

TOWN OF CLIFTON PARK TOWN BOARD

November 13, 2023

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
Councilman O'Hara
Town Clerk Brobston

Absent: Councilwoman Reid

Also Present: Town Attorney McCarthy
Mark Heggen, Comptroller
Daniel Clemens, Director of Parks, Buildings & Recreation
Wade Schoenborn, Director of Building & Development
Norah Hoefler, Communications and Technology Coordinator

ANNOUNCEMENTS & COMMUNICATIONS

Supervisor Barrett thanked those who joined the Town on the opening of the Veteran's Memorial Improvement Project on the Clifton Common proudly honoring veterans. Supervisor thanked MJ Engineering for donating all engineering work. He stated contractor work was performed by Gallo Construction and Humphrey Memorials are performing brick engraving. The Town will continue to sell the engraved brick pavers. Additional information on cliftonpark.org.

Supervisor Barrett congratulated Councilwoman Reid and her husband John and the entire family on the birth of their son.

Councilman O'Hara recognized and thanked Colonel Retired Robert Presley and Shenendehowa High School for organizing the Veterans Day event held at the High School. Twenty-seven veterans attended and enjoyed a concert performed by the Shenendehowa High School Orchestra. Quality time was held with the students on the veteran's military experiences.

Supervisor Barrett stated Major General Denise Donnell, Clifton Park resident, was the keynote speaker for the event.

PRESENTATION

Town Clerk Brobston read Resolution No. 252 of 2023, recognizing Town Justice James F. Hughes for being named Magistrate of the Year by the New York State Magistrates Association.

Proclamation was presented to Town Justice Hughes.

Town Justice Hughes acknowledged and thanked Court Clerks for their continued and essential support on the bench.

Supervisor Barrett thanked Town Justice Rybak for bringing this honor to the Town Boards attention.

Town Justice Robert Ryback recognized Justice Hughes and is very proud to work together as a team with him.

Councilman Morelli congratulated Justice Hughes on his recognition and acknowledged him for having four careers throughout the course of his life. Councilman stated Judge Hughes is one of two Justices out of 1,600 to receive the Magistrate of the Year Award. He explained he has had the opportunity as a prosecutor and as a defense attorney, to come before Judge Hughes in a court of law in both Washington and Saratoga Counties, and Judge Hughes has always been professional, fair, and impartial and a great advocate for his clients. Councilman congratulated Judge Hughes on this well-deserved and well-earned honor.

Resolution No. 252 of 2023, a resolution recognizing Town Justice James F. Hughes for being named Magistrate of the Year by the New York State Magistrates Association.

Introduced by Supervisor Barrett, who moved its adoption, seconded by the entire Town Board.

WHEREAS, Clifton Park Town Justice James F. Hughes has served selflessly for 67 years, starting with serving with the United States Navy at the age of 17, continuing with a distinguished career with the New York State Police as a Trooper and Sergeant and as Town of Clifton Park Justice for the past 42 years, and

WHEREAS, Judge Hughes has also served as a City of Mechanicville Judge and Acting Family Court Judge in Washington County, and

WHEREAS, Judge Hughes has shared his expertise with others as an instructor in the New York State Police Academy and for the Office of Court Administration, and

WHEREAS, Judge Hughes has also served as President of the Saratoga County Magistrates and Court Clerk’s Association, and

WHEREAS, Judge Hughes is a shining example of what a good and fair judge should be and is the first judge from Saratoga County to receive this award, and

WHEREAS, there are over 1,600 Town Judges in the State of New York, and

WHEREAS, the New York State Magistrates Association has for the past 58 years recognized a judge who has gone above and beyond the call of duty, who by their actions have brought luster to the profession, and

WHEREAS, Judge Hughes has been selected this year as one of two Magistrates of the Year by the New York State Magistrates Association; now, therefore, be it

RESOLVED, that the Clifton Park Town Board recognizes and congratulates the Honorable James F. Hughes on receiving this award.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilman O’Hara, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

RESOLUTIONS

Resolution No. 253 of 2023, a resolution authorizing the sale of equipment declared surplus by the Town Board and authorizing Departments to sell the surplus equipment at public auction.

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

WHEREAS, Daniel Clemens, Director of Buildings, Parks, & Recreation, has identified vehicles/equipment, per the attached Schedule A, as surplus property, and

WHEREAS, based upon the recommendation of Mr. Clemens, the Town Board declares the items on the attached list as surplus; now, therefore, be it

RESOLVED, that the Town Board authorizes the Buildings & Grounds Department to sell the surplus equipment, as is, through an upcoming online public auction.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilman O’Hara, Councilwoman Walowit
Supervisor Barrett

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

Resolution No. 254 of 2023, a resolution awarding the bid for Town-wide lawn care services.

