TOWN OF CLIFTON PARK
TOWN BOARD MEETING

September 3, 2019

I. Call to Order/7:00 P. M.

II. Pledge to Flag

III. Roll Call

IV. Approval of Town Board Minutes

V. Communications/Announcements

VI. Business

- **Resolutions for Consideration**
- **Other Business**

VII. Open Public Privilege

NOTE:
Each speaker shall state name and address prior to addressing the Board and shall be granted the floor for a single time frame of up to five minutes. The Board asks that members of the public respect the opportunity of the speaker at the podium to be heard. and asks that the public refrain from conducting side meetings within the meeting room. In an effort to ensure that the widest number of community viewpoints are heard, the Board asks members of groups or the public to withhold comment, if their viewpoints have already been presented. The Board thanks everyone in attendance for their understanding and also for their desire to actively participate in the Town decision making process.

VIII. Adjournment

Resolutions for Consideration
Clifton Park Town Board Meeting
Sept 3, 2019

1.	Sewer	Accept dedication of sewer infrastructure on a portion of Hatlee Road	P. Barrett
2.	Supervisor	Authorize an outside user agreement with Rexford Water District No. 2 Extension No. 1 for 966 Grooms Road	P. Barrett
3.	Safety	Authorize the Supervisor to sign the renewal of an intermunicipal agreement with the Town of Halfmoon for Animal Control Services	P. Barrett
4.	Building and Development	Authorize the Supervisor to sign an agreement with Brycer, LLC for The Compliance Engine, to track fire and safety code compliance	P. Barrett
5.	Parks & Recreation	Authorize the hiring of Emily DeGrosso as a full day camp counselor	P. Barrett
6.	Parks & Recreation	Authorize Amy McGeady to serve alcohol at a gathering at Collins Park on September 14, 2019	P. Barrett
7.	Parks & Recreation	Authorize Ken Wei to serve alcohol at a gathering at Collins Park on September 6, 2019	P. Barrett
8.	Supervisor	Repeal and replace Town Code Chapter 156 - Peddling and Soliciting	P. Barrett
9.	Planning	Award the contract for contract management and inspection of the Sitterly Road Traffic Improvement Project to MJ Engineering.	P. Barrett
10.	Highway	Declare unused equipment/vehicles as surplus inventory and authorize the sale of surplus items through an upcoming online public auction	P. Barrett

Resolution No.____ of 2019, a resolution accepting dedication of sewer systems from the Hatlee Road subdivision along a portion of Hatlee Road.

Introduced by _____, who moved its adoption, seconded by _____.

WHEREAS, GJA&S, LLC wishes to dedicate certain sanitary sewer improvements within the Hatlee Road Subdivision along 993 Hatlee Road Road to the Town of Clifton Park Sewer Department, and

WHEREAS, GJA&S, LLC has provided as-built drawings, inventory and related documentation certifying the construction of the improvements in conformance with Saratoga County Sewer District standards; now, therefore be it

RESOLVED, that the Town Board hereby accepts the dedication of certain sanitary sewer improvements, and easements per the inventory letter from Lombardi, Walsh, Davenport & Amodeo, P.C. dated July 1, 2019, attached, subject to final review of deeds, title insurance and related transfer documents by the Town Attorney.

Resolution No.____ of 2019, a resolution authorizing the Supervisor to sign an Outside User Agreement for the Rexford Water District No. 2, Extension No. 1 for property located at 966 Grooms Road

Introduced by _____, who moved its adoption, seconded by _____.

WHEREAS, the Town Board as Commissioners of the Rexford Water District No. 2, Extension No. 1 has received a request to extend service to land owned by Harry C. Stants III at 966 Grooms Road, Rexford, more particularly identified as SBL: 276.-1-50 and

WHEREAS, the real property is located outside the current service area of the Rexford Water District No. 2, Extension No. 1, and

WHEREAS, the Clifton Park Water Authority has determined that sufficient capacity exists within the Rexford Water District No. 2, Extension No. 1 to provide service to the property, and

WHEREAS, the Town Board recognizes the environmental, planning and policy objectives met by approving water service over alternative plans; now therefore be it

RESOLVED, that the Town Board as Commissioners of Rexford Water District No. 2, Extension No. 1, hereby approves an outside user connection to the District's facilities for property located at 966 Grooms Road, Rexford, NY and be it further

RESOLVED, pursuant to Resolution No. 208 of 2005, that the fee for connection to the facilities of the Rexford Water District No. 2 is $800.00 per lateral, which fee will be used to pay down remaining bonded debt associated with the infrastructure; and be it further

RESOLVED, that the Outside User Agreement shall be assigned to the property at 966 Grooms Road, Rexford SBL: 276.-1-50, and connected to the Rexford Water District No. 2 Extension No. 1 facilities, the agreement to run with the Land.

