

TOWN OF CLIFTON PARK TOWN BOARD

September 20, 2021

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

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

Also Present: Town Attorney McCarthy
Mark Heggen, Comptroller
Dahn Bull, Highways Superintendent
John Scavo, Planning Director
Matt Andrus, Information Specialist
Walter Smead, Assessor
Don Austin, Clifton Park Water Authority Administrator

MINUTES APPROVAL

MOTION by Councilwoman Walowit, seconded by Councilman Morelli, to approve the minutes of September 7 and 13, 2021 meetings as presented.

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli,
Councilwoman Walowit, Supervisor Barrett

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATION

Supervisor Barrett announced the scheduled Conservation Easement Public Hearing for this meeting was withdrawn per the applicant.

Supervisor Barrett reminded residents of the upcoming free Hazardous Waste Day on September 25 from 8am-2pm. Register by September 22 online at cliftonpark.org or in person at Town Hall.

Supervisor Barrett stated grant applications for the Community Action Fund are due by the end of September. The funds used for this program are from redeemable bottles/cans donations collected at the Transfer Station. No town funds are used in this grant program. Application are available online or in person from the Supervisor's office.

Councilwoman Flood thanked everyone involved with the Grooms Tavern during Farm Fest.

Councilwoman Flood stated the conference that our Town Historian John Scherer attended, was very surprised due to the whole conference was a celebration for his work. Congratulations to John!

Supervisor Barrett thanked everyone involved in the successful Farm Fest recently held.

Councilman Morelli announced the Town Of Clifton Park's COVID-19 Volunteer Recognition Ceremony will be held Saturday, September 25, 4:30 pm sponsored by the Youth Advisory Council. The ceremony is a thank you for contributions to the town and recognizing residents who directly assisted neighbors, community and people in need during the pandemic. Recognition for Emergency Services Departments as well. He explained the Youth Advisory Council is for students in grades 9-12. The Council was created by the town and is managed by high school students working with Supervisor Barrett and Town Officials. Anyone interested in the Council is to stop by their booth at the event or contact Councilman Morelli or Supervisor Barrett.

HYDRANT DISTRICT EXPANSION PUBLIC HEARING, 7:10 PM

Town Clerk Brobston read the legal notice as printed in the Daily Gazette on September 9, 2021.

Don Austin, Clifton Park Water Authority Administrator, stated the Consolidated Hydrant District collects funds to pay for repair/replacement and maintenance of fire hydrants in the district, as well as for the ability for the Water Authority to pump water supply capacity to feed enough water to fight a fire. The reason why a hydrant district collection of fees, instead of through the water rate fees, is because there are properties within the Town of Clifton Park that are within 500' of a hydrant that receive the benefit of fire protection, that are not customers of the CPWA. An extension has not been done since 2014. Since that time there has been subdivisions that have been built, and water has been extended further out into town. This expansion is bringing those homes into the district that are receiving the benefit of the hydrant. The hydrant district was established in 1992, since the start of operations of the CPWA.

Public Hearing closed at 7:14 PM.

PRESENTATION EAGLE SCOUT

Town Clerk Brobston read Resolution No. 221 of 2021.

Supervisor Barrett presented Everett Noakes with a framed Resolution No. 221 of 2021 recognition on achieving the rank of Eagle Scout.

Mr. Noakes's project was to make improvements in the Locust Lane Park Pool area. A 300' rope fence, 2 benches, picnic tables and perennial garden was installed. He is also involved in the Order of the Arrow which represents 16 counties in Scouting.

AMERICAN RESCUE PLAN ACT DISCUSSION

Supervisor Barrett stated the town has received additional funds.

Mark Heggen, Comptroller, explained there were several municipalities that did not accept the funds, so those funds were divided up between the remaining municipalities. An additional check of \$7,000 was received.

Supervisor Barrett stated the town has received half (\$1.857 mm) of the original amount (\$3.7mm) that was approved as the program was rolled out. A year from now the town will receive the other half of the funds. The funds can be spent in the next 2 years. So far, the discussion between the working group and the Town Board has been centered around infrastructure and help for the non-profit organizations. Based on the timing as we enter into the fall, a couple items of importance, in the short term, are proposed to move forward. We've talked about short term and long term opportunities for this funding. Funding for stormwater projects, sewer investments, Exit 9 pond improvements (the towns share of the cost), gas pumps and engineering.