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

WHEREAS, sealed bids were received and opened on October 26, 2023, for lawn care services for various areas throughout the Town, and

WHEREAS, Vinmar Solutions was the lowest responsive bidder for lawn care services, and

WHEREAS, the Town Board, acting as Commissioners of the Park Districts, accepts the bid of Vinmar Solutions for the Park Districts, per the attached Schedule A; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes Daniel Clemens, Director of Buildings, Parks and Recreation, to accept the bid of Vinmar Solutions for lawn care services for the various park districts and town-wide parks, total cost not to exceed \$34,592 annually, for a term of five years through 12/31/28, with the option to extend for an additional three years upon mutual consent, and be it further

RESOLVED, that the 2024 contract amounts are to be paid from the following accounts as budgeted; and be it further

Clifton Common A-07112-00024	\$9748	Town Hall (includes B&G) A-01620-24/A-07110-24	\$560
Town Center Park A-07250-00024	\$5040	Barney Rd Golf Course A-07190-00024	\$1200
Veterans Park A-07024-00024	\$2000	Parkside Trails-Soccer Fields A-07026-00024	\$4072
Barney Rd Pool A-07150-00045	\$464	Locust Lane Pool A-07152-00045	\$464
Spirit Park A-07030-00024	\$272	Wyncrest Dev. SP11-07140-00024	\$1432
Addison SP12-07148-00024	\$264	Meadow Estates SP12-07142-00024	\$264
Parklane SP0-07120-00024	\$992	Exit 8, 9 & 10 signs A-08510-00024	\$1000
Settler’s Hill SP13-07146-00024	\$660	Country Knolls Pool A-07151-00045	\$464
Longkill I SP57123-24 (includes Heidi’s Path, Martin Jewett Park, Burning Bush	\$5696		

RESOLVED, that the subsequent years in the contract that the budget is sufficient to cover these expenditures.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilman O’Hara, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

Supervisor Barrett stated the Town, and the County has eliminated using pesticides in lawn care as in the past and will continue that practice.

Councilman Morelli stated, new this year, soil testing will be performed for each property to allow the company to tailor the application to that specific location.

Resolution No. 255 of 2023, a resolution awarding a contract for lawn care services for the Sherwood Forest Park District, which includes the subdivisions of Sherwood Forest, Emerson, Sterling Heights, Vistas, Vista West, Falcon Ridge, Edgewood Estates and Brooke Court.

Introduced by Councilwoman Walowit, who moved its adoption, seconded by Councilman O’Hara.

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 lawn fertilization treatment of park areas, median and entrances to Sherwood Forest Park District, was submitted by Vinmar Solutions, Ballston Spa, NY, in an amount not to exceed \$2,146 per year; now, therefore, be it

RESOLVED, that the, Town Board as Commissioners of the Sherwood Forest Park District, hereby awards the contract to Vinmar Solutions for lawn care fertilization treatments at the Sherwood Forest Park District, at a cost not to exceed \$2,146, to be charged from SP8-7125-24 (Sherwood Forest Park District-Maintenance) in the 2024 Budget and that subsequent years are included in those budgets; and be it further

RESOLVED, that the term of the agreement is five years, through 12/31/2028, with the option to extend upon mutual consent for an additional three years.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilman O’Hara, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

Resolution No. 256 of 2023, a resolution authorizing an agreement for the replacement of two heat exchangers in two different rooftop heating units over the Highway Department offices by Postler & Jaekle Corp.

Introduced by Councilman O’Hara, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, the Director of Buildings, Parks, and Recreation Daniel Clemens, requested quotes for the replacement of two heat exchangers for rooftop heating units for the Highway Department offices, and

WHEREAS, one quote was received on October 31, 2023, and

WHEREAS, Postler & Jaeckle Corporation, Mechanical Contractors, 9 Krey Blvd. Rensselaer, NY, submitted the sole bid for the supply and installation of the two heat exchangers, in the amount of \$5,346, and

WHEREAS, Mr. Clemens recommends the project be completed by Postler & Jaeckle, as sole conforming quote; now, therefore, be it

RESOLVED, that the Director Buildings, Parks, and Recreation is authorized to sign an agreement for the project in an amount not to exceed \$5,346, to be paid from A-5132-200 (General Fund-Garage-Equipment).

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilman O’Hara, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

Resolution No. 257 of 2023, a resolution authorizing the acceptance of an insurance settlement in partial reimbursement for expenses related to a sewer backup at 7 Orchard Park, and related claims.