Resolution No. _____ of 2019, a resolution extending an Intermunicipal Agreement between the Town of Halfmoon and the Town of Clifton Park for the provision of Animal Control Service.

Introduced by _____, who moved its adoption, seconded by _____.

WHEREAS, pursuant to Section 119-0 of the General Municipal Law of the State of New York, the parties are authorized to enter into binding agreements for the cooperative performance of various municipal projects, contracts and functions, and

WHEREAS, the Towns of Clifton Park and Halfmoon recognize the benefit to both municipalities that arise from the cooperative provision of service to their residents, and

WHEREAS, Resolution No. 15 of 2014 authorized an agreement between the Town of Halfmoon and the Town of Clifton Park, for shared services in the area of Animal Control, and

WHEREAS, Clifton Park and Halfmoon wish to extend an existing agreement whereby Clifton Park will provide on call and sick/vacation coverage for the Halfmoon Animal Control Department, and

WHEREAS, Clifton Park has the personnel and equipment to provide on call and sick/vacation coverage for the Halfmoon Animal Control Department; now therefore, be it

RESOLVED, that the Town Board approves extending the Intermunicipal Agreement between the Town of Halfmoon and the Town of Clifton Park for the provision of Animal Control Services, per the attached agreement; and be it further

RESOLVED, that the Intermunicipal Agreement between the Towns of Clifton Park and Halfmoon is hereby extended for the period commencing September 1, 2019 through December 31, 2020.

Resolution No. of 2019, a resolution authorizing the Supervisor to sign an Agreement with Brycer, LLC for a no-cost web-based tool for tracking fire and safety code compliance.

Introduced by _____, who moved its adoption, seconded by _____.

WHEREAS, Sheryl Reed, Fire Marshal has requested a database for tracking periodic safety inspections, and

WHEREAS, Steve Myers, Director of Building and Development recommends that The Compliance Engine from Brycer, LLC to provide an internet-based tool to track and drive code compliance, at no cost to the Town; now, therefore be it

RESOLVED, that the Town Board hereby accepts the recommendation of Mr. Myers, and be it further,

RESOLVED, that the Supervisor is authorized to execute the attached 3-year agreement letter from Brycer, LLC, 4355 Weaver Parkway, Suite 330, Warrenville, IL 60555 at no cost to the Town.

Resolution No. _____ of 2019, a resolution authorizing the hiring of Emily Del Grosso and Chad Burks for the end of the 2019 Summer Recreation Full Day Summer Camps.

Introduced by _____, who moved its adoption, seconded by _____.

WHEREAS, vacancies in staffing were created due to employees returning to college prior to the end of the summer camp, and

WHEREAS, the Town Board wishes to maintain staffing levels for the Department of Parks and Recreation to throughout 2019 Summer Recreation Full Day Camp season, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that Emily Del Grosso, 698 Tanner Road, Clifton Park and Chad Burks, 483 Miller Road, Clifton be hired to fill the vacancies; now therefore be it

RESOLVED, that Emily Del Grosso and Chad Burks, shall be hired as staff for the Town's Summer Recreation Full Day Camp, retroactively effective August 19 through 23, 2019, to be paid $9.75/hr.

Resolution No. _____ of 2019, a resolution authorizing Amy McGeady to serve alcoholic beverages at a gathering to be held at Collins Park on September 14, 2019.

Introduced by _____, who moved its adoption, seconded by_____.

WHEREAS, Amy McGeady is hosting a gathering at Collins Park and has requested permission to serve alcohol in the form of beer and wine at the event, and

WHEREAS, Amy McGeady has submitted a permit application for use of the Pavilion at Collins Park on September 14, 2019 from 2:00pm to 7:00pm for a gathering; now, therefore, be it

RESOLVED, that Amy McGeady, 3 Mystic Lane, Clifton Park, is hereby authorized to serve beer and wine at a gathering to be held at Collins Park on September 14, 2019 from 2:00pm to 7:00pm.

Resolution No. _____ of 2019, a resolution authorizing Ken Wei and GE Energy Consulting to serve alcoholic beverages at a gathering to be held at Collins Park on September 6, 2019.

Introduced by _____, who moved its adoption, seconded by_____.

