for the purpose of holding a 5k charity road race on Saturday, April 30, 2022, from 10:00 AM until the last participant completes the course, and

WHEREAS, the event sponsors have coordinated with the Town's Superintendent of Highways for the safe use of Town roads; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes SingleCut Beersmiths Brewery to use Town roadways as specified in the attachment hereto, April 30, 2022, at 10:00 AM, for the purpose of holding a 5k charity road race to benefit Helping Hands School; and be it further

RESOLVED, that the attached insurance certificate in the amount of \$4,000,000 naming the Town of Clifton Park as an additional insured be retained by the Superintendent of Highways; and be it further

RESOLVED, that this approval is expressly conditioned upon the roads not being closed, but employees of SingleCut Beersmiths Brewery are permitted to temporarily stop traffic at each end of the course in the event both a vehicle and race participant arrive at the same time.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Morelli

DECLARED ADOPTED

Resolution No. 116 of 2022, a resolution authorizing 2021 Final Budget Adjustments as specified in Exhibit A.

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

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: Councilwoman Flood, Councilwoman Standaert  
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Morelli

DECLARED ADOPTED

Comptroller Mark Heggen stated that this resolution is to adjust the year-end financials in preparation of filing the annual update document to the NYS Comptroller.

Resolution No. 117 of 2022, a resolution to amend and restate the model plan for the Town employees' deferred compensation.

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

WHEREAS, the New York State Deferred Compensation Board (the "*Board*"), pursuant to Section 5 of the New York State Finance Law ("*Section 5*") and the Regulations of the New York State Deferred Compensation Board (the "*Regulations*"), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of Town of Clifton Park, New York, (the "*Model Plan*") and offers the Model Plan for adoption by local employers; and,

WHEREAS, Town of Clifton Park, New York, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of Town of Clifton Park, New York; and,

WHEREAS, effective August 26, 2011, the Board amended the Model Plan followed by another amendment November 14, 2014, followed by another amendment December 12, 2020, to adopt the following provisions:

- Reorganizing and updating sections to improve the overall readability and eliminate unnecessary numerical references (annual limits) from the Model Plan document.

- Including employer elections within the plan document including suspension of deferrals following an unforeseeable emergency withdrawal, automatic distributions from small and inactive accounts, loan design parameters and Roth deferrals and in-plan conversions are permissive. The Model Plan document includes a Schedule A where the employer may indicate the election of one or more of these provisions.
- Clarifying the first date a participant may make deferrals in compliance with Internal Revenue Code Section 457(b) and timing requirements for any subsequent changes to deferral rates or allocations between pre-tax and after-tax deferrals.
- Clarifying compensation available for deferral for purposes of calculating contributions and recognizes that employers use various methods in determining the order of deductions taken before a deferral percentage is applied.
- Including provisions related to HEART Act of 2008 regarding treatment of differential pay and qualifying distributions for active military service in compliance with the HEART Act, including suspension of deferrals for six months following distribution.
- Making technical recognition of the waiver of required minimum distributions (“RMDs”) for 2009.
- Clarifying that a beneficiary form must be received in good order to be considered valid.
- Clarifying that the Model Plan will only accept rollovers from Eligible Retirement Plans comprised of pre-tax amounts and amounts may be rolled in by participants, beneficiaries (other than inherited accounts) and alternate payees. Model Plans may roll account balances out to Eligible Retirement Plans that include post-tax amounts if the receiving plan separately accounts for them.
- Clarifying that a beneficiary of a deceased participant may roll a distribution directly to a Roth IRA, in addition to plan participants.
- Including language allowing for future delivery of participant communications through electronic means, where appropriate.
- Codifying that periodic and lump sum payments must be a minimum of one hundred dollars (\$100) per payment, unless the Committee selects a different minimum, and sets a maximum annual number of partial distributions.
- Clarifying that the fifty thousand dollars (\$50,000) loan limit includes the highest loan value in the last twelve months from the Model Plan and other employer plans. Regarding participants who have defaulted on a Plan loan, subsequent loans would not be allowed until defaulted loan is repaid. Removes requirement that a participant must wait until the term of the original loan expires before applying for a new loan, assuming the defaulted loan is repaid.
- Providing guidance on the handling of the receipt of special proceeds such as SEC settlements payable to former participants.
- Allowing a surviving spouse beneficiary to name a beneficiary on their account.
- Including the five-year option for non-spousal beneficiaries to receive distributions and makes distribution rules consistent for pre- and post-age seventy and one-half (70½) deaths.
- Allowing earlier distributions due to severance of employment as long as a balance of \$500 remains in the account for 45 days after a severance from employment.
- Providing that outstanding loans from another New York State Section 457(b) plan may be allowed to be transferred or rolled in with a full account transfer.