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

WHEREAS, on June 30, 2022, the Town’s Sewer Department was notified of a sewer system backup and resulting damages at 7 Orchard Park, in Clifton Park, and

WHEREAS, subsequent investigation determined that the backup resulted from storm sewer work performed by the Town’s Highway Department, immediately beneath a sewer main at the point of failure in 2019, and

WHEREAS, by Resolution No. 215 of 2022, and Resolution No. 174 of 2023, respectively, the Town Board declared an Emergency pursuant to General Municipal Law 103 (4), authorized the Comptroller’s office to compensate Quick Response \$67,489.52 for the mitigation and restoration work within the home, and directed the Town Attorney’s office to pursue a claim for coverage for the incident with Selective Insurance, the Town’s liability carrier, and

WHEREAS, Selective has offered to resolve and adjust the Town’s claim in the amount of \$44,367.78, including \$16,960.61 and \$27,407.17 for restoration work, and

WHEREAS, the Town Board wishes to resolve the claims and to authorize the Supervisor to execute release documents to secure reimbursement for payments made to Quick Response to remediate damage done to the home, as a result of the sewer backup; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign the attached release agreement from Selective Insurance Company, in the amount of \$44,367.78.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilman O’Hara, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

Resolution No. 258 of 2023, a resolution authorizing the Supervisor to accept an insurance settlement for damage to a digital speed display trailer.

Introduced by Councilwoman Walowit, who moved its adoption, seconded by Councilman O’Hara.

WHEREAS, on June 13, 2023, a speed trailer owned by the Town and operated by the Safety Department, was damaged in a vehicular accident on Blue Barns Road, and

WHEREAS, the replacement cost of the trailer exceeds the \$10,000 limits of liability for property damage within the motorist’s automobile liability policy; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign the attached release for Progressive Max Insurance Company, in the amount of \$10,000, to settle the Town’s claims for damage to the trailer.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilman O’Hara, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

Resolution No. 259 of 2023, a resolution appointing Tim Brousseau provisionally, as a Building Inspector, per Civil Service classification.

Introduced by Councilman O’Hara, who moved its adoption, seconded by Councilman Morelli.

WHEREAS, an opening exists for a Building Inspector in the Department of Building & Development, and

WHEREAS, Wade Schoenborn, Director of Building & Development, has interviewed Mr. Brousseau and recommends that the Town Board retain Mr. Brousseau as a Building Inspector, and

WHEREAS, Tim Brousseau has demonstrated the background, education, training and experience necessary for the position; now, therefore, be it

RESOLVED, that Tim Brousseau is hereby provisionally appointed as Building Inspector for the Town of Clifton Park, pending Civil Service Certification, effective as of December 4, 2023, at Grade 8, Step 2, \$40.33 per hour, \$73,401 annually, to be paid from A-3620-Exxx (General Fund-Building & Development-Employee); and be it further

RESOLVED, that the amount required for the remainder of the year, \$5,600 is transferred in accordance with the following attachment.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilman O’Hara, Councilwoman Walowit,
Supervisor Barrett

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

Resolution No. 260 of 2023, a resolution to authorize a professional services agreement for preparing an application for grant funding under the New York State Department of Transportation Alternatives (TAP) and Congestion Mitigation Air Quality (CMAQ) Program.

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

WHEREAS, the Town Board wishes to seek funding for pedestrian enhancements to the Sitterly Road Intersection and Pedestrian Walkability Improvements, under the federally funded TAP/CMAQ Program administered by NYS DOT, and

WHEREAS, on September 29, 2023, the Planning Department distributed a request for expressions of interest from qualified engineering and consulting firms for assistance in identifying potential projects and analyzing data, and to support an effective application under the program, and

WHEREAS, pursuant to the request for expressions of interest, MJ Engineering and Land Surveying, P.C. submitted the sole conforming quote at a cost not to exceed \$16,500, and

WHEREAS, John Scavo, Director of Planning and Zoning, recommends that the quote from MJ Engineering be accepted as submitted, as it demonstrates familiarity with the funding program and its qualifying criteria and because of their track record of successful engineering, design and construction support for pedestrian and bicycle mobility projects under this and similar programs; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign the attached Proposal for Professional Services from MJ Engineering, to assist the Town in preparing an application for funding the Sitterly Road Intersection and Pedestrian Walkability Improvement Project under the 2023 NYSDOT TAP/ CMAQ Program, in an amount not to exceed \$16,500, to be paid with a transfer from A-00914 (Unassigned Fund Balance) to A-07629-00135 (General Fund-Trails Contractual-Engineering).

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilman O’Hara, Councilwoman Walowit,
Supervisor Barrett

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

No one wished to be heard.

PUBLIC PRIVILEGE

No one wished to be heard.

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

Motion carried at 7:44 PM

Teresa Brobston
Town Clerk