

December 2, 2019

The regular meeting of the Town Board of the Town of Clifton Park was held in the Town Office Building at 7:00 p.m. Supervisor Barrett presiding.

Present: Supervisor Barrett
Councilman Whalen
Councilwoman Standaert
Councilman Romano
Councilwoman Walowit
Town Clerk O'Donnell

Also Present: Town Attorney McCarthy
Mark Heggen, Comptroller

MOTION BY Councilman Romano, seconded by Councilwoman Walowit, to approve the minutes of the November 12 and 18, 2019 meetings as presented.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano
Councilwoman Walowit, Supervisor Barrett

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATION

Supervisor Barrett explained this Town Board meeting is being held at 5:00 pm rather than 7:00 pm due to the snowstorm. Multiple media outlets have been advised of the time change.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 265 of 2019, a resolution to authorize the Supervisor to sign an inter-municipal agreement with the County of Saratoga for single stream recycling at the recycling facility at the Town of Clifton Park Transfer Station.

Introduced by Councilwoman Standaert, who moved its adoption, seconded by Councilman Whalen.

WHEREAS, Resolution No. 318 of 2014, approved the Inter-Municipal Agreement with the County of Saratoga for single stream recycling at the Town of Clifton Park Transfer Station, and

WHEREAS, the Town Board wishes that the program for single stream recycling be continued between the County and Town, and

WHEREAS, both County and Town desire to formalize the continued agreement for services provided during the year 2019; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign the Intermunicipal Agreement dated for services between January 1, 2019 and December 31, 2019.

Supervisor Barrett noted the program was initiated in 2015 and single stream recycling is much easier for residents. The county pays the town \$35,000 to manage the recycling site.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 266 of 2019, a resolution approving a contract with Niagara Mohawk, dba National Grid, for the acquisition of streetlights within the town and related license and attachment agreement.

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

WHEREAS, on November 29, 2017 the town published a request for proposals seeking proposals from interested entities for a performance-based energy contract to acquire existing street lighting from their respective utility company owners, and the procurement and installation necessary to upgrade all lighting fixtures to LED lighting under the town's ownership, and

WHEREAS, by Resolution No. 72 of 2018, the Town Board accepted the proposal submitted by Siemens Industry, Inc. which provides guaranteed savings from energy efficiencies resulting from the use of Light Emitting Diode (LED) technology, reduced maintenance costs, and through the elimination of certain service and maintenance charges from existing utility owners, and

WHEREAS, Siemens Inc. has completed a field audit of all facilities owned by Niagara Mohawk Power Corporation dba National Grid (National Grid) within the town, and has reconciled those findings against an inventory supplied by National Grid, for a final count of 493 streetlights within the town, including a field determination of the type, wattage, location and pole number for each such street lighting facility within the town, per Exhibit E to the attached Purchase and Sale Agreement, and

WHEREAS, the inventory results in a sale price for the 493 existing luminaires offered to the town by National Grid of \$480,459 for such streetlights plus \$10,464 in transition and transaction costs pursuant to regulations from the NYS Public Service Commission for the book value of such utility assets, and

WHEREAS, the Town Board wishes to purchase all streetlights owned by National Grid within the town pursuant to the New York State Streetlight Replacement and Savings Act, and related regulatory changes that authorized municipal acquisition of such utility owned streetlights, in order to replace and upgrade such equipment with new LED technology to achieve substantial energy savings associated with the more efficient LED lights pursuant to contract with Siemens, Inc., and

WHEREAS, National Grid has also provided a detailed license and attachment agreement intended to govern the town's rights and responsibilities in maintaining, replacing, and operating new LED streetlights and Nightwork Lighting Control Nodes to allow for "Smart Cities" applications and technology going forward; now, therefore, be it

RESOLVED, that the Supervisor is authorized to execute the attached for the Purchase and Sale Agreement with National Grid for their utility-owned streetlights within the town and related License Agreement for Customer-Owned Area Lighting attachments; and be it further

RESOLVED, that the Comptroller is authorized to transfer \$490,923 from A-914 (Unreserved Fund Balance) to A-5182-200 (Lighting District – Equipment), for the acquisition costs incurred by the agreement.

Supervisor Barrett reported the majority of lights are National Grid's and once these are switched to the town and to LEDs, energy will be reduced by 60-65 percent and will eliminate the

significant facility cost. This project needs approval from NYS Public Service Commission and must meet their standards and be fair to all parties.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 267 of 2019, a resolution approving an agreement for payment in lieu of taxes with Borrego Solar/ Sugar Hill Solar 1 LLC.