WHEREAS, Ken Wei and GE Energy Consulting are hosting a gathering at Collins Park and has requested permission to serve alcohol in the form of beer and wine at the event, and

WHEREAS, Ken Wei of GE Energy Consulting has submitted a permit application for use of the Pavilion at Collins Park on September 6, 2019 from 2:00pm to 7:00pm for a gathering; now, therefore, be it

RESOLVED, that Ken Wei of GE Energy Consulting, 5 Fairhill Road, Clifton Park, is hereby authorized to serve beer and wine at a gathering to be held at Collins Park on September 6, 2019 from 2:00pm to 7:00pm.

Resolution No _____ of 2019, a resolution adopting Local Law ___ of 2019 to repeal and replace Chapter 156 of the Town Code relative to Door-to Door Solicitations and Peddlers Licenses.

Introduced by _____, who moved its adoption, seconded by _____.

WHEREAS, Chapter 156 of the Town Code provides for the Issuance and Administration of licenses to peddlers and door to door solicitors within the Town, as authorized by Section 136 et seq. of the New York State Town Law, and

WHEREAS, on August 19, 2019, the Town Board held a public hearing on a proposal to update and modernize the chapter by increasing License fees, provide for a more comprehensive license administration system within the Clerk's Office, and to provide an administrative appeal of license denials and revocations to the Town Board for good cause shown, and

WHEREAS, the proposal also repeals unused sections of the former chapter, updates existing provisions, and renumbers sections of the chapter, resulting in a complete rewriting of Chapter 156 of the Town code relative to Peddling and Soliciting for commercial purposes within the Town, now therefore, be it

RESOLVED, that the Town Board hereby adopts Local Law No ___ of 2019, pursuant to which, it is hereby

RESOLVED, that Chapter 156 of the Town Code is hereby repealed, and be it further

RESOLVED that the new Chapter 156, attached, is hereby adopted to replace the section and chapter repealed.

Chapter 156
Peddling and Soliciting

Repeal and Replace Version

§ 156-1 **Definitions.**
As used in this chapter, the following terms shall have the meanings indicated:

PERSON
Includes one or more persons of either sex, natural persons, corporations, partnerships, associations, joint-stock companies, societies and all other entities of any kind capable of being sued.

SOLICITOR
Includes any person who goes from place to place or house to house or who stands in any street or public place taking or offering to take orders for goods, wares or merchandise, except newspapers or milk, or for services to be performed in the future or for making, manufacturing or repairing any article or thing whatsoever for future delivery.

VENDOR, HAWKER and PEDDLER
Includes, except as hereinafter expressly provided, any person, either principal or agent, who, from any car, bicycle, or in any public street or public place or by going from house to house or place of business to place of business on foot or from any vehicle, sells or barters, offers for sale or barter or carries or exposes for sale or barter any goods, wares or merchandise except milk or newspapers.

§ 156-2 **Exemptions.**
A. Generally, nothing in this chapter shall apply to sales conducted pursuant to statute or by order of any court or to any person selling personal property at wholesale to dealers in such article.

B. The licensing provisions of this chapter shall not apply to:

(1) Farmers and truck gardeners who, themselves or through their employees, vend, sell or dispose of the products of their own farms or gardens.
(2) Party plans.
(3) Calls in response to prior invitation.
(4) Honorably discharged members of the Armed Forces of the United States and veterans of any war who shall have obtained a license from the County Clerk of the County of Saratoga pursuant to the provisions of § 32 of the General Business Law of the State of New York. However, such persons must present the license issued by the County Clerk to the Town Clerk, who will issue a town license without payment of a license fee. Such persons shall otherwise be subject to the requirements of this chapter.
(5) Minors 18 years of age or under engaged in providing such services as snow shoveling, grass cutting, leaf raking, cookie sales, lawn clearing and other similar home services as independent contractors, or for school club, sports or civic associations.

C. This chapter shall not be construed to prevent route salesmen or other persons having

established customers to whom they make periodic deliveries

D. Charitable, religious, educational or civic organizations, or political organizations.

§ 156-3 **License required.**

It shall be unlawful for any person within the corporate limits of the Town of Clifton Park to act as a vendor, hawker, peddler or solicitor, as herein defined, without first having obtained and paid for, and having in force and effect, a license therefor.