Planning Director John Scavo explained the town can't do the design to build on the gas pumps project. DOT has the ability to do that. Services from an engineering service will need to be solicited to look at the scope of the project and develop the bid specs, put out to bid, review, make recommendations to the Town Board, approximately 3-4 months. Once the bid is awarded the town would look to engage this firm. Estimated costs for engineering services are expected to be \$50,000-60,000. The tanks are in good standing and do not anticipate any need for

remediation. LaBerge has experience with tank replacement and new facility designs at the municipal level.

Highways Superintendent Bull stated the department runs tests on the pumps daily.

Supervisor Barrett stated the ruff estimate for replacement is \$500,000.

Supervisor Barrett stated he sent a draft application to the Town Board about a program for non-profits, using the Community Action Fund Application as a guide. Although the CAF is a much smaller number than what would be proposed for this program. There are several projects from Highway that involved stormwater and 6 generators for sewer pump stations. Discussion was opened and welcomed. Proposed is \$200,000 for the non-profit program, \$350,000 for stormwater and \$350,000 for sewer. Consideration also for allocating \$60,000 for engineering services for the gas pump replacement project, then in the spring construction could be ready to start.

Councilwoman Walowit would like to consider county programs for the non-profits that assist in the town. Drug programs, veterans' programs or domestic violence programs, etc. that would benefit the town, rather than just the local programs.

Councilman Morelli agreed, he would like to see issues/programs that have been affected by the pandemic either town or county based. He suggested adjusting the application language to include town or county-based non-profits.

Supervisor Barrett stated, on the application there is not a strict rule that they have to be based in Clifton Park but at the very least they have to be able to demonstrate that they serve residents in the town directly. He suggested the Town Board be the ones to review and select the applicants. He suggested the applicants attend a different public noticed meeting to discuss their application further and or make a presentation to the board as far as how they want to use the money.

Councilwoman Flood questioned if we have to spend the money by a certain time.

Supervisor Barrett answered no we have a far amount of time to spend the funds. Time frames were discussed. He suggested moving forward with the proposed recommendations this evening.

Councilwoman Standaert stated she would like to look at the specifics on the applications and what would qualify the non-profits. It should be different from the Community Action Funds. She does not disagree with non-profits getting a share of the funds, but wants to look at changing the parameters of how we normally fund the non-profit groups.

Supervisor Barrett went over the non-profit application as to what information is to be collected.

Councilwoman Standaert questioned if this would be open to all non-profits. She is not sure that every single non-profit in town suffered by the pandemic and how they were impacted. Define it a little better on who is eligible for the funds.

Supervisor Barrett thinks the application does include the question of how the organization was impacted by the pandemic and requests explanation.

Councilman Morelli suggested explanation be maybe more data driven. Pre and post pandemic.

Attorney McCarthy stated the statute itself limits the type of non-profits.

Supervisor Barrett stated perhaps there are some changes the board would like to make on the draft application and talk about it moving forward.

Councilwoman Walowit questioned if the Building & Planning software will be a part of the funds.

Supervisor Barrett explained, the working group is waiting for more information on the software and RFP results. The software would be an eligible use for the funds.

Planning Director Scavo stated the software committee should have more definite decisions/recommendations by mid-October.

Supervisor Barrett stated the software would be an option to consider for next month.

Councilwoman Walowit stated she would like to see costs and balances for the funds.

Supervisor Barrett proposed tonight \$1 million between the 4 options. Engineering for the gas pumps \$60,000, \$200,000 for the non-profit program, \$350,000 for stormwater and \$450,000 for sewer generators.

Supervisor Barrett stated the board will be working on the draft application for the non-profits.

Supervisor Barrett entertained a MOTION to move the 4 items forward for the ARPA funding. Engineering for the gas pumps \$60,000, \$200,000 for the non-profit program, \$350,000 for stormwater and \$450,000 for sewer generators. Councilman Morelli MOVED, Supervisor Barrett seconded the MOTION. (Clerk note: No roll call taken.)

Councilwoman Standaert MOVED a MOTION to table the discussion and previous MOTION. She is not prepared to vote on something that she does not have all the details and the public has not been notified and little conversation, as far as the public is concerned and wants to see the supporting documentation and have everything in front of her to review and have the non-profit application finalized. Councilwoman Walowit seconded the MOTION.

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli, Councilwoman Walowit, Supervisor Barrett

Noes: None

MOTION CARRIED TO TABLE THE DISCUSSION.

RESOLUTIONS

No one wished to be heard.

Resolution No. 221 of 2021, a resolution recognizing Everett Noakes on achieving the rank of Eagle Scout.