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

WHEREAS, Section 487 (9) of the New York State Real Property Tax law authorizes municipalities to enter into Payment in Lieu of Tax Agreements (PILOT) with solar energy developers within each taxing jurisdiction, under certain circumstances, and

WHEREAS, on March 1, 2019, Borrego Solar, 1460 Broadway, New York, New York 10036, applied for subdivision and site plan approval, and has been issued a Special Use Permit for the construction of a solar energy project at 267 Sugar Hill Road, for 5 MW (AC) of capacity, and

WHEREAS, Borrego Solar LLC has established Sugar Hill Solar 1 LLC as the operating company to construct and hold the improvements related to the solar arrays and related equipment, accessories and improvements, and

WHEREAS, the Town Board wishes to enter into PILOT agreements with Sugar Hill Solar 1 LLC pursuant to RPTL § 487(9), for the area described in Exhibit A to the agreement, attached; now, therefore, be it

RESOLVED, that the Supervisor is authorized to execute the attached PILOT agreements in the amount of \$30,000 annually, with 2% annual incremental increases, for a 15-year term, attached.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 268 of 2019, a resolution authorizing the Supervisor to sign a release of an incentive payment agreement pursuant to the New York State Department of Agriculture and Markets' Round 13 Farmland Protection Implementation Grant Program:

Introduced by Councilman Whalen, who moved its adoption, seconded by Councilwoman Standaert.

WHEREAS, pursuant to Resolution No. 191 of 2014, the Town Board authorized the Supervisor to apply to the New York State Department of Agriculture and Markets for grant funds under its Farmland Incentive Protection Program, and

WHEREAS, the Town of Clifton Park was awarded such grants on or about February 15, 2015, and

WHEREAS, by Resolution No. 59 of 2016, the Town Board authorized the execution of an incentive payment agreement to implement incentive grant funding for property at 267 Sugar Hill Road and 94 Appleton Road, which was filed with the Saratoga County Clerk, on October 17, 2016, and

WHEREAS, the incentive payment agreement provided \$12,185 in annual payments for all three properties, conditioned upon the property being worked as a working farm throughout the term of the agreement, and

WHEREAS, the town has been notified that the grantee wishes to terminate her participation in the program to utilize the Sugar Hill property for a solar energy project, and to discontinue active farming on the Appleton Road property, in contravention of the terms of the incentive agreement, and

WHEREAS, the town has been repaid the sum of \$36,555, representing all payments made pursuant to the program; now, therefore, be it

RESOLVED, that the Town Board terminates the Incentive Agreement pursuant to Round 13 of the NYS Agriculture and Markets Farmland Protection Implementation Program, attached; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a release of same to be filed with the Saratoga County Clerk releasing the obligation created by the filing of the incentive agreement on October 17, 2016.

Supervisor Barrett explained the terms change once there is a switch from active farms to hosting a very large solar array, therefore, it is necessary to end the agreement with the landowner.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 269 of 2019, a resolution authorizing the Town Supervisor to sign a purchase contract to acquire professional services, hardware and software from ABS Solutions.

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

WHEREAS, the Supervisor is authorized to enter into a contract with any accounting, engineering firm, professional services firm, or other professional consulting firm for the needs of the Town of Clifton Park, subject to legal review by the Town Attorney's office, and as the Town Board may deem appropriate, and

WHEREAS, a need exists to update certain outdated desktop computers and laptops used to manage and access daily functions and existing records for the many departments in Town Hall, Highway Department and several locations throughout town that have not been recently updated, and

WHEREAS, ABS Solutions has proposed a plan to replace aging hardware on the town's existing information technology network, which are those systems that have been identified as no longer being supported by the manufacturer and therefore more vulnerable to security risks, and

WHEREAS, ABS Solution's proposal includes hardware and proper licensing for users, necessary to implement the project at a cost of \$36,548, and

WHEREAS, the computers are used on a daily basis by town staff and these improvements will enhance security and allow all employees to utilize the same software; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to enter into an agreement with ABS Solutions to acquire software and hardware to replace aged computers on the town's network at a total cost of \$36,548, and be it further

RESOLVED, that the Comptroller is authorized to transfer of \$ 35,011 from Contingency and \$1,537 from A-6773-004 (Senior Center-Computer) to Line A-1620-04 (Town Hall-Computer) to offset the cost of the project; and be it further

RESOLVED, that the cost of the project in the amount of \$36,548 be paid from Line A-1620-04 (Town Hall-Computer).

Mr. Andrus said by purchasing in one block 25-30 percent is saved.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 270 of 2019, a resolution authorizing certain highway budget transfers for the winter season maintenance items in the Highway Department budget.

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

WHEREAS, the Superintendent of Highways has recommended that certain budget adjustments be made to reallocate funds in response to maintenance/repairs and salt applications in the table below:

Table 1 – Highway Budget Reallocation 2019

<u>Funding Line</u>	<u>Code</u>	<u>Increase</u>	<u>Decrease</u>
Street Striping	DA-5110-215	\$0.00	\$50,000.00
Materials	DA-5110-210	\$0.00	\$30,000.00
Fuel	DA-5110-012	\$0.00	\$9,000.00
Diesel (Item 1)	DA-5110-136	\$0.00	\$8,000.00
Salt	DA-5142-138	\$70,000.00	\$0.00
Parts	DA-5130-231	\$27,000.00	\$0.00
Other Cont.	DA-5142-015	\$0.00	\$3,000.00
Grease	DA-5110-022	\$3,000.00	\$0.00
Total		\$100,000.00	\$100,000.00

now, therefore, be it

RESOLVED, that funds in Street Striping, Materials, Fuel, Diesel (Item 1), and Other Contractors be decreased and that funds in Salt, Parts, and Grease be increased as shown in Table 1.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

No one wished to be heard.

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

Motion carried at 5:35 p.m.

Patricia O'Donnell
Town Clerk