

TOWN OF CLIFTON PARK TOWN BOARD

December 12, 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  
Councilman Morelli  
Councilwoman Walowit  
Town Clerk Brobston

Also Present: Town Attorney McCarthy  
Mark Heggen, Comptroller  
John Scherer, Town Historian

ANNOUNCEMENTS AND COMMUNICATION

Supervisor Barrett congratulated Brandon Ross on obtaining his Eagle Scout award.

Supervisor Barrett congratulated Scout Pack 4044, for a successful fundraising event selling popcorn. The amount raised was \$63,000. \$10,500 was for donations going to the military.

Supervisor Barrett congratulated the Clifton Park Community Chorus on the recent Annual Christmas Concert held at the Community Church on Moe Road.

RESOLUTIONS

Resolution No. 286 of 2022, a resolution authorizing the Supervisor to sign an agreement for professional engineering services for the Hubbs Road Path Project, funded by the New York State Department of Environmental Conservation 2019 Climate Smart Communities Grant Program.

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

WHEREAS, Resolution No. 23 of 2022, authorized the implementation and funding in the first instance of the project of \$556,542 to cover the cost of plan, design and construction of the project, as well as the local match commitment of \$278,271, and

WHEREAS, a request for qualifications was issued and responses returned by July 25, 2022, and

WHEREAS, a selection committee reviewed the responses, and selected MJ Engineering and Land Surveying based on their highest weighted score on the group's rubric; now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to sign an agreement with MJ Engineering for design and construction inspection services for the Hubbs Road Path Project, in an amount not to exceed \$87,000, and be it further

RESOLVED, that the Town Board hereby authorizes the Comptroller to create Capital Projects account H65 (Hubbs Road Path Project – Capital Projects); and be it further

RESOLVED, that the Comptroller is authorized to transfer \$87,000 from A- 914 (Unassigned Fund Balance) to H65-7629-135 (Capital Project Hubbs Rd Path – Trails – Engineering).

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Planning Director Scavo explained, this resolution is in preparation of construction bid documents for multi-use paths and sidewalks along the Dutch Meadows neighborhood.

Resolution No. 287 of 2022, a resolution authorizing Change Order #1 to the existing NYS DEC Climate Smart Communities Grant Contract for the Route 146 Sidewalk Extension Northside Project.

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

WHEREAS, the Town has an existing contract with NYSDEC authorized by Resolution No. 22 of 2022, and executed on February 8, 2022, for the New York State Route 146 Sidewalk Extension Northside Project, and

WHEREAS, the Town Board wishes to authorize Change Order #1 for a no-cost time extension until March 14, 2024; now, therefore, be it

RESOLVED, that the Town Board authorizes Change Order # 1 to amend the deadline for completion of the Route 146 Sidewalk Extension Northside Project.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Planning Director Scavo explained, this project will be out to bid in early 2023 and anticipate construction Spring of 2023.

Resolution No. 288 of 2022, a resolution scheduling a public hearing to consider a local law regarding the installation of lock box entry systems for emergency services in multiple dwelling residential buildings without 24/7 access.

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

WHEREAS, Chapter 99 of the Town Code provides for key lock box systems for the use of the Town's various fire companies to access multiple family residential apartments in emergency circumstances, in cases where there is no 24-hour staffing to provide such access, and

WHEREAS, the Clifton Park-Halfmoon Emergency Medical Services unit has worked with Center for Security to develop and manufacture a high security lockbox system, for the use of emergency medical service companies throughout the Town, for the same purposes, and

WHEREAS, the Bureau of Fire Prevention has recommended that the Town Board consider a proposal to require these lock box systems in multiple dwelling residential buildings, where the lobby or other common entrance is not staffed on a 24-hour basis, so that EMS units can achieve timely access to individual apartments or dwelling units as necessary; now, therefore, be it

RESOLVED, that the Town Board will hold a public hearing on January 9, 2023, at 7:05 PM, on a proposal to require a Supra max lock box system, or other approved system, in multi-family residential dwelling structures, in cases where common area access is not staffed on a 24-hour basis, commencing June 30, 2023.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Councilwoman Walowit explained Emergency Service Advisory Board requested this change to the law.

Resolution No. 289 of 2022, a resolution adopting a local law to amend the Town Code relative to certain Titles and Departments.

