

EXHIBIT 5

TO: Town of Clifton Park, Town Board
FROM: Hilary L. Moreira, Esq.
DATE: December 4, 2022
RE: Hostile Work Environment Investigation Report

PRIVILEGED AND CONFIDENTIAL
ATTORNEY-CLIENT COMMUNICATION

I. BACKGROUND

On May 16, 2022, the Town of Clifton Park's ("Town") Town Board passed a resolution authorizing the Town Supervisor to execute an engagement letter with Bond, Schoeneck and King PLLC to conduct an investigation into potential claims of a hostile work environment in the Town. On or about June 13, 2022, during Executive Session, Hilary Moreira, Esq., was introduced to the Town Board members who were present during that meeting and generally discussed what an investigation would include. Thereafter, on or about July 7, 2022, Ms. Moreira met with the Town Board to learn about and discuss the specifics of the hostile work environment allegations. Specifically, the Town Attorney, Mr. Thomas McCarthy, Esq. ("Mr. McCarthy") alleged in an April 4, 2022 memo to the Town Board that Mr. Dahn Bull ("Mr. Bull"), the Highway Superintendent, had created an "inappropriate, abusive, toxic... and clearly hostile working environment..." by sending the following email dated March 2, 2022 to Ms. Meg Springli, who is Mr. McCarthy's Administrative Assistant:

Incredibly disappointing that your boss continues to play games. Actions like this only cement my decision to rightfully go out and seek my own legal counsel and avoid his nonsense. Tom should be more professional than that, but I guess that's asking too much. Amy and I will be discussing this with you tomorrow.

On or about July 15, 2022, Mr. Anthony Morelli ("Mr. Morelli") provided Ms. Moreira with a copy of the April 4, 2022 Memo that was at issue. (A copy of the April 4, 2022 Memo is attached hereto as Exhibit "A").

In order to have a viable hostile work environment claim, an individual must show that the conduct at issue is occurring because of the individual's membership in a protected class. Here, there is no evidence that Mr. Bull sent the March 2, 2022 email or previously raised his voice at Ms. Springli based on her membership in a protected class (e.g., age, gender, religion, race, national origin etc.). The credible evidence suggests that Mr. Bull's comments to Ms. Springli had nothing to do with her, personally, but rather, were rooted in the conflict between Mr. Bull and Mr. McCarthy. Even Ms. Springli stated that she thought Mr. Bull sent her the March 2, 2022 email and raised his voice at her previously because of her (Ms. Springli's) connection with Mr. McCarthy, who was aligned with Mr. Barrett, while Mr. Bull was aligned with Ms. Standaert.

It is well settled that general workplace grievances or even an abusive workplace environment, when not based on a protected class, cannot give rise to an actionable hostile work environment harassment claim, as the New York State Human Rights Law and Title VII are not intended to be "civility codes". See *Lindstrom v. U.S. Postal Serv.*, No. 08-CV-935-JTC, 2011 WL 2938457, at *11 (W.D.N.Y. July 19, 2011) ("[T]o succeed on her hostile work environment claim, plaintiff must demonstrate that she was subjected to the hostility because of her membership in a protected class."); See *Pearson v. Bd. of Educ.*, 499 F. Supp. 2d 575, 592 (S.D.N.Y. 2007) ("Abusive conduct in the workplace, if not based on a protected class, is not actionable under Title VII."); see also N.Y. EXEC. LAW § 296 (1)(h).

The root of the problem seems to be a conflict between Mr. Bull and Mr. McCarthy. Both seem to dislike each other, and there is a clear lack of trust between the two. Some interviewed believed that it was a political issue, as Mr. Bull was aligned with Ms. Standaert, Ms. Flood and Ms. Walowit, while Mr. McCarthy was aligned with Mr. Barrett and Mr. Morelli.

Despite the fact that we have determined that the March 2, 2022 email and the September 2021 incident did not constitute a hostile work environment, it was still inappropriate and unprofessional to send Ms. Springli such email or to raise his voice. Mr. Bull acknowledged that it the email and his communication with Ms. Springli in September of

2021 was unprofessional and stated that he allowed his frustrations with Mr. McCarthy to get the best of him.

Mr. Bull also acknowledged during his interview that he understands how Ms. Springli could have felt intimidated by the meeting that occurred on March 3, 2022. While it may not have been intended, the optics of failing to communicate with Mr. McCarthy or to meet with him prior to his departure for vacation, only to then request such a meeting with Ms. Springli after Mr. McCarthy left, could easily be viewed as intimidating.

The Communication between Mr. Bull and Mr. McCarthy:

There is a complete lack of communication and trust between Mr. Bull and Mr. McCarthy. While Mr. McCarthy and Mr. Bull do not need to be friends, they both need to work together in a professional manner. This investigation revealed that they both seem to blame the other for the lack of communication and trust. The investigation reviewed email correspondence between the two parties that has been unprofessional.

For example, as set forth above, the March 2, 2022 email from Mr. Bull to Ms. Springli about Mr. McCarthy, accusing him of "playing games" and acting "unprofessional" was inappropriate and only acts to further widen the divide between the two, rather than working to rebuild the relationship. Mr. Bull automatically assumed that Mr. McCarthy was trying to stall his resolution request, without even speaking to him about it. Mr. Bull's refusal to engage with Mr. McCarthy, who offered to meet with him about his concerns related to the resolution, was unprofessional. Had he simply spoken with Mr. McCarthy, the allegations at issue in this investigation likely could have been avoided.

During the investigation, Mr. McCarthy told the investigator that it was "inappropriate" to make comments about an individual's boss to a subordinate. However, Mr. McCarthy made comments to Mr. Bull's Deputy Highway Superintendent, Ms. Ellenmarie Martin, about Mr. Bull. On or about August 31, 2022 Ms. Martin emailed Mr. McCarthy informing him that Mr. Bull was out of the office for a family emergency and requested that Mr. McCarthy "please proceed with the draft of the proposed order" related to the old plank

Tom McCarthy

From: Tom McCarthy
Sent: Wednesday, September 7, 2022 11:37 AM
To: Dahn Bull
Cc: Meg Springli
Subject: RE: Old Plank Road Abandonment
Attachments: Draft Order of DC.docx; 2022-06-09_MAP - Discontinuance Map - OVERALL - Lill.pdf; TB memo re highway Atty 4.4.22 signed.pdf

Dahn

Attached please find a Draft order of Discontinuance for this project. If you would like a reference in here to my review of the deeds to ensure that all property owners on both sides have petitioned the Town, we can do that. Any other changes that you suggest, please edit in redline and send back to me.

As always, if you have any questions, please feel free to call at any time.

In terms of your note below, my note of last Wednesday was not a comment on Ellen, but on your own persistent and astonishing immaturity.

Relative to the attempts to avoid working with duly elected and appointed officers within the Town, I have already written about that once. A copy of my April 4 memoranda on the point is attached hereto. While you were not copied thereon, I have been told that it was shared with you at the Time by your ally on the Town Board, and it is now the subject of review by Hillary Moreira at Bond Schoeneck and King.

At this point, 5 months have gone by and you continue to show that you are unable or unwilling to work with other duly elected and appointed public officers within Town Government as referenced in section 3 of the memo, and indeed you have consistently allowed this attitude to negatively impact and delay the functions of your office.

Therefore, unless this posture changes for the better, it is my opinion that you should resign your office and allow the majority of the Town Board to appoint your successor now, in order to restore the proper functioning of the Town Government to the residents and Town for whom we all serve. Please seriously consider your position, your Oath of Office, and the current state of the Highway Department and its relationship with the Town Supervisor, Town Board and the various counterparties within the community.

For the time that you remain, however long or short that is, please know that I remain available to work with the you to advance whatever projects, procurements, and other transactions that involve your department and for which cooperation among the offices is necessary. Should you change your position and begin to work constructively with myself as Town Attorney, you will find that you receive the full faith and fidelity that my office requires of me.

In the meantime, let me know if you have any changes to the current draft order that you wish to make. Thank you.

Tom McCarthy

From: Dahn Bull <DBull@cliftonpark.org>
Sent: Friday, September 2, 2022 12:44 PM
To: Tom McCarthy <TMcCarthy@cliftonpark.org>; Ellenmarie Martin <emartin@cliftonpark.org>
Cc: Meg Springli <mspringli@cliftonpark.org>
Subject: RE: Old Plank Road Abandonment

Tom,

Your last email questioning Ellen's integrity was unnecessary. Your email shows that you disregarded her request. I just arrived back to work wednesday afternoon, so her email was correct. We really don't feel comfortable working like this anymore. For the sake of professionalism, I would like to work through your Deputy Attorney Neil Wiener for future projects with the Highway Department. I believe it would be best for both parties.

Sincerely,

Dahn S. Bull
Superintendent of Highways
Town of Clifton Park
639 Clifton Park Center Road
Clifton Park, NY 12065
Tel: (518) 371-7310
Fax: (518) 373-0039
dbull@cliftonpark.org

From: Tom McCarthy <TMcCarthy@cliftonpark.org>
Sent: Wednesday, August 31, 2022 2:13 PM
To: Ellenmarie Martin <emartin@cliftonpark.org>
Cc: Meg Springli <mspringli@cliftonpark.org>; Dahn Bull <DBull@cliftonpark.org>
Subject: RE: Old Plank Road Abandonment

Ellen,
Dan Lill contacted me on Monday and made me aware of the nature and extent of the delays he has had on this. Therefore, I put it on my active list at that time and will try to get it done before the end of the week or next.

Btw, Dahn is responding to other emails today so could certainly correspond on this project file as well. Thanks and we should get it soon.

Tom

From: Ellenmarie Martin <emartin@cliftonpark.org>
Sent: Wednesday, August 31, 2022 8:55 AM
To: Tom McCarthy <TMcCarthy@cliftonpark.org>
Cc: Meg Springli <mspringli@cliftonpark.org>; Dahn Bull <DBull@cliftonpark.org>
Subject: RE: Old Plank Road Abandonment

8/31/2022

Good morning Mr. McCarthy,

Dahn is out of the office due to a family emergency. As Deputy Superintendent may I ask if you would please proceed with the draft of the proposed order. Thank you very much Ellen

*Ellenmarie G. Martin
Deputy Highway Superintendent
Town of Clifton Park Highway Department*

639 Clifton Park Center Road
Clifton Park, NY 12065
Office # 518-371-7310
Fax # 518-373-0039

From: Tom McCarthy <TMcCarthy@cliftonpark.org>
Sent: Monday, August 29, 2022 10:40 AM
To: Ellenmarie Martin <emartin@cliftonpark.org>; Meg Springli <mspringli@cliftonpark.org>
Subject: RE: Old Plank Road Abandonment

Ellen,

As mentioned last week, the Highway Super and I were exchanging emails on this topic through July. On July 11, I volunteered to draft a proposed order for him if he so advised. If he were to advise that he would like me to proceed, I would be happy to do so. Please let him know.

Thanks as always.

TM

From: Ellenmarie Martin <emartin@cliftonpark.org>
Sent: Friday, August 26, 2022 8:24 AM
To: Meg Springli <mspringli@cliftonpark.org>
Cc: Dahn Bull <DBull@cliftonpark.org>; Tom McCarthy <TMcCarthy@cliftonpark.org>
Subject: RE: Old Plank Road Abandonment

Thank you very much. Ellen

From: Meg Springli <mspringli@cliftonpark.org>
Sent: Thursday, August 25, 2022 12:39 PM
To: Ellenmarie Martin <emartin@cliftonpark.org>
Cc: Dahn Bull <DBull@cliftonpark.org>; Tom McCarthy <TMcCarthy@cliftonpark.org>
Subject: RE: Old Plank Road Abandonment

Good afternoon Ellenmarie,

I will speak to Tom when he returns to the office tomorrow and let you know if we need anything else.

Have a good day.

Meg

From: Ellenmarie Martin <emartin@cliftonpark.org>
Sent: Thursday, August 25, 2022 12:11 PM
To: Meg Springli <mspringli@cliftonpark.org>
Cc: Dahn Bull <DBull@cliftonpark.org>
Subject: Old Plank Road Abandonment

8/25/2022

Good afternoon Meg,

Could you please have your office draft an order for the Highway Superintendent for the above mentioned project. I appreciate your assistance. Have a good day. Ellen

*Ellenmarie G. Martin
Deputy Highway Superintendent
Town of Clifton Park Highway Department
639 Clifton Park Center Road
Clifton Park, NY 12065
Office # 518-371-7310
Fax # 518-373-0039*

STATE OF NEW YORK :
COUNTY OF SARATOGA :
TOWN OF CLIFTON PARK:

In the Matter of the Petition of
JTD HOLDINGS, LLC
BAGGS LAND DEVELOPMENT CO, LLC, and
CLIFTON HOSPITALITY, LLC. ORDER

For the discontinuance of approximately
580 LF/0.11+/- miles of the northeasterly
end of Old Plank Road

WHEREAS, by Petition filed with the Town Clerk, and submitted to the Highway Superintendent on June 13, 2022, JTD Holdings, Baggs Land Development, and Clifton Hospitality LLC petitioned the Town for the discontinuance of approximately 580 linear feet of paved roadway, known as Old Plank Road, as depicted in the attached map prepared by Environmental Design Partners, dated February 24, 2022 and labeled "Map 1 of 1," attached, and

WHEREAS, the Petition, duly signed and acknowledged by authorized representatives of the Petitioners on April 5, 2022, April 29, 2022, and April 26, 2022, and included copies of filed deeds demonstrating the ownership of all real property on both sides of the paved portion of *Old Plank Road* for the distance for which the petition seeks the discontinuance thereof, consistent with NYS Hwy Law §207, and

WHEREAS, the Town's interest in the subject highway was acquired by "user" for highway purposes only, and

WHEREAS, the subject portion of Old Plank Road, constituting 580 linear feet of paved roadway maintained by the Town for Highway Purposes, is no longer necessary for such Purpose; and

WHEREAS, the Petition demonstrates good cause for the discontinuance of subject roadway consistent with New York State Highway Law 207, now therefore, it is hereby

ORDERED, that Old Plank Road, 580 ± LF of paved road as depicted in Exhibit 1, attached, is no longer necessary for Highway Purposes and is hereby Discontinued for Highway Purposes pursuant to NYS Hwy Law § 207, as outlined and requested in the Petition Filed on June 13, 2022, and be it further

ORDERED, that the Petition filed with the Town Clerk on June 13, 2020, including its Exhibits, Maps descriptions, and deeds are hereby incorporated by reference within this order.

Dahn Bull
Superintendent of Highways

September 2022

Town Board Meeting September 19th, 2022

Teresa Brobston: Resolution number 241 of 2022 a resolution supporting the Abandonment and discontinuance of a portion of Old Plank Road.

Phillip Barrett: Alright so Tom did you want to go through this?

Thomas McCarthy: Yeah, this is an application that was filed in June, I looked at it in July and gave it some back and forth with the Highway Dept about it, so we had some emails with the Highway Dept July 13th that was seemed complete to me. We had talked about the project last year before they embarked on this communication they had with Peddler's. It's an Abele project and they bought up suddenly. And uh I guess it's the southside, its an angular road but the southern most portion is where the Abele entities have required the land and they've spent a fair amount of time six or eight months tracking down corporate offices for the Holiday Inn on the other side lesser amount of time with the Peddler's corporate holdings he's got support and ultimately signatures from those entities as well. I think it means 207 I think it's a Highway Superintendents decision and discretion. Last I heard from the Highway Superintendent was indeed of that portion of it was indeed unnecessary for highway purposes, last, I recall he was in favor of doing this but for some reason hasn't wanted an order that would take action on it. I did send one over on the 7th of September and no action yet so but uhm the issue should come before the Board to get some answers to what was going on whether there was any issues with it.