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

WHEREAS, the people of the Town of Clifton Park, New York, take immense pride in the accomplishments of its residents and recognize the valuable contributions of the Boy Scouts of America to our community and to our nation, and

WHEREAS, Everett Noakes began his scouting career as a Cub Scout with Pack 45 and has proven himself to be an outstanding member of Troop 42 of the Boy Scouts of America having earned the rank of Eagle Scout, and

WHEREAS, the rank of Eagle Scout is the highest award that a Boy Scout can earn and to achieve this rank, Everett demonstrated leadership and completed his Eagle Scout project which benefited the community, and

WHEREAS, Everett's Eagle Scout Project was to make improvements to the Locust Lane Park, and

WHEREAS, Everett's Eagle Scout Project involved a team of volunteers who installed a 300' rope fence, picnic tables and a perennial garden at the town's park, and

WHEREAS, Everett worked closely with town staff and the park's committee to finalize a plan for the project, and

WHEREAS, Everett has served in many leadership positions including Senior Patrol Leader, Assistant Senior Patrol Leader, Quartermaster, Librarian, Patrol Leader and Den Chief, and

WHEREAS, Everett's dedication to the Boy Scout Oath, while using his time and energy to give back to his community will serve to prepare him for a meaningful, productive role in society, and

WHEREAS, Everett has also been a member of the Order of the Arrow, where he has held the positions of Kittan Lodge Treasurer, Apparel Committee Chairman, as well as Vice Chief of Programs and Treasurer in Scouting's National Honor Society, and

WHEREAS, Everett has also served as a Camp Instructor at the Camp Wapkominee and has earned an impressive 54 merit badges during his Scouting career and continues to be active through his recent membership in a Venturing Crew; now, therefore, be it

RESOLVED, that on behalf of the people of the Town of Clifton Park, the entire Town Board does hereby congratulate and salute Everett Noakes on his achievement of the rank of Eagle Scout and we are proud to have him as a member of our community.

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 222 of 2021, a resolution authorizing town Planning staff to prepare a 2021-2022 Transportation Alternatives Program (TAP) Grant Application for improved sidewalk connections along Clifton Country Road.

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

WHEREAS, the Planning Department advises that the 2021-2022 TAP Grant Applications are now open and will close on Wednesday, September 29, 2021, and

WHEREAS, the Town Board has adopted and updated the Town Center Plan, which supports more and improves pedestrian accommodations on both the east and west sides of Clifton Country Road from the Route 146 intersection, south to the Clifton Park Center Road intersection, and

WHEREAS, the Town Board wishes to advance the project by directing the Planning staff to make the grant application, and by committing to match a portion of the proposed TAP – Clifton Country Road Project cost as required, and

WHEREAS, the proposed sidewalk route complements pedestrian and cyclist safety improvements along Clifton Country Road currently under construction, pursuant to Resolution No. 193 of 2021, with funding assistance from the state's Pedestrian Safety Action Plan, and

WHEREAS, the action of constructing sidewalks is an Unlisted Action under Part 617.5 of Article 8 of New York State Environmental Conservation Law, the State's Environmental Quality Review Regulations, thereby necessitating a determination of significance once detailed design plans have been prepared for the construction of the sidewalk/trail connections, and

WHEREAS, an engineer's estimate provided by Greenman-Pedersen, Inc., anticipates a project total cost of \$2,281,000; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Planning staff and Town Supervisor to complete and submit the 2021-2022 TAP Grant Application for the above referenced project, and be it further

RESOLVED, that the Town Board hereby commits \$500,000 in local cash, matching funds upon grant award notification which is an overcommitment beyond the 20% local matching fund requirement, and be it further

RESOLVED, that the Town Supervisor and Planning Director are authorized to execute and file an application with the NYS DOT for the 2021-2022 Transportation Alternatives Program for the TAP – Clifton Country Road Project.

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 223 of 2021, a resolution authorizing change orders to the awarded contract with Carver Construction for the replacement of box culverts on Plank Road and Nadler Road.