§ 156-4 **Application for license; bond requirement.**

A. Every applicant for a license under this chapter shall file with the Town Clerk a sworn application in writing on a form to be furnished by the Town Clerk setting forth the following:
   1. A brief description of the nature of the business and the goods or services to be sold, and a copy of any sales material or handouts proposed to be distributed.
   2. Name, Address, telephone number, web address and email address for the Company or entity seeking the license as well as the owners, partners and principals of the Company
   3. A letter of authorization from each business supplying merchandise or services which the applicant sells or solicits orders for.
   4. Copies of all order and receipt forms used by the applicant in soliciting sales or orders.
   5. With regard to each person or individual for whom authorization to solicit under this license is sought, the following information must be provided:
      (a) The name and address of each such employee or agent, both legal and local, if different.
      (b) Date of birth.
      (c) Copy of Driver's License or government issued ID.
      (d) Two photographs of the applicant, two inches by two inches in dimension, taken within 30 days of the date of the application. Such photographs shall show the head, full face and shoulder of the applicant. One copy of the photograph shall be attached to the application, and one to the license.
      (e) A list of all other municipalities in which the applicant has peddled within the last three years, together with inclusive dates of such activities, together with a list of previous peddler's license permit numbers, noting which are still in effect.
      (f) For vendors selling Ice Cream, shaved Ice, or other food items, an active permit from The NYS Department of Health.
      (g) A description of all vehicles to be used to transport any of the individuals to be covered by the License, including make, model, color and license plate number.
      (h) A statement as to whether the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance or local law, the nature of the offense and the punishment or penalty assessed therefor.
      (i) The Town Clerk is authorized to update the form of application from

time to time in a manner not inconsistent with this Chapter.

6. Each application shall identify by year, make, model and license plate each vehicle to be used by licensees issued under this chapter.

B. An application for a license as a solicitor who demands, accepts or receives payment or deposit of money in advance of final delivery shall also be accompanied by a bond to the Town of Clifton Park, approved as to form and surety by the attorney employed by the Town Board, in the sum of $1,000 with a sufficient surety or sureties, or sufficient collateral security, conditioned for making a final delivery of the goods, wares or merchandise ordered or services to be performed in accordance with the terms of such order or, failing therein, that the advance payment on such order be refunded. Any person aggrieved by the action of any licensed solicitor shall have right by action on the bond for the recovery of money or damages, or both. Such bond shall remain in full force and effect, and in case of a cash deposit, such deposit shall be retained by the Town of Clifton Park for a period of 90 days after the expiration of any such license, unless sooner released by the Town Board.

§ 156-5 **Issuance, loss, restrictions, expiration and exhibition of license.**

A. Upon filing of the application, bond and certificate as provided in § **156-3**, the Town Clerk shall, review the application and references provided, and make a determination on the application within 7 business days. If an application is Denied, the Applicant may appeal to the Town Board or it's designee within 5 days of Denial. The Town Board or it's designee will hold a hearing on the Denial within 15 days of the Notice of Appeal, and issue a determination within 5 days of Hearing. Such Determinations on appeal shall be reviewable by the Supreme Court pursuant to Article 78 of the CPLR.
B. A license shall not be assignable. Any holder of such license who permits it to be used by any other person and any person who uses such license granted to any other person shall each be guilty of a violation of this chapter.
C. Whenever a license shall be lost or destroyed on the part of the holder or his agent or employee, a duplicate in lieu thereof, under the original application and bond, may be issued by the Town Clerk upon the filing with him by the licensee of an affidavit setting forth the circumstances of the loss and what, if any, search has been made for its recovery.
D. All licenses shall be issued by the Town Clerk in form and content determined by the Clerk.
E. Such licenses shall expire on January 1 following the date of issuance of such licenses, but such licenses may specifically state and provide for an earlier expiration date.
F. No license shall be granted to a person under 18 years of age.
G. No applicant to whom a license has been refused or who has had a license which has been revoked shall make further application until a period of at least six months shall have elapsed since the last previous rejection or revocation, unless he can show that the reason for such rejection no longer exists.
H. Every licensee, while exercising his license, shall carry the license with him and shall

exhibit the same upon demand.

§ 156-6 **License fees.**
[Amended 7-19-1993 by L.L. No. 13-1993]

The license fee shall be $200.00 per annum, and if the licensee shall have more than one person be covered by the License issued, there shall be an additional fee of $25 per person for each license so issued.

§ 156-7 **Vehicle identification.**
Vehicle permits will be issued for placement on the dashboard of each vehicle to be used in the solicitation or door to door activity.

§ 156-8 **Revocation of license.**
Upon referral from the Town Clerk, the Town Board may schedule a public hearing to determine if good cause has been shown for revocation of any License issued under this chapter, consistent with Section 137 of the New York State Town Law. When a license shall be revoked, no refund of any unearned portion of the license fee shall be made. Notice of such revocation and the reason or reasons therefor in writing shall be served by the Town Board or its designee upon the person named in the application by mailing the same to the address given in the application, at least 10 days prior to the Hearing. The applicant shall have the right to attend the hearing and to present any evidence or information in reply to the Notice of Revocation.