Dahn Bull: Absolutely, yeah, I submitted this for resolution to the Town Board I have a philosophical disagreement with section 207. When roads are taken over or dedicated to the Town it's a Town Board action so I think the Town Board should have the input of on it being abandoned as well. I know it says its 580 linear feet but it's a two-lane road so it's 1,160 linear lane feet so there is a little bit of some up in the air but look I think it's a big win for everybody who is involved there is a storm water apparatus that is at the end of the cul-de-sac that (excuse me) we would not have to be responsible for that carries water under the New York State Northway so if that goes on to a private entity that is something we don't have to look on or to be weary of in the future and it's a very steep incline we almost lost a few trucks down there, fortunately we haven't and then once these are abandoned we are going to work with a developer to put in a hammer turn around for busses and emergency services and for our plows. So like said it's a win win for everybody and the only reason I wanted the Boards approval was because in my mind the roads are dedicated to the Town through the Town Board I think they should be abandoned through the Town Board.

Thomas McCarthy: As mentioned this road is not dedicated to the Town Board.

Dahn Bull: Even still, it's a public road, it's a Town asset.

Thomas McCarthy: And even you have a philosophical difference with the state statue.

Dahn Bull: Yeah, well all I'm saying you go and ask any other Town how they do it, and its through a resolution with the Town Board I don't see any problem.

Thomas McCarthy: And did you submit a resolution to the Town Board because I didn't see one.

Dahn Bull: I did, just this past Tuesday.

Thomas McCarthy: I did not see that, we did not see that, my office did not see that.

Dahn Bull: You want me to send you the receipt that I have

Thomas McCarthy: No, I just want you to sign the order

Dahn Bull: I will as soon as the Town Board is in favor

Thomas McCarthy: And since July 13th you have seen fit to tell either the developer or myself what's going on

Dahn Bull: I've actually been in contact with the developer and told him my desires this entire time

Thomas McCarthy: That's not my understanding

Dahn Bull: Well, that's my understanding

Thomas McCarthy: I've got some emails that show, that don't show that was what

Dahn Bull: I don't want to fight over everything Tom, but I just think it makes more sense for all of us to be on the same page.

Anthony Morelli: So, let me jump in here because I agree we should be on the same page but are you suggesting or stating you have a philosophical difference with the law because I'm reading 207 now and it says said Town Superintendent by order be fully entered into the Town Clerk's office direct such Highway to be discontinued or abandon for public purposes, so that's the law.

Dahn Bull: Yeah, and that section says under 1,000 feet and that's 1,160 lane feet.

Thomas McCarthy: Uh that's not interpretation of the statute, linear feet.

Dahn Bull: Okay so my, but still, I don't, I don't see the issue with getting the Town Board on board. I can't find another Town that just allows the Superintendent to unilaterally make this decision, I have to go in front of the Town Board to put up a Plate Tamper for Auction, how can I just abandon property?

Thomas McCarthy: Pursuant to the statute.

Dahn Bull: Okay but I'll feel more comfortable if the Town Board understands where I'm coming from. I'm not standing, I'm not standing in the way of it.

Thomas McCarthy: No, I guess my only question Dahn what took two months to bring this out?

Dahn Bull: That's just how, that's how I want to do it, I'm the Highway Superintendent and that's how I would like to do it.

Thomas McCarthy: Okay I mean again

Anthony Morelli: So, Tom the resolution doesn't have a deadline the issue is compelling the Superintendent to sign. Should there be a deadline associated with the resolution?

Thomas McCarthy: If they forth-with.

Dahn Bull: If the Town Board votes on it right now I'll sign it right after the meeting, be happy to. But Tom, I do thank you for putting all this together and for working with me on it, uhm you did a very good job I'm just far more comfortable with the Town Board making that decision.

Amy Standaert: Tom is there any harm in passing a resolution?

Thomas McCarthy: No, that's why we put it on the agenda.

Phillip Barrett: That's why we put it on the agenda.

Thomas McCarthy: But the harm was you know, two months delay without a reason and you know and I got a call in late August from an exasperated developer that didn't have any communication back at all that is.... (Couldn't understand the rest)

Dahn Bull: That's actually not true Tom

Thomas McCarthy: Well some of it is

Dahn Bull: So, you're admitting that other things you are saying is not true?

Thomas McCarthy: There was no indication in any of the notes that I saw since July that you had an issue a philosophical issue with the way it is.

Phillip Barrett: It just wasn't happening

Dahn Bull: I had asked about section 205, and you dismissed it. I this is what I'm comfortable with I want to say thank you very much for all your help on this you did a great job, thank you.

Phillip Barrett: *laughs*

Thomas McCarthy: Councilwoman (addressing Amy Standaert) there is no harm in passing the resolution, that's why we had this meeting.

Amy Standaert: Dahn is this currently, I believe it was last winter I had gone on a snowplow run with Ryan was this?

Dahn Bull: yes

Amy Standaert: this

Dahn Bull: probably

Amy Standaert: this was one of the most scariest moments of my life.

Dahn Bull: Yes, there are no lights, there is nothing down there and you're driving downhill in a 34 ton.

Amy Standaert: And I thought we were going to tip, I just wanted to make sure we were talking about the same place.

Dahn Bull: Yeah

Amy Standaert: Yeah, okay thank you and I appreciate you. I was not aware of the New York State Statue for this situation, but I think its okay to have to Town Board.

Dahn Bull: Yeah, there's no harm, no harm in that.

Thomas McCarthy: They're going to come I think subsequent to this possibly before the planning board they're going to ask for the Town Board to approve a Quit Claim Deed of whatever interest we have which is none but I think that's going to help them file deeds that will demonstrate the ownership and behanding it will be a chance, an opportunity for the Town Board of action this is a user road so it was never its been there for a very, very, very long time and was never any dedication or deed of any kind to the town... (Unable to understand the rest)

Amy Standaert: Okay, thank you.

Anthony Morelli: I'm just having trouble processing a philosophical difference with the law. Teresa would you be able to notify the board when this has been signed and received in your office.

Teresa Brobston: Sure

Anthony Morelli: Thank you

Dahn Bull: Hey Tony I just said that I was going to sign that for the Board after it was passed.

Anthony Morelli: I understand that

Dahn Bull: It's not the law itself it's just

Anthony Morelli: No it's a law 207 Highway Superintendent

Dahn Bull: Thank you Tony I understand that

Anthony Morelli: Okay

Dahn Bull: it's the practice of 207.

Anthony Morelli: Well, we don't get to have philosophical differences with the law as appointed officials or elected officials.

Dahn Bull: Then I guess you misunderstood me, no I was

Anthony Morelli: No, I heard what you said

Dahn Bull: I was hoping to go through 205 not 207

Anthony Morelli: you don't get to choose

Thomas McCarthy: We had talked about it

Dahn Bull: we do get to choose

Thomas McCarthy: We had talked about ways to perceive... (unable to understand the rest 22:28)

Dahn Bull: And that is where the philosophical difference exists is the process of (unable to hear word) I wanted to involve the Town Board, I wanted to have their input.

Anthony Morelli: I understand, I want to follow the law.

Dahn Bull: Thanks

Phillip Barrett: Alright well that's why the resolution was brought forward by me to move this process along hopefully and I guess this had the desired effect. Uhm alright if there is no other discussion, Teresa.

Teresa Brobston: Councilwoman Flood

Amy Flood: Yes

Teresa Brobston: Councilwoman Standaert

Amy Standaert: Yes

Teresa Brobston: Councilman Morelli

Anthony Morelli: Yes

Teresa Brobston: Councilwoman Walowit

Lynda Walowit: Yes

Teresa Brobston: Supervisor Barrett

Phillip Barrett: Yes

Phillip Barrett: Alright, so we will go oh is there any other business to come before the board?

Resident spoke about Verizon Cellphone towers

Dahn Bull: Nope I got something I got two points, just two points.

Lynda Walowit: Yes

Dahn Bull: Teresa is it okay after the meeting if we could meet, I could sign that, and have you notarized it?

Teresa Brobston: Yes, absolutely

Dahn Bull: Perfect, and Teresa if I could send you an email tomorrow, its an email from Meg saying thank you for submitting your resolution authorizing the Superintendent of Highways to sign an order blah blah blah blah blah so I just wanted to make sure that the minutes are aware that of what Tom said is incorrect. Thanks

Teresa Brobston: Mh-hm

Discussion between Thomas McCarthy & Phillip Barrett that was unable to be heard

Phillip Barrett: Alright I'll second that

Teresa Brobston: Councilwoman Flood

Amy Flood: yes

Teresa Brobston: Councilwoman Standaert

Amy Standaert: Yes

Teresa Brobston: Councilman Morelli

Anthony Morelli: Yes

Teresa Brobston: Councilwoman Walowit

Lynda Walowit: Yes

Teresa Brobston: Supervisor Barrett

Phillip Barrett: Yes

Moreira, Hilary

From: Dahn Bull <DBull@cliftonpark.org>
Sent: Wednesday, March 17, 2021 3:30 PM
To: Mark Heggen
Cc: Laurie Luse; Ellenmarie Martin
Subject: RE: Stan Rusinovich

Mark,

The Highway Department is not a "we" and that's why it needs to be changed. Just like budget lines, when we send things over, they shouldn't be changed without my permission.

Looking forward to seeing the numbers for the sweeper lease tomorrow.

From: Mark Heggen <mheggen@cliftonpark.org>
Sent: Wednesday, March 17, 2021 3:03 PM
To: Dahn Bull <DBull@cliftonpark.org>
Cc: Laurie Luse <lluse@cliftonpark.org>; Ellenmarie Martin <emartin@cliftonpark.org>
Subject: RE: Stan Rusinovich

Dahn,

The only adjustment I made on his time was for 3/13/2021. His timesheet did not indicate that he was on call and should receive 2 hours for call in. The timesheet had 2 hours written for the 37 minutes that he worked on 3/13/2021. We do not pay a 2 hour minimum for non-union employees when they are called in.

Mark

Mark E. Heggen, CPA
Town Comptroller
Town of Clifton Park
One Town Hall Plaza
Clifton Park, NY 12065

Telephone – 518-371-6651
Fax – 518-371-1136

mheggen@cliftonpark.org

From: Dahn Bull <DBull@cliftonpark.org>
Sent: Wednesday, March 17, 2021 1:37 PM
To: Mark Heggen <mheggen@cliftonpark.org>
Cc: Laurie Luse <lluse@cliftonpark.org>; Ellenmarie Martin <emartin@cliftonpark.org>
Subject: RE: Stan Rusinovich

Mark,

You need to immediately change back Stan's hours. You have absolutely no idea how this department operates and have no handle on what we actually do. Stan was on Duty for the Weekend. He gets two hours for the call in and for being on duty. That's my policy and you have no say in the matter. Change it.

Tom McCarthy

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As always, if you have any questions, please feel free to call at any time.

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Tom McCarthy

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Cc: Meg Springli <mspringli@cliftonpark.org>
Subject: RE: Old Plank Road Abandonment

STATE OF NEW YORK :
COUNTY OF SARATOGA :
TOWN OF CLIFTON PARK:

In the Matter of the Petition of
JTD HOLDINGS, LLC
BAGGS LAND DEVELOPMENT CO, LLC, and
CLIFTON HOSPITALITY, LLC.

ORDER

For the discontinuance of approximately
580 LF/0.11+/- miles of the northeasterly
end of Old Plank Road

WHEREAS, by Petition filed with the Town Clerk, and submitted to the Highway Superintendent on June 13, 2022, JTD Holdings, Baggs Land Development, and Clifton Hospitality LLC petitioned the Town for the discontinuance of approximately 580 linear feet of paved roadway, known as Old Plank Road, as depicted in the attached map prepared by Environmental Design Partners, dated February 24, 2022 and labeled "Map 1 of 1," attached, and

WHEREAS, the Petition, duly signed and acknowledged by authorized representatives of the Petitioners on April 5, 2022, April 29, 2022, and April 26, 2022, and included copies of filed deeds demonstrating the ownership of all real property on both sides of the paved portion of Old Plank Road for the distance for which the petition seeks the discontinuance thereof, consistent with NYS Hwy Law §207 and

WHEREAS, the Town's interest in the subject highway was acquired by "user" for highway purposes only, and

WHEREAS, the subject portion of Old Plank Road, constituting 580 linear feet of paved roadway maintained by the Town for Highway Purposes, is no longer necessary for such Purpose, and

WHEREAS, the Petition demonstrates good cause for the discontinuance of subject roadway consistent with New York State Highway Law 207, now therefore, it is hereby

ORDERED, That Old Plank Road, 580 ± LF of paved road as depicted in Exhibit 1, attached, is no longer necessary for Highway Purposes and is hereby Discontinued for Highway Purposes pursuant to NYS Hwy Law § 207, as outlined and requested in the Petition Filed on June 13, 2022, and be it further

ORDERED, that the Petition filed with the Town Clerk on June 13, 2020, including its Exhibits, Maps descriptions, and deeds are hereby incorporated by reference within this order.

Dahn Bull
Superintendent of Highways

September 2022

Subject: RE: Questions regarding the Greenlight Project
Date: 2021-11-15 12:55:37
Download
From: Dahn Bull
To/Cc: Amy Standaert; Matthew Andrus

Help

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Hey Amy, Matt and I chatted today, and thought sharing our thoughts and questions may be helpful. Here they are.

- Where is the money going?
- Who's doing the inspection? On top of working with current Utility companies, what resources will you be offering to assist in the added workload?
- Form refers to Greece, NY. This doesn't follow our process
- We don't own the telephone poles. Have we approval from National Grid on this? Can we charge fee on the poles if we don't own them?
- Who pays the fees for private, commercial hookups? Are we skimming off of the customer
- More Utility Poles, What about underground neighborhoods?
- Once the utility poles go up who is now in charge of tree maintenance? You built a new form for a single company, we've never used this for a utility company.
- By passing this resolution, does the Town Board want the Highway Department to abide by it? The new form with fees and new structure?
- Do I use this for developers and homeowners from now on?
- Who will be developing/amending all the developments as-built in town identify these additional utilities? When saying "who site the previous Problems weve had before – Barney Road / Phoneline Debacle; Sitterly Rd/NYOH phone outages

Tom McCarthy

From: Tom McCarthy
Sent: Wednesday, September 7, 2022 11:37 AM
To: Dahn Bull
Cc: Meg Springli
Subject: RE: Old Plank Road Abandonment
Attachments: Draft Order of DC.docx; 2022-06-09_MAP - Discontinuance Map - OVERALL - Lill.pdf; TB memo re highway Atty 4.4.22 signed.pdf

Dahn

Attached please find a Draft order of Discontinuance for this project. If you would like a reference in here to my review of the deeds to ensure that all property owners on both sides have petitioned the Town, we can do that. Any other changes that you suggest, please edit in redline and send back to me.

As always, if you have any questions, please feel free to call at any time.

In terms of your note below, my note of last Wednesday was not a comment on Ellen, but on your own persistent and astonishing immaturity.

Relative to the attempts to avoid working with duly elected and appointed officers within the Town, I have already written about that once. A copy of my April 4 memoranda on the point is attached hereto. While you were not copied thereon, I have been told that it was shared with you at the Time by your ally on the Town Board, and it is now the subject of review by Hillary Moreira at Bond Schoeneck and King.

At this point, 5 months have gone by and you continue to show that you are unable or unwilling to work with other duly elected and appointed public officers within Town Government as referenced in section 3 of the memo, and indeed you have consistently allowed this attitude to negatively impact and delay the functions of your office.

Therefore, unless this posture changes for the better, it is my opinion that you should resign your office and allow the majority of the Town Board to appoint your successor now, in order to restore the proper functioning of the Town Government to the residents and Town for whom we all serve. Please seriously consider your position, your Oath of Office, and the current state of the Highway Department and its relationship with the Town Supervisor, Town Board and the various counterparties within the community.

For the time that you remain, however long or short that is, please know that I remain available to work with the you to advance whatever projects, procurements, and other transactions that involve your department and for which cooperation among the offices is necessary. Should you change your position and begin to work constructively with myself as Town Attorney, you will find that you receive the full faith and fidelity that my office requires of me.

In the meantime, let me know if you have any changes to the current draft order that you wish to make. Thank you.

Tom McCarthy

From: Dahn Bull <DBull@cliftonpark.org>
Sent: Friday, September 2, 2022 12:44 PM
To: Tom McCarthy <TMcCarthy@cliftonpark.org>; Ellenmarie Martin <emartin@cliftonpark.org>
Cc: Meg Springli <mspringli@cliftonpark.org>
Subject: RE: Old Plank Road Abandonment

Tom,

Your last email questioning Ellen's integrity was unnecessary. Your email shows that you disregarded her request. I just arrived back to work wednesday afternoon, so her email was correct. We really don't feel comfortable working like this anymore. For the sake of professionalism, I would like to work through your Deputy Attorney Neil Wiener for future projects with the Highway Department. I believe it would be best for both parties.