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

WHEREAS, the Town Board reorganized the Department of Building and Development transferred responsibility for Zoning Administration to the Planning Department, and updated job descriptions for certain titles within these Departments, in August 2022, and

WHEREAS, the Town Board also updated the job description for the Director of Parks & Recreation, and

WHEREAS, on August 15, 2022, the Town Board held a public hearing on a proposal to consider a local law to amend certain Department Titles and descriptions in sections of Town Code to reflect changes made to the descriptions and assignments within each Department, and

WHEREAS, members of the public were provided an opportunity to speak in favor of or against the proposal, and

WHEREAS, the Town Board wishes to make amendments to the various chapters within the Town Code to accurately reflect the titles and responsibilities within the code; now, therefore, be it

RESOLVED, that Local Law #3 of 2022, a local law enacting the attached amendments to the chapters of the Town Code as attached, is hereby adopted, and be it further

RESOLVED, that the Town Clerk publish appropriate notice of the same.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

No one wished to be heard.

OTHER BUSINESS

Supervisor Barrett explained, in April of 2022, the Town Board voted 3 Ayes and 2 Noes to approve hiring an investigator to undertake an investigation into the workplace environment in Town Hall. He stated the Investigator's report is now complete and has been received. Due to the false narrative that was expressed publicly at the time of the hiring of the investigator by Town Board members who have since resigned their positions, we believe it is important to release the

recommendations of the investigation. The Town Board will review the full report for consideration of release date. There were two recommended action items for the Supervisor, along with the Town Board to do. The first recommendation was for the Supervisor to send a letter to Highways Superintendent Dahn Bull stating that the investigation found his actions toward a team member working in Town Hall to be unprofessional and inappropriate. During the investigation, direct evidence was uncovered where he acted in an aggressive manner toward another team member, which is also important to note. The second recommendation was for the Supervisor to send a letter to the team member in Town Hall that was the victim of the unprofessional and inappropriate behavior, in that letter say that the investigation has found the unprofessional and inappropriate behavior to have occurred and the investigation has been closed, and to report any instances of retaliation that might occur due to participation in this investigation. Supervisor stated, we believe it is important for people to be aware of the result and recommendations of the report and to be as transparent as possible about the results.

Councilman Morelli stated he has reviewed the report. He noted five times this year the Town Board meetings agenda had items placed on them directing the Highways Superintendent to take certain action that either had an impediment to the residents or Town operations. Specifically on April 18 there was a resolution directing the Highways Superintendent to issue permits to Greenlight and there was some unnecessary delay. On May 2 a resolution was placed on the agenda addressing procurement and ensuring adequate information was given to the Town Comptroller and Attorney, in a timely fashion, so they can conduct their reviews and properly inform the Town Board as to whether the relatively large purchases, that are routinely made by the Highway Department, are appropriate and just. On September 19, there was a resolution that was passed by the Town Board, directing the Highways Superintendent, relative to a discontinuance of Old Plank Road, with response not done by the Highways Superintendent. Again the procurement resolution was placed on the November 7 Town Board meeting agenda, the first time it had failed then passed. On December 5, there was an agenda item directing the Highways Superintendent to comply with an audit relative to Verizon installing internet in the Town. Mr. Morelli stated the Town Board should not be placed in a position where there is the need to compel an elected official to do something on behalf of the residents of this Town. The current report has details about the same elected official that was “inappropriate, unprofessional, yelling, derogatory and intimidating emails and amounted to workplace bullying” must end. The behavior was toward Town employees. Mr. Morelli requested the Town Attorney last month to produce a report that was and is to detail any abuses of power, misuse of Town resources or any collusion by Town Board members, or former Town Board members, with employees of this Town for political purposes. Mr. Morelli requested the report be expanded to include the Highways Superintendent, specifically any relation between the separation of the Town employee in October or to the two resignations of the Town Board members last month. Mr. Morelli requested how the relationship related. And since this individual is an elected official, the Town Board does not have the same options as with at-will employees. Mr. Morelli requested the Town Attorney to include in the report, what options or remedies the Town Board has under Public Officers’ Law or any other statute, if this behavior continues.

Supervisor Barrett stated the audit, that was subject to resolution last week, involves that entire permit system with multiple companies.

#### 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 7:33 PM

Teresa Brobston  
Town Clerk