- Removing the Power of Attorney Language since the acceptance of a power of attorney is governed by State law and not required in the Model Plan document.
- Clarifying the requirement that Committee actions must be taken at a public meeting in accordance with Article 7 of the Public Officers Law.
- Limiting indemnification to Committee Members only.
- Including provisions related to the American Taxpayer Relief Act of 2012, expanding the ability of participants to convert all or a portion of their plan assets from a pre-tax account to an in-plan Roth account any time including while in employment.
- Amending the Model Plan document for the CARES Act and the SECURE Act effective December 31, 2019.

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and

WHEREAS, upon due deliberation, the Town of Clifton Park, New York, has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of the Town of Clifton Park, New York, by adopting the amended Model Plan; now, therefore, be it

RESOLVED, that Town of Clifton Park, New York, hereby amends the Deferred Compensation Plan for Employees of Town of Clifton Park, New York, by adopting the amended Model Plan effective December 11, 2020, including the optional provisions in Schedule A and in Schedule B, in the form attached hereto as Exhibit A.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Morelli

DECLARED ADOPTED

Comptroller Mark Heggen stated, this amendment allows for individuals who have contributed after-tax money, Roth contributions, to borrow their money from the plan with future repayment.

Resolution No. 118 of 2022, a resolution authorizing the issuance of Right-of-Way Permits for installation of fiber optic high-speed internet service within Right of Ways (R-O-W's) in Clifton Park.

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

WHEREAS, by Resolution No. 266 of 2021, the Town Board authorized a Memorandum of Understanding with Greenlight Networks, 1777 E. Henrietta Road, Rochester, NY, to authorize Greenlight to install high-speed broadband internet service through fiber optic cables within the Right of Way Associated with the Town's locally owned roadway system, and

WHEREAS, within Resolution No. 266 of 2021, the Town Board authorized a permit fee schedule for street opening permits for underground installations, and

WHEREAS, Greenlight Networks submitted a permit fee application to the Highway Department for installations on certain roadway R-O-W's within the Town per Exhibit "A," and

WHEREAS, the Town Board supports the provision of high-speed broadband internet service to the residents and businesses of Clifton Park, and wishes to facilitate the installation of fiber optic lines, conduit, and related infrastructure necessary for the provision of such service at reasonable and customary fees within the industry, and

WHEREAS, the Town Board wishes to collect fees consistent only with permit fees at rates which is usual and customary for the industry; now, therefore, be it

RESOLVED, that the Highway Superintendent is directed to issue street opening permits to Greenlight Networks, 1777 E. Henrietta Road, Rochester, NY, per the attached applications, for fees not to exceed \$8,988.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Morelli

DECLARED ADOPTED

Greenlight Networks Representative Marc Hitchcock gave an overview of the project and the designated areas in Clifton Park to commence the installation process of product. Discussion between Mr. Hitchcock, Supervisor Barrett and Town Attorney McCarthy to ensure a complete understanding of the fees associated with the street opening permits in order to move forward.

PUBLIC PRIVILEGE

No one wished to be heard.

MOTION BY Councilwoman Walowit, seconded by Councilwoman Flood to adjourn the meeting to the next regular meeting or any other meeting necessary for the conduct of town business.

Motion carried at 8:45 PM

Claudia Fitzgerald  
Deputy Town Clerk