Sincerely,

Dahn S. Bull
Superintendent of Highways
Town of Clifton Park
639 Clifton Park Center Road
Clifton Park, NY 12065
Tel: (518) 371-7310
Fax: (518) 373-0039
dbull@cliftonpark.org

From: Tom McCarthy <TMcCarthy@cliftonpark.org>
Sent: Wednesday, August 31, 2022 2:13 PM
To: Ellenmarie Martin <emartin@cliftonpark.org>
Cc: Meg Springli <mspringli@cliftonpark.org>; Dahn Bull <DBull@cliftonpark.org>
Subject: RE: Old Plank Road Abandonment

Ellen,
Dan Lill contacted me on Monday and made me aware of the nature and extent of the delays he has had on this. Therefore, I put it on my active list at that time and will try to get it done before the end of the week or next.

Btw, Dahn is responding to other emails today so could certainly correspond on this project file as well. Thanks and we should get it soon.

Tom

From: Ellenmarie Martin <emartin@cliftonpark.org>
Sent: Wednesday, August 31, 2022 8:55 AM
To: Tom McCarthy <TMcCarthy@cliftonpark.org>
Cc: Meg Springli <mspringli@cliftonpark.org>; Dahn Bull <DBull@cliftonpark.org>
Subject: RE: Old Plank Road Abandonment

8/31/2022

Good morning Mr. McCarthy,

Dahn is out of the office due to a family emergency. As Deputy Superintendent may I ask if you would please proceed with the draft of the proposed order. Thank you very much Ellen

*Ellenmarie G. Martin
Deputy Highway Superintendent
Town of Clifton Park Highway Department*

639 Clifton Park Center Road
Clifton Park, NY 12065
Office # 518-371-7310
Fax # 518-373-0039

From: Tom McCarthy <TMcCarthy@cliftonpark.org>
Sent: Monday, August 29, 2022 10:40 AM
To: Ellenmarie Martin <emartin@cliftonpark.org>; Meg Springli <mspringli@cliftonpark.org>
Subject: RE: Old Plank Road Abandonment

Ellen,

As mentioned last week, the Highway Super and I were exchanging emails on this topic through July. On July 11, I volunteered to draft a proposed order for him if he so advised. If he were to advise that he would like me to proceed, I would be happy do to so. Please let him know.

Thanks as always.

TM

From: Ellenmarie Martin <emartin@cliftonpark.org>
Sent: Friday, August 26, 2022 8:24 AM
To: Meg Springli <mspringli@cliftonpark.org>
Cc: Dahn Bull <DBull@cliftonpark.org>; Tom McCarthy <TMcCarthy@cliftonpark.org>
Subject: RE: Old Plank Road Abandonment

Thank you very much. Ellen

From: Meg Springli <mspringli@cliftonpark.org>
Sent: Thursday, August 25, 2022 12:39 PM
To: Ellenmarie Martin <emartin@cliftonpark.org>
Cc: Dahn Bull <DBull@cliftonpark.org>; Tom McCarthy <TMcCarthy@cliftonpark.org>
Subject: RE: Old Plank Road Abandonment

Good afternoon Ellenmarie,

I will speak to Tom when he returns to the office tomorrow and let you know if we need anything else.

Have a good day.

Meg

From: Ellenmarie Martin <emartin@cliftonpark.org>
Sent: Thursday, August 25, 2022 12:11 PM
To: Meg Springli <mspringli@cliftonpark.org>
Cc: Dahn Bull <DBull@cliftonpark.org>
Subject: Old Plank Road Abandonment

8/25/2022

Good afternoon Meg,

Could you please have your office draft an order for the Highway Superintendent for the above mentioned project. I appreciate your assistance. Have a good day. Ellen

*Ellenmarie G. Martin
Deputy Highway Superintendent
Town of Clifton Park Highway Department
639 Clifton Park Center Road
Clifton Park, NY 12065
Office # 518-371-7310
Fax # 518-373-0039*



Town of Clifton Park

One Town Hall Plaza | Clifton Park, New York 12065 | (518) 371-6651 | FAX: (518) 371-1136

MEMORANDUM

Date: January 8, 2021

To: All Town Employees

From: Phil Barrett, Town Supervisor

Subject: Update to Town Hall Access

Another week has passed and the situation relating to new COVID cases has not subsided. The daily cases in Saratoga County continue to rise and some of our fellow team members have been affected by exposures or positive tests for the virus. It is imperative everyone does everything possible to keep you and your fellow team members healthy. I will say again, it is important to monitor your personal health each day. If you do not feel well please stay home and contact your department head. Please continue to check your temperature on a regular basis and avoid close contact with other people.

As of yesterday, Active Cases have surpassed 3,000 in Saratoga County. To place that number in perspective, on December 1st the County had 601 active cases and on November 1st cases totaled 151. As the cases have risen the opportunity for further compounding of positive cases has increased exponentially. I thank everyone once again for your flexibility and commitment as we continue to operate at an optimum level despite the challenges.

Access to Town Hall being restricted to appointment only is a challenge for some departments. After consulting with the department heads most effected by the restrictions earlier today, it was decided the current protocols will remain in place for at least another week. Therefore, Town buildings will continue to be restricted to access through appointment only and the 25% workforce reduction measures will remain in place through January 15th.

Thank you for working to serve Clifton Park through these difficult circumstances.

PHILIP C. BARRETT
Supervisor

AMY J.H. STANDAERT
Councilwoman

LYNDA M. WALOWIT
Councilwoman

ANTHONY F. MORELLI
Councilman



Town of Clifton Park

One Town Hall Plaza | Clifton Park, New York 12065 | (518) 371-6651 | FAX: (518) 371-1136

MEMORANDUM

Date: January 15, 2021

To: All Town Employees

From: Phil Barrett, Town Supervisor

Subject: Update to Town Hall Access

Another week has passed and unfortunately the Covid situation continues to deteriorate. Active cases continue to climb and the number of hospitalizations and sadly, deaths are becoming more frequent in recent weeks. Closing the buildings to appointment only coupled with the workforce reduction measures have been important factors to reduce exposure and spread of the virus. We appreciate everyone's diligence in keeping you and your co-workers safe. All departments continue to deliver services daily and we commend you for your commitment to our Town.

We have been assessing the situation daily. Due to the deteriorating situation and the negative prospects for improvement in the near term, we will continue our current operational protocols for the foreseeable future. Therefore, Town buildings will remain closed to appointment only and departments will continue to implement 25% workforce reductions, until further notice. We will continue our daily assessment and inform everyone about any additional changes as the information becomes available.

Please maintain lines of communication related to individual situations involving Covid and continue to monitor your temperature and general health.

PHILIP C. BARRETT
Supervisor

AMY J.H. STANDAERT
Councilwoman

LYNDA M. WALOWIT
Councilwoman

ANTHONY F. MORELLI
Councilman



Town of Clifton Park

One Town Hall Plaza | Clifton Park, New York 12065 | (518) 371-6651 | FAX: (518) 371-1136

MEMORANDUM

Date: February 18, 2021

To: All Town Employees

From: Phil Barrett, Town Supervisor

Subject: Update to Town Hall Access

On behalf of the Town Board, I thank everyone again for your focus and flexibility as we entered, endured, and hopefully now exiting the worst of the pandemic. Through positive cases that have occurred and quarantine procedures, we have continued to operate effectively and serve the residents of Clifton Park each day. Changing workstations, routines and carefully following new protocols can be challenging. However, everyone has pulled together to ensure we accomplish our mission.

The number of Active Cases of Covid within the County has dropped substantially since the beginning of the month. Generally, we are experiencing a sequential decrease in the amount of community spread. The same trend has been evident in our neighboring Counties and throughout NYS. The trend is expected to continue as more people are vaccinated.

On March 1st, we will reopen Town Hall and the workforce reduction measures currently in place will be ended. Therefore, all departments will return to their full complement of staffing.

Masks will continue to be required at all times except when you are at your workstation. We must also continue to maintain distance from your fellow employees. Therefore, employees who have been moved to empty offices to provide additional separation will remain working in those areas. We will also continue to avoid group meetings or congregating with fellow employees for any reason.

If you have any questions, please contact me or your department head. Thank you for your continued diligence and hard work.

PHILIP C. BARRETT
Supervisor

LYNDA M. WALOWIT
Councilwoman

AMY J. H. STANDAERT
Councilwoman

ANTHONY F. MORELLI
Councilman

AMY G. FLOOD
Councilwoman

Subject: RE: read next to last paragraph
Date: 2021-01-22 10:02:49
Download
From: Matthew Andrus
To/Cc: Amy Standaert; Dahn Bull

Help

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And one more article which says it all in the first paragraph

<https://www.thompsonhine.com/publications/new-york-state-enacts-paid-sick-leave-for-covid-19-quarantines-lowers-percentage-employees-allowed-onsite>

From: Amy Standaert <AStandaert@cliftonpark.org>
Sent: Friday, January 22, 2021 9:56 AM
To: Matthew Andrus <mandrus@cliftonpark.org>; Dahn Bull <DBull@cliftonpark.org>
Subject: Re: read next to last paragraph

Excellent! Thank you Matt.

Amy Standaert
Clifton Park Councilman
Town of Clifton Park
One Town Hall Plaza
Clifton Park, NY 12065
Cell: 518-881-5419
Office: 518-371-6651

From: Matthew Andrus <mandrus@cliftonpark.org>

Incredibly disappointing that your boss continues to play games. Actions like this only cement my decision to rightfully go out and seek my own legal counsel and avoid his nonsense. Tom should be more professional than that, but I guess that's asking too much. Amy and I will be discussing this with you tomorrow.

Sincerely,

Dahn S. Bull
Superintendent of Highways
Town of Clifton Park
639 Clifton Park Center Road
Clifton Park, NY 12065
Tel: (518) 371-7310
Fax: (518) 373-0039
dbull@cliftonpark.org

From: Meg Springli <mspringli@cliftonpark.org>
Sent: Wednesday, March 2, 2022 1:49 PM
To: Amy Standaert <AStandaert@cliftonpark.org>; Amy, Flood <aflood@cliftonpark.org>; anthonymorelli74@gmail.com; Anthony Morelli <AMorelli@cliftonpark.org>; Jean, Spiegel <JSpiegel@cliftonpark.org>; Lynda Walowit <LWalowit@cliftonpark.org>; Phil Barrett <PBarrett@cliftonpark.org>; Teresa Brobston <tbrobston@cliftonpark.org>; Tom McCarthy <TMcCarthy@cliftonpark.org>; Connie Brown <cbrown2@nycourts.gov>; Dahn Bull <DBull@cliftonpark.org>; Dan Clemens <DClemens@cliftonpark.org>; Donovan, Ryan <dryan@cliftonpark.org>; Ellenmarie Martin <emartin@cliftonpark.org>; Jennifer Viggiani <JViggiani@cliftonpark.org>; John Scavo <jscavo@cliftonpark.org>; Judge Hughs <jfhughes@nycourts.gov>; Lou, Pasquarell <lpasquarell@cliftonpark.org>; Margy Kasky <mkasky@cliftonpark.org>; Mark Heggen <mheggen@cliftonpark.org>; Matthew Andrus <mandrus@cliftonpark.org>; Mike O'Brien <mobrien@cliftonpark.org>; Myla Kramer <MKramer@cliftonpark.org>; Rose Savallo <rsavallo@cliftonpark.org>; Rybaklaw@gmail.com; Scott Reese <SReese@cliftonpark.org>; Steve Myers <SMyers@cliftonpark.org>; Susan Leonard <sleonard@cliftonpark.org>; Terri Cook <TCook@cliftonpark.org>; Walter Smead <wsmead@cliftonpark.org>; Christine Pagniello <cpagniello@cliftonpark.org>; Claudia Fitzgerald <CFitzgerald@cliftonpark.org>
Subject: Emailing: 03-07-2022 Town Board Packet

Good afternoon,

Attached please find the packet for next week's Town Board meeting. I will be out of the office on Friday so any edits need to be sent to me by Thursday morning so I have time to make corrections and get it posted on the website before I leave.

Thank you,

Meg Springli

Legal Secretary
Town of Clifton Park
[518-371-6651](tel:518-371-6651) x210

To submit Resolution Requests please go to:
https://cliftonpark.org/index.php?option=com_rsform&view=rsform&formId=73

Or copy and paste that link in your browser.

TOWN OF CLIFTON PARK TOWN BOARD
2022 PRELIMINARY BUDGET PUBLIC HEARING

November 4, 2021

The special 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 to hear comments on the 2022 Preliminary Budget.

Present: Supervisor Barrett
Councilwoman Flood
Councilwoman Standaert
Councilman Morelli
Councilwoman Walowit
Town Clerk Brobston

Also Present: Town Attorney McCarthy
Mark Heggen, Comptroller
Dahn Bull, Highways Superintendent
Matt Andrus, Information Specialist
Rose Savallo, Receiver of Taxes

BUDGET OVERVIEW

Supervisor Barrett gave a brief overview of the 2022 Town of Clifton Park budget. He stated the budget does not break the tax cap or use surplus funds. There is a 3% increase in spending over the 2021 Budget. The town will remain without a town tax for 2022. The Highway will increase 6% over last year with an ultimate tax decrease of 1%. He stated the EMS tax will increase .9%. The proposed 2022 budget proposes 3 new positions. 1 in each of the following departments. Building, Buildings & Grounds and Highway. The budget includes various investments in new equipment and infrastructure. Funding for free bulk waste pick-up in the Spring of 2022. He noted the construction in the Ballston Lake Sewer District, which most of the houses are in the Town of Ballston, although the infrastructure improvements are strictly the financial responsibility of the property owners receiving the benefit, the new district that was formed counts toward the amount of money the town is allowed to spend in 2022 before reaching our Tax Cap limit with no baseline from 2021. When there is a new special district in this case the total money that is being levied for our portion of the district counts towards the tax cap. Next year there will be a new baseline that will include the additional levy but for the first year there is no carve out.

Town Clerk Brobston read the legal notice that was included in the October 20th edition of the Daily Gazette.

PUBLIC COMMENT

No one wished to be heard.

GENERAL DISCUSSION

Highways Superintendent Dahn Bull presented the Town Board with a PowerPoint presentation. He stated on October 6, the Highways Department presented important equipment, vehicle, facility and processing expenditures as well as an increase in the labor force in budget workshop meeting with various Town Board members and the Town Supervisor. In the Preliminary Budget no significant changes to the Highways Department occurred. He explained the department is in desperate need of plow trucks, facilities and workforce. The following current challenges and improvements were reported as follows: Increase in Deputy Superintendent Grade. Increase Specialized Services line to allow for hiring of engineering and legal services for future projects. Increase in repairs/maintenance, as well as materials/supplies and parts and repairs. Investment in new equipment, trailer, tilt trailer, Boom Mower and replacing equipment from the fire at the "white house" and resolve to purchase new plow trucks, which take 18 months to receive, in the coming years. The purchase of a trip edge plow and experimental plow

blades. Establish MEO positions. Maintain one laborer/MEO position. White building demo and reconstruction of new facility.

Superintendent Bull explained the snowplow routes have increased in size due to the new road dedications. New roads mean longer route hours. Without the addition of new equipment and new employees, the public will see significantly increased response times to snow and ice removal.

Mr. Bull explained the results from the white building fire. Currently working with Prime AE Engineering, since the value of the building was so low, replacement/repair cost is also incredibly low. The equipment and material lost, is being replaced through the insurance company. In the short term, a temporary fix, awnings off the building, will get them through winter. Mid-November the Highway Dept. will be going out to bid. Long term, they would like to see the white building and building one storage building demolished and replaced with a larger, four-season facility. Needed is enough room to store 8-10 plows and pieces of equipment, and an additional dedicated welding bay. Since 2013 additional four bays have been proposed, cost was \$260,000. Today this same project is estimated at over \$500,000. The department would like to establish a replacement policy for the 60's series plow trucks.