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

WHEREAS, by Resolution No. 159 of 2021, the Town Board authorized the replacement of box culverts near the intersection of Plank and Nadler Roads by Carver Construction, Inc, and

WHEREAS, Carver Construction has submitted a change order for changes to the project resulting in an overall reduction in the total cost of the project, and

WHEREAS, consulting engineers Barton and Loguidice, recommended that the town authorize the change orders, after the need to adjust the scope of the project became apparent after repairs were commenced; now, therefore, be it

RESOLVED, that change orders consisting of a reduction of \$150,145, the amount of the Directional Drilling Contract #2 from the project costs, and the addition of \$54,082 to Contract #1 for (5) separate changes to the original contracts are approved as follows:

1. Water Line Change Order – an adjustment to the approach at which the water line was constructed. This was approved by the Clifton Park Water Authority Engineer and Board and installed by Carver in accordance with the changes (\$42,118).
2. Additional excavation to remove the existing drainage pipe found to be larger than anticipated (\$6,105).
3. Additional stone backfill to fill the void of the larger pipe (\$3,292).
4. Additional concrete around and under the sewer crossing, due to the existing sewer being higher in elevation than what our survey showed (\$448).
5. Precast concrete box culvert manipulation to fit around the existing sewer which was higher in elevation than what our survey showed (\$2,118).

and, be it further

RESOLVED, that Change Order #1 for additional labor and materials, results in a decrease overall of \$100,807.45 to the original project for the culvert replacement project at the intersection of Plank and Nadler Roads is approved; and be it further

RESOLVED, that Dahn Bull, Highways Superintendent, is authorized to accept the attached Application and Certificate for Payment from Carver Construction, Inc., 494 Western Turnpike, Altamont, NY, at a total cost not to exceed \$317,515.72, to be paid from H44-8540-200 (Capital Projects 2016 Drainage Fund –Drainage Repair – Equipment).

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 224 of 2021, a resolution authorizing an agreement with J&J Superseal LLC, for a Hot Pour Mastic Program for highway repair purposes from an existing contract with Monroe County.

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

WHEREAS, Highways Superintendent Dahn Bull, has recommended the retention of a hot mastic seal contractor to provide crack sealing capacity to the department, and

WHEREAS, pursuant to General Municipal Law Section 103(16), municipalities are authorized to procure goods or services through publicly bid contracts of another county or municipality within the state, on terms and conditions consistent with the original contract, and

WHEREAS, Highways Superintendent Dahn Bull, recommends the retention of J&J Superseal, Rexford, NY, through a Monroe County contract, achieved through a bona fide competitive process; now, therefore, be it

RESOLVED, that the Highway Department is authorized to retain J&J Superseal LLC, 24 Nott Road, Rexford, NY, for hot pour mastic applications under Monroe County Contract #0904-19 (4700007542), attached, per the price sheet on Page 9, through April 30, 2022, to be paid from DA-05110-00037 (Highway Fund – Highway Construction – Paving/Sliplining).

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 225 of 2021, a resolution to retain Prime AE Group of NY for professional engineering services related to the immediate storage needs of the Clifton Park Highway Department.

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

WHEREAS, on August 17, 2021, the Clifton Park Highway had an accidental fire that caused severe damage to the facility known locally as “The White Building”, and

WHEREAS, “The White Building” housed various pieces of equipment and machinery, as well as 7 bays for plow trucks over the winter months, and

WHEREAS, as a result, there is an immediate need to design and construct temporary structures in order to provide cover and protection from the elements to Highway Department plow trucks and related equipment, and

WHEREAS, Prime AE Group of NY, will produce a scope of work and oversee the construction of structures that will protect plow trucks and equipment from winter weather, and

WHEREAS, pursuant to Resolution No. 1 of 2021, the town is authorized to enter into a contract with an engineering or professional consulting firm, subject to legal review by the Town Attorney's office, and

WHEREAS, the Prime AE Group estimates that design and engineering services for the structures will not exceed \$20,000; now, therefore, be it

RESOLVED, that the Town Board authorizes the hiring of Prime AE Group of New York to assist the Highway Department in planning and design of structures for the Highway Department for the 2021-22 winter season, and be it further

RESOLVED, that the Town Superintendent of Highways is authorized to sign an agreement with Prime AE Group of NY for professional consulting services not to exceed \$20,000; and be it further

RESOLVED, that the Comptroller is authorized to transfer \$20,000 from A-00915 (Undesignated Fund Balance) to A-5132-135 (General Fund – Highway Garage - Engineering).

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Councilman Morelli stated the presentation by EDP for the Town Center Park at the previous Town Board meeting was informative and exciting and he would like to see the Town Board move the project forward.

Supervisor Barrett agreed the plan was acceptable and would like to see it move forward.

Councilwoman Standaert stated she is looking forward to the project getting started.

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 8:38 PM

Teresa Brobston
Town Clerk