§ 156-9 **Operating restrictions and responsibilities.**
A licensed vendor, hawker, peddler or solicitor shall:

A. Not falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale or offer for sale any unwholesome, tainted or diseased provisions of merchandise.
B. Not use the license provided by the Town after the expiration or revocation of the license represented by him.
C. Keep the vehicles and receptacles used by him in a clean and sanitary condition.
D. Not blow a horn, ring a bell or use any other noisy device to attract public attention to his wares or shout or cry out his wares.
E. Not permit any vehicle used by him to stop or remain on any crosswalk.
F. Not create or maintain any booth or stand or place any barrels, boxes, crates or other obstructions upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise.
G. Not hawk, peddle, vend or solicit orders for goods, wares or merchandise door-to-door before 10:00 a.m. or after 30 minutes before dusk
H. Behave in an orderly and peaceful manner - refraining at all times from aggressive or deceptive sales technique. Individuals issued licenses under this chapter agree to immediately depart the premises of a householder, owner or occupant upon being requested to do so.
I. Not remain stopped or standing at any one place for a period of time in excess of four hours within any twenty-four-hour period.

§ 156-10 **Advance payment orders.**
All orders taken by licensed solicitors who demand, accept or receive payment or deposit of

money in advance of final delivery shall be in writing, in duplicate, stating the terms thereof and the amount paid in advance, and one copy shall be given to the purchaser at the time the deposit is paid to the solicitor.

§ 156-11 **Records.**
It shall be the duty of the Town Clerk to keep a record of all the applications and of all licenses granted under the provisions of this chapter, giving the number and date of each license, the name and residence of the person licensed, the amount of license fee paid and the date of revocation of all licenses revoked.

§ 156-12 **Penalties for offenses.**
Any person who himself or by his clerk, agent or employee shall act as a vendor, hawker, peddler or solicitor, as herein defined, without a license or who shall violate any of the provisions of this chapter or who, having had his license revoked, shall continue to act as a vendor, hawker, peddler or solicitor shall be liable to a penalty of not more than $250 for each offense. In addition a violation of any of the provisions hereof shall constitute disorderly conduct and the person violating the same shall be a disorderly person

Resolution No. ___ of 2019, a resolution awarding a contract for construction management and inspection for the Sitterly Road at Woodin Road and Crossings Boulevard TIP #1759.84 Project.

Introduced by _____, who moved its adoption, seconded by _____.

WHEREAS, by Resolution No. 5 of 2016, the Town Board authorized the Supervisor to execute an application for "Beyond Pavement" funding for traffic and pedestrian improvements at the intersection of Sitterly and Woodin Roads, and

WHEREAS, by Resolution No. 290 of 2017, the Board authorized funding in the first instance for the Sitterly Road improvements and traffic signals Improvement Projject, under Marchiselli funding, requiring a 20% local Match, and

WHEREAS, Clifton Park has been designated as local grant administrators for the combined Sitterly Road Improvement and Traffic Signal Improvement Project, hereafter referred to as "The Project", identified as (Capital Pin #1759.84), and

WHEREAS, the project will improve transportation and safety within the Sitterly Road Corridor for vehicles, pedestrians, and cyclists, and will be administered in partnership with the Town of Halfmoon, and

WHEREAS, by Resolution No. 206 of 2015 the Town Board awarded a contract to MJ engineering for the project, based on a solicitation for Expressions of Interest to all the engineering firms and consultants approved by New York State Department of Transportation Region 1, for the design and engineering for the project, and

WHEREAS, the comptroller has previously established a Capital Projects Fund, H36 to account for the costs of the project, and

WHEREAS, MJ Engineering has provided a Consultant Agreement for construction inspection services in an amount not to exceed $229,000.00 based on the total estimated costs of the project per NYSDOT regulations and guidelines, and

WHEREAS, the Town is eligible to seek 100% reimbursement from NYS DOT for eligible Construction Inspection Costs associated with the combined project under PIN #1759.84; now, therefore, be it

RESOLVED, that the Town Board accepts the proposal from MJ Engineering, Clifton Park, NY, for construction management and inspection services for the project; and be it further

RESOLVED, that the comptroller is directed to increase the Capital Projects Fund by $229,000.00 to pay costs associated with the contract in the first instance, and be it further

RESOLVED, that the Supervisor is authorized to sign the attached contract with MJ Engineering for Construction Inspection and Estimating Services.

Resolution No. _____ of 2019, 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 _____, who moved its adoption, seconded _____.

WHEREAS, Department Heads have identified vehicles/equipment per the attached, as surplus property, and

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

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