Superintendent Bull summarized the departments needs. 6 new plow trucks, increase in highway personnel and commit to a new facility.

Discussion on the Highways proposals pursued.

Councilwoman Standaert is in agreement with increasing the salary of the Deputy Highways Superintendent to Grade 7 Step 3, increasing the number of laborers, the start of purchasing plow trucks and the new facility process MOU.

Comptroller Mark Heggen stated leasing of trucks is a standard way the town has purchased the snowplows.

Supervisor Barrett stated there is money in the budget to do leases.

Comptroller Heggen suggested including in the Organizational Resolution the Highway hourly charges to \$50 for mechanical related repairs.

Highways Superintendent Bull would like to see a resolution/MOU establishing the process for the "white building"/ storage.

Supervisor Barrett stated the insurance company deemed the building salvageable. Questioned if the base of the building could be used in the short term.

Mr. Bull stated no, it is not a safe environment to be in that building. The remediation would cost 3 times as much than is the value of the building. The insurance company did the remediation.

Councilwoman Walowit expressed concern for only one bay for repairs.

Proposed salary increases were discussed.

Supervisor Barrett stated he agrees on the increase in pay for the Deputy Highway Superintendent and explained there are other employee's salary increases to consider, that also should be discussed.

Comptroller Heggen stated additional salary increase proposals were, Receiver of Taxes increase to Grade 7, Step 3, Principal Typist in the Legal Office increase to Grade 6, Step 9, Assistant Comptroller increase to Grade 9, Step 7, Director of Building & Zoning and Animal Control Officer increase of \$1,711.

Councilwoman Standaert supports the increase in pay for Receiver of Taxes.

Discussion on if the Principal Typist in the Legal Office should be a part of CSEA or assign a different title, Confidential Secretary occurred.

Councilwoman Standaert stated she would contact the Principal Typist in the Legal Office and see what her thoughts are.

Councilwoman Walowit requested consideration for a salary increase for Animal Control Officer.

Councilwoman Standaert questioned if the town is filling the 3rd Deputy Town Attorney position. If that spot is not filled, then that money can help with the other increased salary proposals.

Attorney McCarthy stated he didn't know. He explained there really is no extra night work for that position anymore.

Councilwoman Standaert questioned the special projects line use?

Comptroller Heggen stated it is to be used for different projects that are not funded.

Councilwoman Standaert wanted to be sure law enforcement was not cut.

Comptroller Heggen stated the law enforcement line is used for salaries and public safety expenses.

Councilwoman Standaert gave an update on the IT Committee and the new proposed software. Recommendations will be forthcoming. This software update would include the Planning, Building & Zoning, Assessor's and Highway Departments. Parks & Recreation software is still under review. Still waiting on a report from that department.

Comptroller Heggen reminded the Town Board using ARPA funds for this expense was suggested .

Councilwoman Flood, recommended by the Buildings & Grounds Dept., to reserve funding for the Blacksmiths shop for an engineers report or the funding to stabilize the building.

Comptroller Heggen the Blacksmiths shop funds could come out of the regular general engineering line.

Councilman Morelli questioned Highways Superintendent Bull about the additional legal/engineering services line's purpose.

Attorney McCarthy stated he would check to see if adding the legal services line is authorized.

Highways Superintendent Bull stated specialized legal services are allow by any department in the event alternative council is needed.

Comptroller Heggen stated the budget must be passed by November 20.

PUBLIC PRIVILEGE

No one wished to be heard.

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

Motion carried at 8:41 PM

Teresa Brobston
Town Clerk



Town of Clifton Park
Office of Town Attorney

Thomas McCarthy
Town Attorney

MEMO

.....
Date: November 8, 2021

To: Town Board

From: Tom McCarthy

RE Highway Specialized Services Line-legal
.....

In the Power point presentation at the Public Hearing on the 2022 Town Budget, The Highway Superintendent requests an increase in an existing “specialized services” budget line for “future projects”. In verbal remarks supporting the request, he said that the request for legal services was because “we can never be sure of the legal ramifications of the issues we deal with.” Based on the way he made the initial request, it seemed to me that he was requesting authority to retain his own outside counsel to the Highway Department for unspecified future legal advice.

That is why, later in the hearing, when Councilman Morelli asked about this line item request, I indicated doubt that the Board could authorize that by line item. What I was referring to is concern that there is no authority in NYS Town Law, or Highway Law, for the Highway Department or Superintendent to have his own counsel, separate and apart from the Town Attorney’s Office, for general legal advice.

That is because all of the authority to retain counsel is vested in the Town Board. The New York State Town Law, in Sections 20 (2), 64 (8), and 65(1) all contain such authority, and there is no separate statutory authority for the retention of counsel in the State Highway Law.

As for specialty services, yes, *The Board* can certainly retain specialized legal services for the Highway Superintendent in any specific matter, and we have. For instance, in the early stages of the fight to obtain the environmental permits to remediate the drainage problems in the Plank/Nadler area, we hired Environmental law specialist and former DEC General Counsel Marc Gerstman to interface with the regulatory agencies for us. But that retainer was entered into by the Supervisor using authority contained in the organizational resolution. The retainer agreement in all such cases would need to be approved by the Town Board, or the Supervisor, under the same authority, including the hourly rate and scope of services.

So the Board can establish or expand a line for such services in the Hwy Budget, or can authorize such payments through any other appropriate line in the General Fund Budget, including a line for outside counsel contained in the Town Attorney’s Budget. If knotty issues arise with, say, environmental permitting for future drainage remediation work, petroleum spills, unique real property

concerns, or any other particular matter from which the Department can benefit from special, or expert legal help, the Board can retain outside counsel for that at any time. But if the Highway Superintendent intends to use the line to hire his own counsel, to provide him with general legal advice on unspecified "issues we deal with", there is no authority for that type of arrangement in a Town which has established the office of Town Attorney, which Clifton Park has. NYSTL 20 (2).

That is because an attorney may not be compensated for work to a municipal board or officer unless he was retained pursuant to statutory authority. And under NYSTL 20 (2) all outside counsel retained to provide legal advice as to any particular subject matter, is retained as counsel *to the Town Attorney*.

There are several cases and advisory opinions which discuss this, as well as the very limited exceptions. For instance, there was a case in Lake Luzerne where the Highway Superintendent dismissed an employee. The Town Board apparently disagreed with his decision to do so, and questioned whether it was done in Bad Faith. When the employee brought administrative challenges to his firing and denial of unemployment benefits, the Board refused to make the Town Attorney available for the defense of those claims. The Highway Super hired his own counsel to defend the claims, (successfully), and when he sought reimbursement the State Attorney General, in an Advisory opinion, said he should be reimbursed because the Board had refused to allow the Town Attorney to defend the claims, and, if they had lost, the case would have resulted in monetary losses for the Town.

But the opinion discussed the extraordinary circumstances, and the specific limits on the general rule.

See also, *Cahn v. Town of Huntington*, 29 N.Y. 2d 451, (Ct App. 1971), where the State's highest court discusses the limitation in depth. The relevant Section 20 of the Town Law is excerpted below. I have a file on these advisory opinions and caselaw, including litigation between Town Departments, if anyone would like to see some of the backup legal authority for the above.

If there are any questions regarding the above, please contact me at any time.

NY CLS Town § 20

Current through 2021 released Chapters 1-522

New York Consolidated Laws Service > Town Law (Arts. 1 — 19) > Article 3 Town Officers, Powers, Duties and Compensation (§§ 20 — 49)

§ 20. Town officers

2. (a) The town board of every town may establish the office of town attorney or town engineer, or both.....
In addition, the town board of any such town may employ counsel to the town attorney in respect to any particular subject matter, proceeding or litigation, or it may employ such expert engineering service in respect to any particular subject matter, improvement or proceeding, as it may necessarily require.

- (b) The town board of any town which shall not have established the office of town attorney may employ an attorney to give it such professional service and advice as it may require, and the town board of any town which shall not have established the office of town engineer may employ an engineer to give it such professional service and advice as it may require..

Help

Subject: RE: Updates to COVID coverage - State and Federal
Date: 2020-12-28 14:19:32
Download
From: DBull@cliftonpark.org
To/Cc: rtravers@publicsectorhr.org

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Hey Ronni,

The President signed that bill finally. Do you happen to know what the extensions federally, and through the state exist for our employees? I don't know if I can rely on Town Hall to give us the full scope of whats available.

Dahn S. Bull

Superintendent of Highways

Town of Clifton Park

639 Clifton Park Center Road

Clifton Park, NY 12065

Tel: (518) 371-7310

Fax: (518) 373-0039

dbull@cliftonpark.org

From: DBull@cliftonpark.org
Sent: Monday, December 28, 2020 12:00 PM
To: AStandaert@cliftonpark.org; LWalowit@cliftonpark.org; JWhalen@cliftonpark.org;
AMorelli@cliftonpark.org; PBarrett@cliftonpark.org
Cc: emartin@cliftonpark.org; JRyan@cliftonpark.org; SRusinovich@cliftonpark.org;
rmunafo@cliftonpark.org
Subject: RE : Highway

Good Morning,

I am writing today to inform you that we had a positive test for COVID-19 within the department, and two others are getting tested due to exposure.

If you need to know, I'm the sick one. I'll be out of quarantine Friday morning. Goes to show you that you can't trust anyone out there, especially residents who don't wear masks and always say they're healthy. As someone with a compromised immune system, I have been as prepared as I can be, but working endlessly through this last storm made me, and my coworkers, the most vulnerable.

We have already implemented our procedures for this event, like the dry-run we had late fall. We're still following the recommendations provided by our very own Dr. Buckley and the County Health Department. We're on split shifts and isolating those who are sick.

We're still working in small crews, cleaning our facilities and wearing masks. We've done our best to close to the public and other departments, but we can't fix those individuals who continue to ignore the signs and warnings. Throughout this pandemic, we have always had an open dialogue with our employees and we promote limiting time with gatherings, but I fear that the emergency status of the recent largest rate of snow fall in recorded history, as well as the cleanup, followed by the holidays, has led to a physical and emotional draining that will put us further at risk.

Sincerely,

Dahn S. Bull
Superintendent of Highways
Town of Clifton Park
639 Clifton Park Center Road
Clifton Park, NY 12065
Tel: (518) 371-7310
Fax: (518) 373-0039
dbull@cliftonpark.org

Subject: RE: Department Head Meeting - Wednesday, March 18th at 11:00 AM
Date: 2020-03-17 13:54:08
Download
From: Dahn Bull
To/Cc: Matthew Andrus

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At least we're in his thoughts.

From: Matthew Andrus <mandrus@cliftonpark.org>
Sent: Tuesday, March 17, 2020 1:33 PM
To: Dahn Bull <DBull@cliftonpark.org>
Subject: RE: Department Head Meeting - Wednesday, March 18th at 11:00 AM

I understand. I was asked to make sure Highway was invited.

From: Dahn Bull <DBull@cliftonpark.org>
Sent: Tuesday, March 17, 2020 1:27 PM
To: Matthew Andrus <mandrus@cliftonpark.org>
Subject: RE: Department Head Meeting - Wednesday, March 18th at 11:00 AM

I'm gonna be socially distancing myself from that meeting. In all seriousness.

From: Matthew Andrus <mandrus@cliftonpark.org>
Sent: Tuesday, March 17, 2020 1:25 PM
Subject: Department Head Meeting - Wednesday, March 18th at 11:00 AM

Subject: Killer add to the union contest
Date: 2022-03-02 21:00:58
Download
From: Dahn Bull
To/Cc: Dahn S. Bull

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Union won't work on equipment over 15 years old unless union and management agree on its use --

Dahn S. Bull
32 Glenridge Road
Rexford, New York 12148
(585) 208-4540
dahn.bull@gmail.com

Subject: RE: Training for January 6th -Postponed
Date: 2022-01-05 12:01:18
From: Dahn Bull
To/Cc: Matthew Andrus; Amy Standaert

Help

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Gotta learn how to point out the drug users and report them to the authorities.

From: Matthew Andrus <mandrus@cliftonpark.org>
Sent: Wednesday, January 5, 2022 12:00 PM
To: Amy Standaert <AStandaert@cliftonpark.org>; Dahn Bull <DBull@cliftonpark.org>
Subject: RE: Training for January 6th -Postponed

What training was this? I wasn't aware of anything.

From: Amy Standaert <AStandaert@cliftonpark.org>
Sent: Wednesday, January 5, 2022 11:58 AM
To: Dahn Bull <DBull@cliftonpark.org>; Matthew Andrus <mandrus@cliftonpark.org>
Subject: Fwd: Training for January 6th -Postponed

FYI

Amy Standaert
Clifton Park Councilwoman
Town of Clifton Park
One Town Hall Plaza

Subject: [CPHSAC] RE: Highway Presentation from the 2022 Budget Hearing
Date: 2022-02-28 18:51:17
Download
From: 'Dahn Bull' via Clifton Park Highway Safety Advisory Committee
To/Cc: cphsac@googlegroups.com
Bcc: astandaert@cliftonpark.org

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All,

Please see attached presentation.

Sincerely,

Dahn S. Bull
Superintendent of Highways
Town of Clifton Park
639 Clifton Park Center Road
Clifton Park, NY 12065
Tel: (518) 371-7310
Fax: (518) 373-0039
dbull@cliftonpark.org



Subject: RE: Training for January 6th -Postponed
Date: 2022-01-05 11:59:49
Download
From: Dahn Bull
To/Cc: Amy Standaert; Matthew Andrus

Help

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1.1 million AND ONE.

From: Amy Standaert <AStandaert@cliftonpark.org>
Sent: Wednesday, January 5, 2022 11:58 AM
To: Dahn Bull <DBull@cliftonpark.org>; Matthew Andrus <mandrus@cliftonpark.org>
Subject: Fwd: Training for January 6th -Postponed

FYI

Amy Standaert
Clifton Park Councilwoman
Town of Clifton Park
One Town Hall Plaza
Clifton Park, NY 12065
Cell: 518-881-5419
Office: 518-371-6651

From: Jean, Spiegel <JSpiegel@cliftonpark.org>
Sent: Wednesday, January 5, 2022 10:48:22 AM
To: Jean, Spiegel <JSpiegel@cliftonpark.org>
Cc: Phil Barrett <PBarrett@cliftonpark.org>; Lynda Walowit <LWalowit@cliftonpark.org>; Anthony Morelli <AMorelli@cliftonpark.org>; Amy Standaert <AStandaert@cliftonpark.org>; Amy, Flood <aflood@cliftonpark.org>
Subject: Training for January 6th -Postponed

Tom McCarthy

From: Dahn Bull <DBull@cliftonpark.org>
Sent: Friday, November 12, 2021 1:20 PM
To: Tom McCarthy
Subject: RE: Street Opening Permits

I'll bring my questions to the board meeting on Monday.

From: Tom McCarthy <TMcCarthy@cliftonpark.org>
Sent: Wednesday, November 3, 2021 9:56 AM
To: Dahn Bull <DBull@cliftonpark.org>
Subject: RE: Street Opening Permits

Dahn,
We've been approached by a Broadband Internet Service provider (Greenlight networks) wishing to occupy space within the Town's ROW for the purpose of providing high speed broadband to residential and commercial customers in town through stringing of fiber optic cables, mostly above ground, but some underground as well. They are from the Rochester/Buffalo area, with a presence in Binghamton, as well. They want to start out with a plan to reach about 3600 homes by next year.

Because they are a new for-profit concern, we asked them for typical permit fee structures where they currently operate. The attached Draft is drawn from the Town of Greece permit fee structure, and is intended to cover inspection and admin costs associated with allowing private contractors to lay cable underground and restore same. I apprised them of your existing permit specs and that is what they will need to comply with. In terms of timing, they asked if they could apprise us of where they would consider laying underground cable quarter-by-quarter, and then pull the actual permit much closer in time to the job if they are to stay within the 60 day permit timeframe that you have specced out. These would be fees you would retain, not just hold as a deposit and return. Please take a look and let me know of any comments, as this would be a good time to update section 176 of the Town code for permit fees and requirements.

From: Dahn Bull <DBull@cliftonpark.org>
Sent: Thursday, October 7, 2021 2:09 PM
To: Tom McCarthy <TMcCarthy@cliftonpark.org>
Subject: RE: Street Opening Permits

Here's what I've been using.

From: Tom McCarthy <TMcCarthy@cliftonpark.org>
Sent: Thursday, October 7, 2021 9:59 AM
To: Dahn Bull <DBull@cliftonpark.org>
Subject: Street Opening Permits

Dahn,
What are you currently using for Street opening permits and how is the requirement for restoration articulated?

Any insurance or bonding?

TM

Subject: RE: Questions regarding the Greenlight Project
Date: 2021-11-15 12:55:37
Download
From: Dahn Bull
To/Cc: Amy Standaert; Matthew Andrus

Help

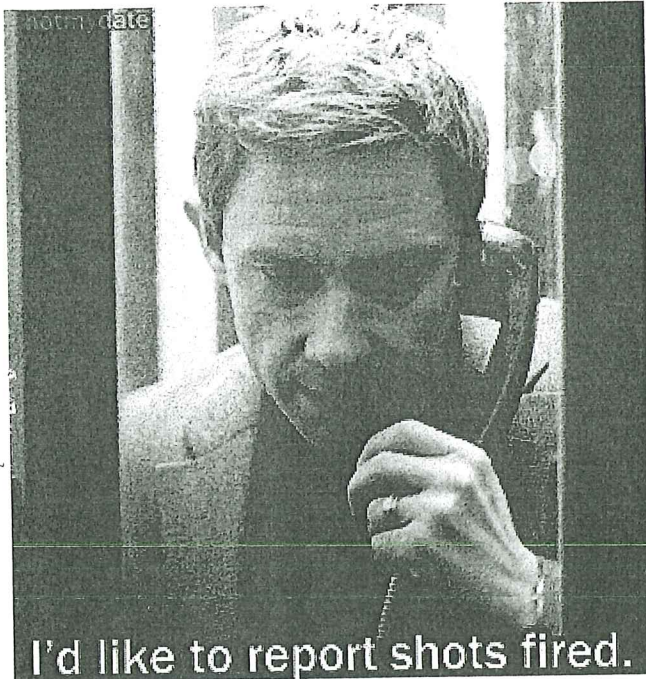
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Hey Amy, Matt and I chatted today, and thought sharing our thoughts and questions may be helpful. Here they are.

- Where is the money going?
- Who's doing the inspection? On top of working with current Utility companies, what resources will you be offering to assist in the added workload?
- Form refers to Greece, NY. This doesn't follow our process
- We don't own the telephone poles. Have we approval from National Grid on this? Can we charge fee on the poles if we don't own them?
- Who pays the fees for private, commercial hookups? Are we skimming off of the customer
- More Utility Poles, What about underground neighborhoods?
- Once the utility poles go up who is now in charge of tree maintenance? You built a new form for a single company, we've never used this for a utility company.
- By passing this resolution, does the Town Board want the Highway Department to abide by it? The new form with fees and new structure?
- Do I use this for developers and homeowners from now on?
- Who will be developing/amending all the developments as-built in town identify these additional utilities? When saying "who site the previous Problems weve had before – Barney Road / Phoneline Debacle; Sitterly Rd/NYOH phone outages

From: DBull@cliftonpark.org
Sent: Friday, January 7, 2022 9:20 AM
To: jpreap@gmail.com
Subject: FW: Phil Barrett COVID Positive



From: Amy Standaert <AStandaert@cliftonpark.org>
Sent: Friday, January 7, 2022 8:40 AM
To: bbump@timesunion.com; Kathleen.Moore@timesunion.com
Cc: Lynda Walowit <LWalowit@cliftonpark.org>; Amy, Flood <aflood@cliftonpark.org>; Anthony Morelli <AMorelli@cliftonpark.org>; Dahn Bull <DBull@cliftonpark.org>; Teresa Brobston <tbrobston@cliftonpark.org>; dkuhles@saratogacountyny.gov; Steve Bulger <SBulger@saratogacountyny.gov>; Tom McCarthy <TMcCarthy@cliftonpark.org>; Lou, Pasquarell <lpasquarell@cliftonpark.org>; Susan Leonard <sleonard@cliftonpark.org>; tedisco@nysenate.gov; walshm@nyassembly.gov; Jean, Spiegel <JSpiegel@cliftonpark.org>; John DeSimone <JDeSimone@cliftonpark.org>; CZeilman@saratogacountyny.gov; Ronni Travers <rtravers@publicsectorhr.org>; Phil Barrett <PBarrett@cliftonpark.org>
Subject: Phil Barrett COVID Positive

Good morning Bethany and Kathleen,

I just read your article about the COVID-19 home testing kit giveaways and was shocked to read that you indicated that Phil Barrett tested positive last week.

That is incorrect.

Phil Barrett publicly announced by telephone on January 3 that he had tested positive for COVID that morning. That declaration can be found at the 34 minute mark of our recorded January 3, 2022 Town Board meeting linked here: <https://youtu.be/HF4ayfH8Hrs>

Not only was Phil Barrett COVID positive for your interview, he was present at the giveaway and maskless. Picture attached.

Phil Barrett's reckless behavior put Town staff and residents at risk. Phil Barrett violated Saratoga County Public Health, New York State Department of Health and CDC isolation guidelines.

If any resident or employee had close contact with maskless Phil Barrett yesterday, they should be concerned and monitor themselves for symptoms in the next few days and get tested.

Sincerely,

Amy Standaert

Clifton Park Councilwoman

Town of Clifton Park

One Town Hall Plaza

Clifton Park, NY 12065

Cell: 518-881-5419

Office: 518-371-6651

Subject: Fwd: Phil Barrett COVID Positive
Date: 2022-01-07 16:22:40
Download
From: DBull@cliftonpark.org
To/Cc: mann6812@gmail.com

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What he fails to do is either refute or deny

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android

From: Phil Barrett <PBarrett@cliftonpark.org>
Sent: Friday, January 7, 2022, 9:55 AM
To: Amy Standaert
Cc: bbump@timesunion.com; Kathleen.Moore@timesunion.com; Lynda Walowit; Amy, Flood; Anthony Morelli; Daf DeSimone; CZeilman@saratogacountyny.gov; Ronni Travers
Subject: Re: Phil Barrett COVID Positive

As our team members were out in the cold for hours distributing test kits to residents, Ms Standard drove through the town. Although I had the option of being more directly involved in handing out kits directly to residents as I normally would during a pandemic, our team has done a tremendous job maintaining operational integrity and providing an incredible amount of support from the sidelines instead of directly supporting the Town's efforts. I will continue to support our team and Town operations.

Phil Barrett
Town Supervisor

On Jan 7, 2022, at 8:40 AM, Amy Standaert <AStandaert@cliftonpark.org> wrote:

Good morning Bethany and Kathleen,

I just read your article about the COVID-19 home testing kit giveaways and was shocked to read that you included



Subject: RE: I may need your help
Date: 2020-12-09 11:10:49
Download
From: Dahn Bull
To/Cc: Matthew Andrus

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Sorry! This should be it!

From: Matthew Andrus <mandrus@cliftonpark.org>
Sent: Wednesday, December 9, 2020 10:55 AM
To: Dahn Bull <DBull@cliftonpark.org>
Subject: Re: I may need your help

I think you sent me the wrong file. The attached was for the purchase of a truck

matt

From: Dahn Bull <DBull@cliftonpark.org>
Sent: Wednesday, December 9, 2020 10:44 AM
To: Matthew Andrus <mandrus@cliftonpark.org>
Subject: RE: I may need your help

From: Matthew Andrus <mandrus@cliftonpark.org>
Sent: Wednesday, December 9, 2020 9:13 AM
To: Dahn Bull <DBull@cliftonpark.org>

Date ▾	S...	From	To/Cc	Subject
2022-03-03 15:02:47	36...	Dahn Bull < DBull@cliftonp... >	Meg Springli < mspringli@clif... >	RE: March 14 Resol...
2022-03-03 15:02:40	25...	DBull@cliftonpark.org	mspringli@cliftonpark.org , A...	RE: March 14 Resol...
2022-03-03 11:45:44	23...	Dahn Bull < DBull@cliftonp... >	Amy Standaert < ASTandaert... >	RE: Today's Meeting
2022-03-03 11:45:40	14...	DBull@cliftonpark.org	ASTandaert@cliftonpark.or...	RE: Today's Meeting
2022-03-03 03:46:04	39...	DBull@cliftonpark.org	mspringli@cliftonpark.org , A...	Re: Emailing: 03-07-...
2022-03-02 15:28:12	44...	Dahn Bull < DBull@cliftonp... >	Meg Springli < mspringli@clif... >	RE: Emailing: 03-07-...
2022-03-02 15:28:03	31...	DBull@cliftonpark.org	mspringli@cliftonpark.org , A...	RE: Emailing: 03-07-...
2022-03-02 14:37:06	29...	DBull@cliftonpark.org	j.coons359@gmail.com , JJB...	RE: Planning new b...
2022-03-02 14:36:10	38...	Dahn Bull < DBull@cliftonp... >	Meg Springli < mspringli@clif... >	RE: Emailing: 03-07-...
2022-03-02 14:35:51	25...	DBull@cliftonpark.org	mspringli@cliftonpark.org , A...	RE: Emailing: 03-07-...
2022-03-02 14:20:49	29...	DBull@cliftonpark.org	j.coons359@gmail.com , JJB...	RE: Planning new b...
2022-02-28 17:54:58	31...	Dahn Bull < DBull@cliftonp... >	Amy Standaert < ASTandaert... >	FW: highway covid
2022-02-28 17:54:52	22...	DBull@cliftonpark.org	ASTandaert@cliftonpark.or...	FW: highway covid

Subject: RE: I may need your help
Date: 2020-12-09 09:00:16
Download
From: Dahn Bull
To/Cc: Matthew Andrus

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Hey Matt, Amy told me that you were working from home now. That's good to hear! Can I bend your ear early this morning on something?

From: mheggen@cliftonpark.org
Sent: Monday, February 28, 2022 4:18 PM
To: DBull@cliftonpark.org
Subject: FW: highway covid

Dahn,

This is what I received from the Town Supervisor. I saw Matt Farnsworth's test today, and I did not understand it.

Mark

Mark E. Heggen, CPA
Town Comptroller
Town of Clifton Park
One Town Hall Plaza
Clifton Park, NY 12065

Telephone – 518-371-6651
Fax – 518-371-1136

mheggen@cliftonpark.org

From: Phil Barrett <PBarrett@cliftonpark.org>
Sent: Thursday, February 24, 2022 11:56 AM
To: Mark Heggen <mheggen@cliftonpark.org>; Tom McCarthy <TMcCarthy@cliftonpark.org>
Subject: highway covid

The highway department has been hit by Covid cases again. This has been a consistent issue. Mike Traider came over to see me yesterday. He was positive on a home test recently. We ask people who may have symptoms, been exposed or positive with a home test kit to get a PCR test. The PCR test is important to have for many reasons. It is particularly important as an additional test for the individual and the testing process will provide the Town with an official notification and result from a healthcare provider. Therefore, we have valid backup an employee was paid for not reporting to work. Mike agreed this was important and would make that known at highway.

Mike said he was not provided guidance on a proper location to have the test completed such as Well Now or the County location. He also wanted to confirm he would be paid for the time he missed. He agreed with the process of asking employees to get a PCR test and now understands all the issues surrounding testing and pay. He will share this information with his fellow union members. It is very disappointing we are 2 years into this pandemic and the highway personnel are not provided proper information about the Covid process. This is the same highway department whose superintendent quickly responded to my first memo regarding Covid in 2020 that highway had its own protocols and wouldn't be following the Town protocols. Highway has been the only department with viral spread in the workplace, which has occurred throughout the pandemic. Apparently their protocols are about as useful as the information they are providing employees. PCR tests will be required going forward.

Phil Barrett
Clifton Park Town Supervisor

Subject: Killer add to the union contest
Date: 2022-03-02 21:00:58
Download
From: Dahn Bull
To/Cc: Dahn S. Bull

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Union won't work on equipment over 15 years old unless union and management agree on its use --

Dahn S. Bull
32 Glenridge Road
Rexford, New York 12148
(585) 208-4540
dahn.bull@gmail.com

Subject: RE: I may need your help
Date: 2020-12-09 10:46:21
Download
From: Dahn Bull
To/Cc: Matthew Andrus

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From: Matthew Andrus <mandrus@cliftonpark.org>
Sent: Wednesday, December 9, 2020 9:13 AM
To: Dahn Bull <DBull@cliftonpark.org>
Subject: Re: I may need your help

Yes, I will give you a call shortly.

- matt

From: Dahn Bull <DBull@cliftonpark.org>
Sent: Wednesday, December 9, 2020 9:00 AM
To: Matthew Andrus <mandrus@cliftonpark.org>
Subject: RE: I may need your help

Hey Matt, Amy told me that you were working from home now. That's good to hear! Can I bend your ear early this morning on something?

 [One ton Crew Cab pickup truck_draft resolution_Dec82020.doc \(32KB\)](#)

From: [Dahn Bull](#)
To: [Amy Standaert](#); [Amy Flood](#); [Lynda Walowit](#); [Matthew Andrus](#)
Subject: FW: highway covid
Date: Monday, February 28, 2022 5:54:58 PM

Well game on.

From: Phil Barrett <PBarrett@cliftonpark.org>
Sent: Thursday, February 24, 2022 11:56 AM
To: Mark Heggen <mheggen@cliftonpark.org>; Tom McCarthy <TMcCarthy@cliftonpark.org>
Subject: highway covid

The highway department has been hit by Covid cases again. This has been a consistent issue. Mike Traider came over to see me yesterday. He was positive on a home test recently. We ask people who may have symptoms, been exposed or positive with a home test kit to get a PCR test. The PCR test is important to have for many reasons. It is particularly important as an additional test for the individual and the testing process will provide the Town with an official notification and result from a healthcare provider. Therefore, we have valid backup an employee was paid for not reporting to work. Mike agreed this was important and would make that known at highway.

Mike said he was not provided guidance on a proper location to have the test completed such as Well Now or the County location. He also wanted to confirm he would be paid for the time he missed. He agreed with the process of asking employees to get a PCR test and now understands all the issues surrounding testing and pay. He will share this information with his fellow union members. It is very disappointing we are 2 years into this pandemic and the highway personnel are not provided proper information about the Covid process. This is the same highway department whose superintendent quickly responded to my first memo regarding Covid in 2020 that highway had its own protocols and wouldn't be following the Town protocols. Highway has been the only department with viral spread in the workplace, which has occurred throughout the pandemic. Apparently their protocols are about as useful as the information they are providing employees. PCR tests will be required going forward.

Phil Barrett
Clifton Park Town Supervisor

Tom McCarthy

From: Meg Springli <mspringli@cliftonpark.org>
Sent: Wednesday, March 2, 2022 10:34 PM
To: Tom McCarthy
Subject: Fw: Emailing: 03-07-2022 Town Board Packet

He said he will let me know... I have no intention of calling nor going to Highway.

if they come to talk, I will only talk if it is civil and they are willing to fill in the blanks needed and provide all relevant docs per Res 249 of 2021. And that it likely will be on the 3/14 meeting if all is in order.

Also will tell them I have no authority of adding anything without Phil as Chairman of the Board saying to do so. I am hoping that Phil will be around if needed.

Maybe I should bring a whistle to work tomorrow! Gotta go bake a cheesecake. I will let you know if I hear anything.

Meg

From: Meg Springli
Sent: Wednesday, March 2, 2022 2:59 PM
To: Dahn Bull <DBull@cliftonpark.org>
Cc: Amy Standaert <AStandaert@cliftonpark.org>
Subject: RE: Emailing: 03-07-2022 Town Board Packet

Dahn and Amy,

I feel a bit out of the loop here. I am here until 5 pm today and will be here 9-5 tomorrow. What time should I expect to see you both?

Meg

From: Dahn Bull <DBull@cliftonpark.org>
Sent: Wednesday, March 2, 2022 2:36 PM
To: Meg Springli <mspringli@cliftonpark.org>
Cc: Amy Standaert <AStandaert@cliftonpark.org>
Subject: RE: Emailing: 03-07-2022 Town Board Packet

Meg,

Subject: Fwd: Snow Plows
Date: 2022-03-03 12:15:12
Download
From: AStandaert@cliftonpark.org
To/Cc: DBull@cliftonpark.org

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Amy Standaert

Clifton Park Councilwoman

Town of Clifton Park
One Town Hall Plaza
Clifton Park, NY 12065
Cell: 518-881-5419
Office: 518-371-6651

From: Meg Springli <mspringli@cliftonpark.org>
Sent: Thursday, March 3, 2022 10:05:19 AM
To: Amy Standaert <AStandaert@cliftonpark.org>
Subject: Snow Plows

Good morning Amy,

I received an email from Dahn stating that you are coming with him this afternoon to discuss something with me. I am guessing it is about the snow plows, although Dahn did not say so. If it is about something else, I would appreciate a heads up.

As you know Tom is out of town, but I spoke to him this morning and he asked me to send to you a memo he had prepared for last Monday night thinking that the issue might come up at the meeting, but it did not. I am also attaching the draft I had started to work on based on the information that was submitted to me. Whether it is a \$1.3 million procurement or \$10,000, the residents of Clifton Park deserve it be given a thorough and complete review and as you can on page 4 of the draft, I had questions on 2/21 that I passed along to Tom and Mark and we have not to have them all answered.

Subject: RE: Today's Meeting
Date: 2022-03-03 11:45:44
Download
From: Dahn Bull
To/Cc: Amy Standaert; Meg Springli

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We will be meeting in my office at 1:00 PM.

~DSB

Subject: RE: read next to last paragraph
Date: 2021-01-22 09:59:24
Download
From: Matthew Andrus
To/Cc: Amy Standaert; Dahn Bull

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Another articles stating FFCRA does not preempt state or local law. Specifically, look at the bottom right hand box in the chart and then the following two paragraphs after.

<https://www.natlawreview.com/article/new-york-releases-guidance-and-faqs-statewide-paid-sick-leave-law>

From: Amy Standaert <AStandaert@cliftonpark.org>
Sent: Friday, January 22, 2021 9:56 AM
To: Matthew Andrus <mandrus@cliftonpark.org>; Dahn Bull <DBull@cliftonpark.org>
Subject: Re: read next to last paragraph

Excellent! Thank you Matt.

Amy Standaert
Clifton Park Councilman
Town of Clifton Park
One Town Hall Plaza
Clifton Park, NY 12065
Cell: 518-881-5419
Office: 518-371-6651

From: Matthew Andrus <mandrus@cliftonpark.org>

Meg Springli

From: Tom McCarthy <TMcCarthy@cliftonpark.org>
Sent: Thursday, February 10, 2022 3:23 PM
To: Lynda Walowit; Amy Standaert; Amy, Flood; anthonymorelli74@gmail.com
Cc: Phil Barrett; Meg Springli
Subject: TB Schedule- March 7 meeting

Good Afternoon,

I wanted to advise the Board of a schedule management issue that is coming up. My wife and I have scheduled a ski trip out west to stay with jess's brother in Jackson Hole for a week, March 1- 8. This is a Tuesday-Tuesday flight, and was not my first choice, (especially since it entails a 6:30 AM flight out.) More to the point, for the first time since I have been here, I will not be in the Building at all during the entire prep week before a meeting. I have always planned my schedule around the 4th week of each month, and while I've missed a meeting or 2 each year, I've never not been here for the prep for one.

But my brother-in-law's trial schedule, and few flights into tiny JAC Airport left me few options.

So just be aware that if there are significant items that need work or review, they should go either the 2/28 meeting or wait till 3.14 if at all possible. If the Board needs something to occur on 3/7 and it needs me, please get it to me at least a week early so it can be worked on. Thank you and let me know if there are questions.

Meg Springli

From: Meg Springli
Sent: Monday, February 14, 2022 1:05 PM
Subject: Town Board RESOLUTION REQUESTS for 2/28 AND 3/7 - Please note changes

Please note that there was a change in the Town Board Schedule this year, **there will not be a meeting on the 21st**. The third meeting taking place on 2/28.

Also, the Town Attorney will be out of the office from 3/1 to 3/8. Therefore, please plan accordingly and use the following schedule for resolution requests

- For the 2/28 meeting submit requests with backup materials by the end of Tuesday 2/22.
- For the 3/7 meeting submit by the end of Thursday 2/25.

Requests submitted after 2/25 will be postponed until 3/14 as the earliest available meeting.

Thank you,

Meg Springli
Legal Secretary
Town of Clifton Park
518-371-6651 x210

To submit Resolution Requests please go to:

https://cliftonpark.org/index.php?option=com_rsform&view=rsform&formId=73 Or copy and paste that link in your browser.

Subject: Work Cell Phone
Date: 2020-12-21 11:44:37
Download
From: Matthew Andrus
To/Cc: Ellenmarie Martin; Raina Munafo; Dahn Bull

Help

[View Message](#)

[View Source](#)

Forgot to mention earlier. I now have a town cell phone to utilize as my desk phone while working remotely. Feel free to use 518-817-6295 for work related issues if you can't find me another way.

- matt

Subject: RE: [CPHSAC] RE: Highway Presentation from the 2022 Budget Hearing
Date: 2022-03-02 09:42:14
Download
From: 'Dahn Bull' via Clifton Park Highway Safety Advisory
Committee
To/Cc: CPHSAC@googlegroups.com
Bcc: astandaert@cliftonpark.org

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Thank you everyone!

Thanks to Lynda Walowit and her efforts of working with me and the board, we were able to finalize our 6 trucks. It was supposed to be on this past Monday nights agenda. Everything was turned in, so I don't know why it didn't make it but I'm working with several members of the board to make sure I can actually be authorized to order the trucks. Now, we're looking at a delivery time of 2024, so it'll be another two seasons with the partial junkyard fleet.

~DSB

From: 'Phil' via Clifton Park Highway Safety Advisory Committee <CPHSAC@googlegroups.com>
Sent: Tuesday, March 1, 2022 4:52 PM
To: CPHSAC@googlegroups.com
Subject: Re: [CPHSAC] RE: Highway Presentation from the 2022 Budget Hearing

Well done Dahn! Congratulations on getting the Board to approve the 6 new trucks you need. Did they also provide the necessary funds for you to increase staffing.

I applaud your goal for your team to be #1 overall in the area.

Phil

Tom McCarthy

From: Dahn Bull <DBull@cliftonpark.org>
Sent: Wednesday, February 23, 2022 10:10 AM
To: Tom McCarthy
Cc: Amy Standaert
Subject: RE: Procurement for Plowtrucks
Attachments: Onandaga Co Award 8996 - All Vendors; Class 8 trucks.pdf; copier@hlgage.com_20220222_144035.pdf; copier@hlgage.com_20220222_141146.pdf

We are simply ordering trucks here Tom. These trucks wont be delivered or paid for until 2024. I met my obligations to inform the board via the resolution in November, Resolution 262 of 2021, and through a memo dated January 17, 2022. Four out of five board members accepted the memo and asked a few questions, then offered their support. I see we're all ready to move this forward. I'll be happy to work with Mark on this but any delay on these orders adds another month to the waiting list.

From: Tom McCarthy TMcCarthy@cliftonpark.org
Sent: Tuesday, February 22, 2022 2:26 PM
To: Dahn Bull DBull@cliftonpark.org
Cc: Amy Standaert ASTandaert@cliftonpark.org
Subject: RE: Procurement for Plowtrucks

Ok, well, my offer still stands. We can get it on the agenda after we go over it with you.

From: Tom McCarthy <TMcCarthy@cliftonpark.org>
Sent: Tuesday, February 22, 2022 12:53 PM
To: Dahn Bull <DBull@cliftonpark.org>
Cc: Amy Standaert <ASTandaert@cliftonpark.org>
Subject: Procurement for Plowtrucks

Dahn

Your procurement request for the plowtrucks has generated a number of questions, both from Mark and myself.

We don't fully understand what you are doing, and offer to meet with you to clarify it, with a Town Board member of your choosing. After we have a fuller understanding, and some confirmation on the piggy back contract that you are trying to use, we can get on an agenda. I am available most of tomorrow, back after march 9 if it goes to a future agenda.

Meg Springli

From: Tom McCarthy <TMcCarthy@cliftonpark.org>
Sent: Wednesday, March 2, 2022 11:04 PM
To: Meg Springli
Subject: Fwd: [CPHSAC] RE: Highway Presentation from the 2022 Budget Hearing

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Tom McCarthy <TMcCarthy@cliftonpark.org>
Sent: Wednesday, March 2, 2022 7:21:52 PM
To: Phil Barrett <PBarrett@cliftonpark.org>
Subject: Re: [CPHSAC] RE: Highway Presentation from the 2022 Budget Hearing

Meg will distribute a memo I prepared to the TB tomorrow.

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Phil Barrett <PBarrett@cliftonpark.org>
Sent: Wednesday, March 2, 2022 1:11:26 PM
To: Tom McCarthy <TMcCarthy@cliftonpark.org>
Subject: Fwd: [CPHSAC] RE: Highway Presentation from the 2022 Budget Hearing

More games.

Sent from my iPhone

Begin forwarded message:

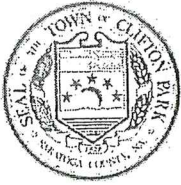
From: 'Dahn Bull' via Clifton Park Highway Safety Advisory Committee <CPHSAC@googlegroups.com>
Date: March 2, 2022 at 2:15:41 PM EST
To: CPHSAC@googlegroups.com
Subject: RE: [CPHSAC] RE: Highway Presentation from the 2022 Budget Hearing
Reply-To: CPHSAC@googlegroups.com

Good Afternoon again everyone,

So again the trucks are not on the agenda for the Town Board Meeting. If I could ask a favor, please reach out to the Town Supervisor and request that he stop playing games with Highway Safety. It's incredibly disappointing that he continues to take his personal feelings against me out on the highway department and the town as a whole. I'll be reaching out to the board members that have supported the department in the past and ask them for assistance.

Sincerely,

Dahn S. Bull



Town of Clifton Park
Office of Town Attorney

Thomas McCarthy
Town Attorney

MEMO

.....

Date: February 28, 2022

To: Town Board

From: Tom

Re: Resolution Request for Snow Plow Procurement

.....

I wanted to advise the Board of a situation which occurred last week, and which no doubt will come up at tonight's meeting, and to provide my perspective on going forward. On Monday 2/21/2022, as we approached the submittal deadline for new agenda items for the February 28 meeting, Dahn Bull submitted a resolution request and some 26 pages (in 2 document attachments) containing a municipal quote form and vehicle specification sheets. The cover page indicates that the resolution was to "allow the Highway Superintendent to order new plow trucks" for delivery in 2024 in the amount of \$1,383,040.00. As Board Members, please review this submission and based on the paperwork submitted, let me know where, within the resolution request submission, are the answers to these questions:

1. How many trucks are being procured?
2. From whom?
3. What procurement mechanism is being used? (Sealed bid under General Municipal Law § 103, Request for Proposal, State Contract, Piggyback on another municipal contract?)
4. If Piggyback, on another municipal contract, which one? And is that contract still valid? Was it done under a process in full compliance with General Municipal Law 103, which is a requirement of such piggybacking? Is there a copy of the municipal contract?

The Board should know that all resolutions for the purchase of goods or services undergo a basic procurement review, by either the Town Attorney or the Comptroller, per the Town's adopted procurement policy. This is true for all departments.

It is common, in fact, probably a weekly occurrence, that one of us have questions about how a procurement was done. I generally pick up the phone and ask the Department Head which procurement "box" the acquisition fits into, then independently determine if it is an appropriate categorization. As a first review, from experience, Meg usually looks for the same thing, and ensures that the package contains some reference to the procurement process used. It is quite common, for Meg to make the first call to the Department if the procurement method is not described in the initial resolution request, because that information is almost always mentioned

in the body of the authorizing resolution, and she knows we need to know that in order to write most resolutions buying anything.

We never know if we can do that with resolutions coming from the Highway Department. My assistant, Meg Springli, has on more than one occasion been yelled at and subjected to unprofessional outbursts from Dahn Bull when she has asked for any clarification or details in her attempt to expedite the resolution requests before it even hits my desk. Dahn has also made clear that he will not answer questions from me or Mark on procurement determinations. He has also forwarded bullying and abusive emails to the Town Comptroller.

Therefore, in this instance, I offered to meet with Dahn so that I could understand what he was trying to accomplish, and how he was doing so. In order to keep things civil, I advised that a Board Member of his choosing should attend. Dahn refused to discuss the resolution request with me, but instead on Wednesday, emailed contract documents from Onondaga County that appeared to show a Bid proposal for a "Class 8 cab-chassis Type with Dump-bodies, snow plows, and various Body types" with pricing dates valid through 2023. However, there was no information containing: 1) how many such trucks and/or accessories, 2) from whom, or 3) how we arrived at the \$1,383,040.00 figure relative to his proposed acquisition/order.

Pursuant to Resolution 249 of 2021, I am directed by the Board to post all documents relevant to a resolution, on the website with the resolutions, and the confirmation email of the request form generated by my office clearly provides that resolution requests which are not complete may be postponed to another meeting.

Additionally, in the same email Mr. Bull sent me the contract documents, Dahn offered to "work with Mark" on it, (ostensibly refusing to work with me). However, Mark had already asked his own questions in a separate email which have nevertheless gone unanswered. The email exchanges are copied and attached for your review.

And so, while any Board member has the authority to place an item on the agenda with or without a procurement review by one of the officials designated in the Town's Procurement Policy, you should know that neither I nor the Town Comptroller can advise the Board that a procurement is done consistent with State and Local Law without the cooperation and transparency of the department. Therefore, I declined to place this item on the agenda for this week's Board meeting. If the Board wishes to proceed anyway, we will simply put a memo in the file with the Town Clerk demonstrating that it has not been reviewed for compliance with those laws, for purposes of documentation necessary for future audits.

Further, considering the compressed timeframe that we now have to turn around any Town Board agendas, it is simply not feasible for Mark, or me and my staff, to have to chase down relevant documents and information to make a determination on any procurement, much less one involving an expenditure of over \$1.3 million, all the while complying with Resolution 249 of 2021. Most other Departments who have something that does not appear straight forward or may have some grey areas in it will contact myself or Mark for guidance during their selection process, well before a resolution request is submitted, so that it is not a surprise or puzzle to untangle when it gets to resolution time.

In the past year or two, The Highway Super has progressively declined to participate in such collaboration with this office. Needless to say, purchasing a commodity such as a plow truck (even several of them) should not be complicated, or contain any grey areas, and therefore, putting a package containing a memo or detail showing the clear and concise answers to the questions posed on page 1 of this memo should not have been difficult. Therefore, it appears that it took deliberate thought, and premeditation *not to do so*.

From the standpoint of Governmental administration, it is simply immature and unprofessional for the Superintendent of Highways to refuse to provide a complete resolution package to other professionals charged with their review, or to refuse to work with the Town Attorney, because he doesn't like me, or due to political opposition to other elected officials.

Finally, the same official clearly knows how to submit a complete procurement package. Resolutions 11, 12, and 13 on tonight's agenda are all from that department, were all submitted complete, and were all approved. (While #11 has a sole bidder in a sealed bid context, and we usually like to see some comparison review by the Department to verify that the bid price is indeed a fair price, we had enough to justify the procurement, so it was placed on the agenda as submitted).

Subject: RE: Emailing: 03-07-2022 Town Board Packet
Date: 2022-03-02 14:35:51
Download
From: DBull@cliftonpark.org
To/Cc: mspringli@cliftonpark.org; AStandaert@cliftonpark.org

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Meg,

Incredibly disappointing that your boss continues to play games. Actions like this only cement my decision to rightfully go out and seek my own legal counsel and avoid his nonsense. Tom should be more professional than that, but I guess that's asking too much. Amy and I will be discussing this with you tomorrow.

Sincerely,

Dahn S. Bull

Superintendent of Highways

Town of Clifton Park

639 Clifton Park Center Road

Clifton Park, NY 12065

Tel: (518) 371-7310

Fax: (518) 373-0039

dbull@cliftonpark.org



DAHN S. BULL

SUPERINTENDENT OF HIGHWAYS

Memo

To: The Clifton Park Town Board
From: Dahn S. Bull, Superintendent of Highways
cc: Ellen Martin, Deputy Highway Superintendent, Raina Munafo, Clerk, Mark Heggen, Comptroller, Tom McCarthy Town Attorney
Date: February 28, 2022
Re: Request for Qualifications for Legal Services, Highway Department

Continuing our discussion from the Town Budget Hearing and meetings in October of 2021, I will shortly be refining a simple Request for Qualifications (RFQ) for a part-time attorney. Similar to committees such as the Planning Department, the Zoning Board and the Town Board, I believe it would be important to have an attorney on hand to discuss issues from the Highway Safety Committee as well as assist the Highway Department in the operations of the day-to-day.

It is imperative that this department can perform its daily duties with a trustworthy and available attorney familiar with the rules and regulations concerning the department. This could include, but is not limited to, created contracts for vendor services and contractors, working with Resident claims that coincide with New York State Law and Town Code, review decisions made by the Highway Superintendent and the Highway Safety Committee, provide ethical and honest legal advice that concurs with State Law and Town Code, among other services that may arise.

According to the New York State Comptroller's Office, Professional Services are a service that can be hired on a basis outside of the normal "lowest responsive bidder" qualifications of the Town Procurement Policy. While we can appoint individuals to the position such as the Town Supervisor and Board are allowed to appoint the Town Attorney and Part-Time Town Attorney, I would feel more comfortable following the RFQ process and have an open and transparent search.

When completed, the RFQ will be distributed publicly through the newspaper and on the town website, as well as to local attorneys and law firms. This is an exploratory initiative, but I am incredibly serious in moving forward, but I will not until I have stable numbers for the Board.

Subject: RE: March 14 Resolution for Plow Truck Purchase
Date: 2022-03-03 15:02:47
Download
From: Dahn Bull
To/Cc: Meg Springli; Amy Standaert

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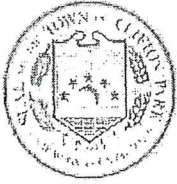
[View Source](#)

Hi Meg,

Thank you for taking the time to meet with me and Amy. Your explanation was very helpful and I truly believe that we all had the right information, we just weren't sharing it with the right person – you! So from now on I'll just make sure any communication with Tom or Mark goes to you for these things. On a good note, I spoke with the two sales people and they verbally assured me that the prices shouldn't change between now and the morning of the 15th, so as long as this is on the agenda a passed by the 14th, there shouldn't be a difference in that number. Below is the information you asked for as well. Thanks again and don't be afraid to set me straight.

Overview

Of the six new trucks, five will be designed to tackle developments while the sixth truck will be geared more towards open road snow and ice removal. All trucks will be purchased under the Onondaga County Plow Truck Contract, #8996. Due to increased importance of a diverse and dynamic fleet, all these trucks will be capable of not only snow and ice removal but in the spring, summer and fall months will be able to be used for material and equipment hauling. The chassis will be through H.L. Gage of Albany, and under the name brand International, while the plow and spreader packages will be through Viking Cives (USA), and assembled in Harrisville, New York. All vehicles will be running on a Cummins, US and New York built engine. These trucks would be 2024 trucks. Current disruptions to the supply chain and disturbances in the heart of America's Automotive Industry have pushed delivery to possibly as late as early 2024. Purchase of the vehicles would occur upon delivery giving us a possible



Town of Clifton Park
Office of Town Attorney

Thomas McCarthy
Town Attorney

MEMO

.....

Date: August 25, 2022
To: File
From: Meg
Re: 3/2 email from Highway Superintendent

Background:

The agenda packet with full backup materials has been posted online for public review on Friday afternoons (one business day prior to Monday meetings) since October 2021 and was made a requirement by the Town Board through Resolution No. 249 of 2021. Prior to October, draft agendas with resolutions were posted on Friday afternoons. Final packets including resolutions and backup materials were posted on Monday by 5:00 pm prior to the 7:00 pm meeting.

While Tom was on vacation, I received an email from Highway Superintendent Dahn Bull regarding the procurement of snow plow trucks that he wanted to be placed on a Town Board agenda 3-7-2022. Due to the questions that came up and were unresolved prior to Tom's leaving, it was not ready for publication the required 24 hours prior (one business day) to the meeting. Mr. Bull had been informed that there were some questions prior to the deadline and he sent me an email that I eventually forward to Tom McCarthy before trying to go to sleep. I did not sleep that night in anticipation of meeting with Mr. Bull and Councilmember Standaert. I sent Tom a message in the morning, hoping that if he felt the need to talk to me that it would not interfere with his plans for the day. He called after receiving my email sometime at the beginning of the work day.

Incredibly disappointing that your boss continues to play games. Actions like this only cement my decision to rightfully go out and seek my own legal counsel and avoid his nonsense. Tom should be more professional than that, but I guess that's asking too much. Amy and I will be discussing this with you tomorrow.

Sincerely,

Dahn S. Bull
Superintendent of Highways
Town of Clifton Park
639 Clifton Park Center Road
Clifton Park, NY 12065
Tel: (518) 371-7310
Fax: (518) 373-0039
dbull@cliftonpark.org

From: Meg Springli <mspringli@cliftonpark.org>
Sent: Wednesday, March 2, 2022 1:49 PM
To: Amy Standaert <AStandaert@cliftonpark.org>; Amy, Flood <aflood@cliftonpark.org>; anthonymorelli74@gmail.com; Anthony Morelli <AMorelli@cliftonpark.org>; Jean, Spiegel <JSpiegel@cliftonpark.org>; Lynda Walowit <LWalowit@cliftonpark.org>; Phil Barrett <PBarrett@cliftonpark.org>; Teresa Brobston <tbrobston@cliftonpark.org>; Tom McCarthy <TMcCarthy@cliftonpark.org>; Connie Brown <cbrown2@nycourts.gov>; Dahn Bull <DBull@cliftonpark.org>; Dan Clemens <DClemens@cliftonpark.org>; Donovan, Ryan <drvan@cliftonpark.org>; Ellenmarie Martin <emartin@cliftonpark.org>; Jennifer Viggiani <JViggiani@cliftonpark.org>; John Scavo <jscavo@cliftonpark.org>; Judge Hughes <jfhughes@nycourts.gov>; Lou, Pasquarell <lpasquarell@cliftonpark.org>; Margy Kasky <mkasky@cliftonpark.org>; Mark Heggen <mheggen@cliftonpark.org>; Matthew Andrus <mandrus@cliftonpark.org>; Mike O'Brien <mobrien@cliftonpark.org>; Myla Kramer <MKramer@cliftonpark.org>; Rose Savallo <rsavallo@cliftonpark.org>; Rybaklaw@gmail.com; Scott Reese <SReese@cliftonpark.org>; Steve Myers <SMyers@cliftonpark.org>; Susan Leonard <sleonard@cliftonpark.org>; Terri Cook <TCook@cliftonpark.org>; Walter Smead <wsmead@cliftonpark.org>; Christine Pagniello <cpagniello@cliftonpark.org>; Claudia Fitzgerald <CFitzgerald@cliftonpark.org>
Subject: Emailing: 03-07-2022 Town Board Packet

Good afternoon,

Attached please find the packet for next week's Town Board meeting. I will be out of the office on Friday so any edits need to be sent to me by Thursday morning so I have time to make corrections and get it posted on the website before I leave.

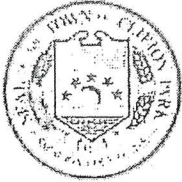
Thank you,

Meg Springli

Legal Secretary
Town of Clifton Park
[518-371-6651](tel:518-371-6651) x210

To submit Resolution Requests please go to:
https://cliftonpark.org/index.php?option=com_rsform&view=rsform&formId=73

Or copy and paste that link in your browser.



Town of Clifton Park
Office of Town Attorney

Thomas McCarthy
Town Attorney

MEMO

.....

Date: March 3, 2022

To: File

From: Meg

Re: Highway Superintendent

After receiving an email from Dahn Bull stating that the meeting location was changed to the Highway Superintendent's Office, I called to request that they come to Town Hall. Dahn agreed that they would come here. I felt intimidated enough and did not feel at all comfortable being surrounded by only Highway Dept. staff and Ms. Standaert. I actually asked the comptroller if he would be available to meet at that time so I could have some support, but he was unable to do so.

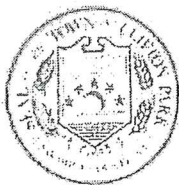
Meg Springli

From: Dahn Bull <DBull@cliftonpark.org>
Sent: Thursday, March 3, 2022 11:46 AM
To: Amy Standaert; Meg Springli
Subject: RE: Today's Meeting

We will be meeting in my office at 1:00 PM.

~DSB

I phoned to
ask if we
met here @
Town Hall
instead. They agreed.



Town of Clifton Park
Office of Town Attorney

Thomas McCarthy
Town Attorney

MEMO

.....
Date: March 3, 2022 (transcribed from handwritten notes)

To: File

From: Meg

Re: Highway Superintendent

Met with Dahn & Amy to discuss snow plow resolution

I first showed them my outline of Procurement Policy and my agenda process.

I explained my role, and that when I had some questions it is normal that either Tom or I would ask reach out. In this case, I explained that Tom offered to reach out and he said he sent an email to Dahn requesting a meeting which which could include a Board member. When he said he was uncomfortable meeting alone with Tom, I said Tom understood that and that's why he suggested Dahn bring a Board Member. Amy appeared surprised by my response and said, "Oh I didn't realize that's why he suggested a Board Member, so he knew you were uncomfortable? That makes sense now."

When Dahn asked why those questions were not directly put to him, I responded that was probably why Tom requested a meeting and that Tom felt a \$1.3 million contract deserved thorough review. That I receive everything and try to consider whether it adheres to our Procurement Policy and will it pass an audit because I would imagine the auditors will certainly be questioning every step this process.

I told them I did not respond myself because Tom said I did not need to be yelled at again as I was last month when I tried to clarify missing ~~doe~~ attachments on a submittal. Dahn appeared to blush, said he may have gotten overly excited but he apologized. I said I need to feel we can be civil and able to communicate directly and ~~that I am not doing any~~ if I have questions it is because I genuinely have questions and not being used as a go-between by Tom or Phil.

3/3 met w/ Dahn + Amy to discuss
snow plow resolution

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process.

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Subject: RE: Emailing: 03-07-2022 Town Board Packet
Date: 2022-03-02 15:28:12
Download
From: Dahn Bull
To/Cc: Meg Springli; Amy Standaert

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I will speak with Amy tonight and I will let you know in the morning.

From: Meg Springli <mspringli@cliftonpark.org>
Sent: Wednesday, March 2, 2022 3:00 PM
To: Dahn Bull <DBull@cliftonpark.org>
Cc: Amy Standaert <AStandaert@cliftonpark.org>
Subject: RE: Emailing: 03-07-2022 Town Board Packet

Dahn and Amy,

I feel a bit out of the loop here. I am here until 5 pm today and will be here 9-5 tomorrow. What time should I expect to see you both?

Meg

From: Dahn Bull <DBull@cliftonpark.org>
Sent: Wednesday, March 2, 2022 2:36 PM
To: Meg Springli <mspringli@cliftonpark.org>
Cc: Amy Standaert <AStandaert@cliftonpark.org>
Subject: RE: Emailing: 03-07-2022 Town Board Packet

Meg Springli

From: Meg Springli
Sent: Thursday, March 3, 2022 3:24 PM
To: Dahn Bull
Cc: Amy Standaert
Subject: RE: March 14 Resolution for Plow Truck Purchase

Dahn,

I am happy to hear that you got a quick response and that this will ultimately not delay things any longer. I will double check all the information early next week and make sure I have the t's crossed and i's dotted and let you know if we see anything else. We are all on the same team, working for the residents, and I'm glad we can agree to work things out. I will confirm with you once Tom has also reviewed it, but from my mind, if all the attachments make sense along with the information you filled in, there is no reason I can't place it on the agenda.

I'm headed out shortly, so have a good weekend and we'll touch base next week as needed.

Meg Springli

Legal Secretary
Town of Clifton Park
518-371-6651 x210

From: Dahn Bull <DBull@cliftonpark.org>
Sent: Thursday, March 3, 2022 3:03 PM
To: Meg Springli <mspringli@cliftonpark.org>
Cc: Amy Standaert <AStandaert@cliftonpark.org>
Subject: RE: March 14 Resolution for Plow Truck Purchase

Hi Meg,

Thank you for taking the time to meet with me and Amy. Your explanation was very helpful and I truly believe that we all had the right information, we just weren't sharing it with the right person – you! So from now on I'll just make sure any communication with Tom or Mark goes to you for these things. On a good note, I spoke with the two sales people and they verbally assured me that the prices shouldn't change between now and the morning of the 15th, so as long as this is on the agenda a passed by the 14th, there shouldn't be a difference in that number. Below is the information you asked for as well. Thanks again and don't be afraid to set me straight.

Overview

Of the six new trucks, five will be designed to tackle developments while the sixth truck will be geared more towards open road snow and ice removal. All trucks will be purchased under the Onondaga County Plow Truck Contract, #8996. Due to increased importance of a diverse and dynamic fleet, all these trucks will be capable of not only snow and ice removal but in the spring, summer and fall months will be able to be used for material and equipment hauling. The chassis will be through H.L. Gage of Albany, and under the name brand International, while the plow and spreader packages will be through Viking Cives (USA), and assembled in Harrisville, New York. All vehicles will be running on a Cummins, US and New York built engine. These trucks would be 2024 trucks. Current disruptions to the supply chain and disturbances in the heart of America's Automotive Industry

have pushed delivery to possibly as late as early 2024. Purchase of the vehicles would occur upon delivery giving us a possible two budget cycles to figure out funding.

Single Axle Development Plow Trucks (5)

60 Month After Treatment Warranty – \$3,750.00
60 Month Major Component Warranty - \$465.00
Allison Transmission 5 Year Warranty - \$948.00
Viking Cives Plow Package – \$126,845.30
International Single Axle Truck/Chassis - \$96,286.90
TOTAL - \$228,295.20 each
TOTAL OF ALL FIVE - \$1,141,476.00

Tandem 10 Wheeled Dump with Plow Package (1)

60 Month After Treatment Warranty – \$2,250.00
60 Month Major Component Warranty - \$735.00
Allison Transmission 5 Year Warranty - \$1,464.00
Viking Cives Plow Package – \$104,219.90
International Tandem Truck/Chassis - \$132,895.10
TOTAL - \$241,564.00

Conclusion

Our final product for the 5 development trucks and the 1 tandem will be total of \$1,383,040.00.

Sincerely,

Dahn S. Bull
Superintendent of Highways
Town of Clifton Park
639 Clifton Park Center Road
Clifton Park, NY 12065
Tel: (518) 371-7310
Fax: (518) 373-0039
dbull@cliftonpark.org



Town of Clifton Park

Office of Town Attorneys

Thomas McCarthy

Town Attorney

One Town Hall Plaza • Clifton Park, New York 12065 • (518) 371-6651 • FAX: (518) 371-1136

March 14, 2022

Albert E. Karoly
10 Prospect Point Lane
Clifton Park, NY 12065

RE: Highway Advisory Committee March 2, 2022 emails re: Plowtruck Procurement

Dear Committee Member;

It is my understanding that your advisory committee received 2 emails regarding a significant procurement being made by the Town Board for the Town's Highway Department while I was out of Town March 1-8. The second email asked that you apply political pressure on the Town Supervisor to approve the purchase, as submitted, and asserted that the procurement was delayed based on his "personal feelings."

You should know that there were 26 pages of vehicle specifications submitted to the Town Attorney's office on February 22 for the February 28 Town Board meeting. The information provided did not identify the vendor, number or type of trucks sought, purchase price of each, or the relevant procurement methodology being utilized. Therefore, there was simply not enough information upon which to base a determination whether the request complied with procurement law and policy, nor to write a resolution approving same.

When the Highway Superintendent ignored two separate requests to go over the submission, I made the decision to delay approval of the acquisition, since it wasn't possible for me to determine what was being purchased, and from whom (see the emails requesting clarification, attached). The Supervisor had no role in this determination. The following day, March 3, 2022, the Highway Superintendent also attempted to pressure my Administrative Assistant, Meg Springli, over the same issue while I was still away, but ultimately admitted that his transmittal had glaring omissions. He apologized, and then provided the further information and detail that I had requested on February 22.

Upon my return to the office on March 9, I reviewed the additional materials provided, and we now have the purchase of 6 full plow trucks with accessories and plow equipment on tonight's Town Board Agenda, in a procurement totaling \$1,383,040.

I know that many of you have substantial experience in NYSDOT and are well familiar with the concept that all public contracts are subject to procurement review, with agencies and municipalities required to demonstrate compliance with competitive bidding and procurement laws. This particular purchase was held up for 2 weeks because the Highway Superintendent ignored a request to clarify, and then improperly attempted to circumvent that review.

Neil Weiner
Deputy Town Attorney

Robert Wilcox
Deputy Town Attorney

If any of you have any questions of me, or would like to see the original resolution request, please contact me at any time at 518-348-7352. Thank you.

Sincerely,

Thomas R. McCarthy
Town Attorney

Tom McCarthy

From: Anthony Morelli <AMorelli@cliftonpark.org>
Sent: Monday, May 2, 2022 11:13 AM
To: Dahn Bull; Tom McCarthy
Subject: RE: Setup Meeting

Tom, is there a time this week the three of us can sit down and chat?

From: Dahn Bull <DBull@cliftonpark.org>
Sent: Monday, May 2, 2022 11:08 AM
To: Anthony Morelli <AMorelli@cliftonpark.org>
Subject: RE: Setup Meeting

Hey Tony,

Thank you for taking my call today. I am very thankful for you taking a leading role in helping with getting a dialogue started with the Town Attorney. Let me know how we should move further and I'll see how I can work with you on it.

Sincerely,

Dahn S. Bull
Superintendent of Highways
Town of Clifton Park
639 Clifton Park Center Road
Clifton Park, NY 12065
Tel: (518) 371-7310
Fax: (518) 373-0039
dbull@cliftonpark.org

Tom McCarthy

From: Anthony Morelli <AMorelli@cliftonpark.org>
Sent: Monday, May 2, 2022 3:52 PM
To: Dahn Bull; Tom McCarthy
Subject: Re: Setup Meeting

Great, thx

Anthony Morelli
Councilman, Town of Clifton Park
518-937-3094

From: Dahn Bull <DBull@cliftonpark.org>
Sent: Monday, May 2, 2022 3:23:06 PM
To: Tom McCarthy <TMcCarthy@cliftonpark.org>; Anthony Morelli <AMorelli@cliftonpark.org>
Subject: RE: Setup Meeting

We're all set for Tony, Tom and Dahn in the Wood Room, 1:00 PM, Tuesday, May 3.

~DSB

From: Tom McCarthy <TMcCarthy@cliftonpark.org>
Sent: Monday, May 2, 2022 12:24 PM
To: Anthony Morelli <AMorelli@cliftonpark.org>; Dahn Bull <DBull@cliftonpark.org>
Subject: RE: Setup Meeting

Ok.

From: Anthony Morelli <AMorelli@cliftonpark.org>
Sent: Monday, May 2, 2022 12:07 PM
To: Tom McCarthy <TMcCarthy@cliftonpark.org>; Dahn Bull <DBull@cliftonpark.org>
Subject: RE: Setup Meeting

I'm available 12-230 tomorrow ... how bout 1pm?

From: Tom McCarthy <TMcCarthy@cliftonpark.org>
Sent: Monday, May 2, 2022 11:52 AM
To: Anthony Morelli <AMorelli@cliftonpark.org>; Dahn Bull <DBull@cliftonpark.org>
Subject: RE: Setup Meeting

Tony,
I am out Wednesday-Friday but am available all day tomorrow.
TM

From: Anthony Morelli <AMorelli@cliftonpark.org>
Sent: Monday, May 2, 2022 11:13 AM
To: Dahn Bull <DBull@cliftonpark.org>; Tom McCarthy <TMcCarthy@cliftonpark.org>
Subject: RE: Setup Meeting

Tom, is there a time this week the three of us can sit down and chat?

From: Dahn Bull <DBull@cliftonpark.org>
Sent: Monday, May 2, 2022 11:08 AM
To: Anthony Morelli <AMorelli@cliftonpark.org>
Subject: RE: Setup Meeting

Hey Tony,

Thank you for taking my call today. I am very thankful for you taking a leading role in helping with getting a dialogue started with the Town Attorney. Let me know how we should move further and I'll see how I can work with you on it.

Sincerely,

Dahn S. Bull
Superintendent of Highways
Town of Clifton Park
639 Clifton Park Center Road
Clifton Park, NY 12065
Tel: (518) 371-7310
Fax: (518) 373-0039
dbull@cliftonpark.org

Subject: RE: I may need your help
Date: 2020-12-09 09:22:01
Download
From: Dahn Bull
To/Cc: Matthew Andrus

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Thanks!

From: Matthew Andrus <mandrus@cliftonpark.org>
Sent: Wednesday, December 9, 2020 9:13 AM
To: Dahn Bull <DBull@cliftonpark.org>
Subject: Re: I may need your help

Yes, I will give you a call shortly.

- matt

From: Dahn Bull <DBull@cliftonpark.org>
Sent: Wednesday, December 9, 2020 9:00 AM
To: Matthew Andrus <mandrus@cliftonpark.org>
Subject: RE: I may need your help

Hey Matt, Amy told me that you were working from home now. That's good to hear! Can I bend your ear early this morning on something?

Moreira, Hilary

From: Dahn Bull <DBull@cliftonpark.org>
Sent: Tuesday, July 7, 2020 12:01 PM
To: Mark Heggen
Cc: Laurie Luse; Ellenmarie Martin
Subject: RE: Other Pay for On Call

It seems to pretty straight forward I thought.

Each individual received 2 OT hours. So there it is. If they work, they get whats in the contract. I don't think you need to make it more complicated.

From: Mark Heggen <mheggen@cliftonpark.org>
Sent: Tuesday, July 7, 2020 11:58 AM
To: Dahn Bull <DBull@cliftonpark.org>
Cc: Laurie Luse <lluse@cliftonpark.org>; Ellenmarie Martin <emartin@cliftonpark.org>
Subject: RE: Other Pay for On Call

Dahn,

How is the on-call time being determined? If you are using their hourly rate, everyone will be different. Was June 27/28 the first weekend? Do we need to pay someone for July 4th?

I have seen on-call pay done several different ways, a straight dollar amount for each day, currently we pay the animal control officers \$25 a day to be on call for the weekend, typically \$50 for each weekend. I have also seen a set dollar amount per hour anywhere between \$2.00 and \$3.00 per hour.

Mark

Mark E. Heggen, CPA
Town Comptroller
Town of Clifton Park
One Town Hall Plaza
Clifton Park, NY 12065

Telephone – 518-371-6651
Fax – 518-371-1136

mheggen@cliftonpark.org

From: Dahn Bull <DBull@cliftonpark.org>
Sent: Tuesday, July 7, 2020 11:48 AM
To: Mark Heggen <mheggen@cliftonpark.org>
Cc: Laurie Luse <lluse@cliftonpark.org>; Ellenmarie Martin <emartin@cliftonpark.org>
Subject: RE: Other Pay for On Call

From now on there will be a designated employee that is on-call on the weekends. Their sole job is to wait for my phone call all weekend. They are not to leave the area or partake in activities that would preclude them from working.

From: Mark Heggen <mheggen@cliftonpark.org>
Sent: Tuesday, July 7, 2020 11:36 AM
To: Dahn Bull <DBull@cliftonpark.org>
Cc: Laurie Luse <lluse@cliftonpark.org>; Ellenmarie Martin <emartin@cliftonpark.org>
Subject: Other Pay for On Call

Dahn,

For Ryan Ensel and Sean Dickinson you have time includes 2 hours on their timesheet which states that it is for on-call time. The time is identified as overtime. We do not see this type of payment in the union contract. The only thing I do see is Article VII, Section 1, Call in Pay, which guarantees a minimum 2 hours during the week and 3 hours on a weekend or holiday.

Mark

Mark E. Heggen, CPA
Town Comptroller
Town of Clifton Park
One Town Hall Plaza
Clifton Park, NY 12065

Telephone – 518-371-6651
Fax – 518-371-1136

mheggen@cliftonpark.org

Moreira, Hilary

From: Dahn Bull <DBull@cliftonpark.org>
Sent: Wednesday, March 17, 2021 3:30 PM
To: Mark Heggen
Cc: Laurie Luse; Ellenmarie Martin
Subject: RE: Stan Rusinovich

Mark,

The Highway Department is not a "we" and that's why it needs to be changed. Just like budget lines, when we send things over, they shouldn't be changed without my permission.

Looking forward to seeing the numbers for the sweeper lease tomorrow.

From: Mark Heggen <mheggen@cliftonpark.org>
Sent: Wednesday, March 17, 2021 3:03 PM
To: Dahn Bull <DBull@cliftonpark.org>
Cc: Laurie Luse <lluse@cliftonpark.org>; Ellenmarie Martin <emartin@cliftonpark.org>
Subject: RE: Stan Rusinovich

Dahn,

The only adjustment I made on his time was for 3/13/2021. His timesheet did not indicate that he was on call and should receive 2 hours for call in. The timesheet had 2 hours written for the 37 minutes that he worked on 3/13/2021. We do not pay a 2 hour minimum for non-union employees when they are called in.

Mark

Mark E. Heggen, CPA
Town Comptroller
Town of Clifton Park
One Town Hall Plaza
Clifton Park, NY 12065

Telephone – 518-371-6651
Fax – 518-371-1136

mheggen@cliftonpark.org

From: Dahn Bull <DBull@cliftonpark.org>
Sent: Wednesday, March 17, 2021 1:37 PM
To: Mark Heggen <mheggen@cliftonpark.org>
Cc: Laurie Luse <lluse@cliftonpark.org>; Ellenmarie Martin <emartin@cliftonpark.org>
Subject: RE: Stan Rusinovich

Mark,

You need to immediately change back Stan's hours. You have absolutely no idea how this department operates and have no handle on what we actually do. Stan was on Duty for the Weekend. He gets two hours for the call in and for being on duty. That's my policy and you have no say in the matter. Change it.

Subject: FW: Town Board RESOLUTION REQUESTS for 2/28 AND 3/7 - Please note changes
Date: 2022-04-07 12:39:01
Download
From: Dahn Bull
To/Cc: Amy Standaert

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From: Meg Springli <mspringli@cliftonpark.org>
Sent: Monday, February 14, 2022 1:05 PM
Subject: Town Board RESOLUTION REQUESTS for 2/28 AND 3/7 - Please note changes

Please note that there was a change in the Town Board Schedule this year, **there will not be a meeting on the 21st**. The third meeting taking place on 2/28.

Also, the Town Attorney will be out of the office from 3/1 to 3/8. Therefore, please plan accordingly and use the following schedule for resolution requests

- For the 2/28 meeting submit requests with backup materials by the end of Tuesday 2/22.
- For the 3/7 meeting submit **by the end of Thursday 2/25**.

Requests submitted after 2/25 will be postponed until 3/14 as the earliest available meeting.

Thank you,

Meg Springli

Subject: RE: I may need your help
Date: 2020-12-09 09:00:16
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From: Dahn Bull
To/Cc: Matthew Andrus

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Hey Matt, Amy told me that you were working from home now. That's good to hear! Can I bend your ear early this morning on something?

Subject: RE: I may need your help
Date: 2020-12-09 09:21:57
Download
From: DBull@cliftonpark.org
To/Cc: mandrus@cliftonpark.org

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Thanks!

From: Matthew Andrus <mandrus@cliftonpark.org>
Sent: Wednesday, December 9, 2020 9:13 AM
To: Dahn Bull <DBull@cliftonpark.org>
Subject: Re: I may need your help

Yes, I will give you a call shortly.

- matt

From: Dahn Bull <DBull@cliftonpark.org>
Sent: Wednesday, December 9, 2020 9:00 AM
To: Matthew Andrus <mandrus@cliftonpark.org>
Subject: RE: I may need your help

Hey Matt, Amy told me that you were working from home now. That's good to hear! Can I bend your ear early this morning on something?

Subject: RE: I may need your help
Date: 2020-12-09 11:08:31
Download
From: DBull@cliftonpark.org
To/Cc: mandrus@cliftonpark.org

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Sorry! This should be it!

From: Matthew Andrus <mandrus@cliftonpark.org>
Sent: Wednesday, December 9, 2020 10:55 AM
To: Dahn Bull <DBull@cliftonpark.org>
Subject: Re: I may need your help

I think you sent me the wrong file. The attached was for the purchase of a truck

matt

From: Dahn Bull <DBull@cliftonpark.org>
Sent: Wednesday, December 9, 2020 10:44 AM
To: Matthew Andrus <mandrus@cliftonpark.org>
Subject: RE: I may need your help

From: Matthew Andrus <mandrus@cliftonpark.org>
Sent: Wednesday, December 9, 2020 9:13 AM
To: Dahn Bull <DBull@cliftonpark.org>

Tom McCarthy

From: Dahn Bull <DBull@cliftonpark.org>
Sent: Tuesday, April 19, 2022 11:34 AM
To: Tom McCarthy
Subject: RE: Greenlight Networks

I was simply following the permit the town board approved. In these situations we just issue a single \$500 permit per street.

From: Tom McCarthy <TMcCarthy@cliftonpark.org>
Sent: Tuesday, April 19, 2022 11:19 AM
To: Dahn Bull <DBull@cliftonpark.org>
Subject: Greenlight Networks

Dahn,

The Town Board set the fees last night for the current round of permit applications in the Grooms, as enumerated on Exhibit A. Although the Board did not set a deadline by which the permits will be issued, the expectation was that they would be issued forthwith so that Greenlight could keep to its current schedule based on the county work in the immediate area. I asked Mr. Hitchcock to keep in touch if there are any further glitches.

TM



DAHN S. BULL
SUPERINTENDENT OF HIGHWAYS

April 13, 2022

Greenlight Networks LLC
c/o Marc Hitchcock
1777 East Henrietta Road, Building A, Suite #120
Rochester, New York 14623

RE: Approval of Cut/Excavate Town Right-of-Ways – Construction in the ROW Permit TOCP.4.12.2022A –
Installation of New Telecommunications Infrastructure

Dear Mr. Hitchcock,

I am writing to inform you of your approval to cut/excavate a town road and Construction in the Right of Way permit. From your plans, you will be installing of a new infrastructure for your company, in the form of 2" conduit and small utility boxes within the right-of-way of many properties.

This process was created by the Town Attorney, approved by the Town Board, and thus required me to perform the permitting and inspections. I thank you for your patience as the process established by the Town Attorney is well outside our current practices. In accordance with the issued practice and permit fee worksheets, the total amount of the cost of the permit is \$32,359.00.

For Highway Department purposes, I just ask that you please see below items.

1. Prior to any work being completed, each individual residence must be informed of the project through direct mail.
2. Please abide by the Permit Stipulations attached to the permit - Any disturbances to the swales or culverts must be returned to their previous conditions.
3. DigSafeNY, 881, must be called in prior to the project to outline current underground utilities.
4. All disturbances to the right-of-way and private residences must be returned to original condition.
5. You must provide traffic safety procedures and flaggers to assist with traffic control of the road or a "safety officer" to ensure traffic does not interfere with the job sites.
6. Please inform my office of the precise time of cutting or boring the road, and excavation so that we can help with community outreach.
7. All underground bores under the road must be at least 2.5 feet below road grade, we like to see 3.0 feet but we are understanding that the bores are difficult tools.
8. All spot-potholing operations must be returned to previous condition and damage asphalt plugs should be fixed with hot patch or mastics.

I am sure that we will continue to work together throughout this process as we expand the infrastructure of Clifton Park. I ask that you or your designated contractor abide by the above information and the stipulation instructions.

If you have any questions, please feel free to give my office a call at (518) 371-7310 or email me at dbull@cliftonpark.org.

Sincerely,

Dahn S. Bull
Superintendent of Highways
Town of Clifton Park

Encl.: Permit, Permit Stipulations and Permit Fee Worksheet