

TOWN OF CLIFTON PARK TOWN BOARD

November 1, 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  
Matt Andrus, Information Specialist  
Daniel Clemens, Director of Buildings, Parks & Recreation  
Steve Myers, Director of Building & Zoning  
Rose Savallo, Receiver of Taxes

MINUTES APPROVAL

MOTION by Councilwoman Walowit, seconded by Councilwoman Standaert, to approve the minutes of the October 12 and 18, 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 thanked everyone involved and Starpoint Church for the very successful Trunk or Treat held recently.

Supervisor Barrett announced the town held, at the Senior Center, a Pfizer booster recently and anticipate a Moderna booster clinic for those eligible in the next month.

Councilwoman Flood reminded residents of the upcoming "Saratoga County Stories" book launch to meet the authors night, November 7, 2-4pm at the Grooms Tavern. For more information visit [cliftonpark.org](http://cliftonpark.org).

PRESENTATION OF 2021 COMMUNITY ACTION FUND AWARD WINNERS

Supervisor Barrett announced the Community Action Fund provides an opportunity for community non-profit organizations to apply for funding to support programs and projects that would result in a tangible benefit to Clifton Park and its residents. Financial support of the Community Action Fund is generated by the donation of bottles and cans that can be redeemed for a deposit collected at the Transfer Station. No town funds are used to support the program. Supervisor thanked the committee members for volunteering and taking the time to review the applications.

PUBLIC HEARING AMENDING CHAPTER 182 OF THE TOWN CODE, AUTHORIZING INFORMATIONAL TAX BILL INSERTS, 7:29PM

Town Clerk Brobston read the legal notice, which was inserted in the October 14, 2021, Daily Gazette.

Rose Savallo, Receiver of Taxes, explained the goal is to provide helpful information to residents on how to pay, where to pay and the dos and don'ts of paying their tax bills. Going forward it would be helpful to provide the information in advance, such as the information during COVID. Questions should be directed to the Receiver of Taxes.

No one wished to be heard.

Public hearing closed at 7:34PM

PUBLIC HEARING REGARDING ADOPTION OF A TREE ORDINANCE, 7:35PM

Town Clerk Brobston read the legal notice, which was inserted in the October 14, 2021, Daily Gazette.

Councilwoman Standaert explained the Tree Committee is seeking Tree City USA designation from the Arbor Day Foundation and needed to meet four standards to qualify. This would be the fourth standard having a tree ordinance. The town has already met the remaining requirements by observing Arbor Day, establishing a tree committee and spending \$2 per capita towards tree care in the town.

Mark Marchand, Tree Committee member, thanked Councilwoman Standaert for her leadership. He explained the committee is about education and advisory. They plan to bring experts in for educational purposes.

Supervisor Barrett questioned the role the committee would have with Buildings & Grounds and Highway Departments.

Councilwoman Standaert answered the town employees will be handling tree emergency situations. The tree ordinance will help employees to do their job safely. There is nothing in this ordinance that would prevent those departments from doing their jobs. This is strictly an advisory committee.

No one wished to be heard.

Public Hearing closed at 7:42PM.

PUBLIC HEARING AMENDING SECTION 103-16 OF THE TOWN CODE FOR FEE SCHEDULES FOR BUILDING PERMITS FOR SOLAR SYSTEMS AND EQUIPMENT.  
7:44PM

Town Clerk Brobston read the legal notice as advertised in the Daily Gazette on October 21, 2021

Supervisor Barrett stated the town had just completed a lengthy process analyzing the town code regarding solar systems and made adjustments per recommendations. The matter of fee schedule is separate.

Director of Building & Zoning Steve Myers, the reason for the proposal is that the town fees were well below markets. This proposal breaks it down for the different sizes, and location of the solar systems. The surrounding fees were significantly higher than what Clifton Park was charging.

Supervisor Barrett stated the intention is to maintain a low and reasonable fee for rooftop solar projects. The fee changes are really geared towards larger ground-mounted solar projects.

James Ruhle, Wooddale Dr., speaking as Executive Vice-President of the Friends of Clifton Park, stated they support the regulatory considerations and fee increase. They thanked the Town Board for their support.

No one else wished to be heard.

Public Hearing closed at 7:50PM.

### RESOLUTIONS

Resolution No. 247 of 2021, a resolution adopting a local law amending Chapter 182 of the Town Code, to authorize the Receiver of Taxes to include informational inserts within annual property tax bills.

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

WHEREAS, Section 922 of the New York State Real Property Tax Law prescribes the information that municipal Receivers of Taxes may include inserts within the tax bill mailings each year, and

WHEREAS, pursuant to Municipal Home Rule Law § 10, the Town Board may, by local law, authorize the inclusion of public information concerning payments, methods of payment and pertinent details directly related to the payment of such taxes for general informational purposes, and

WHEREAS, on November 1, 2021, the Town Board held a public hearing on a proposal to authorize the Receiver of Taxes to include information directly related to the tax bills, and methods of payment of such tax bills, in order to provide residents and property owners with up-to-date and accurate information to enable taxpayers to make tax payments conveniently each year, and

WHEREAS, members of the public were provided an opportunity to speak in favor or against the proposal, and

WHEREAS, pursuant to New York State Real Property Tax Law and Municipal Home Rule Law, the Town Board may authorize such informational inserts by local law; now, therefore, be it

RESOLVED, that Local Law No. 7 of 2021, a local law amending Chapter 182 of the Town Code, is hereby adopted, as attached, and be it further

RESOLVED, that the Town Clerk file said local law with the New York Department of State as required by law; and be it further

RESOLVED, that this local law shall take effect immediately upon its adoption.

### ROLL CALL VOTE

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

Noes: None

### DECLARED ADOPTED

Resolution No 248 of 2021, a resolution adopting a local law amending Chapter 103 of the Town Code, relative to permit and review fees for building permits for solar energy installations, systems or equipment.

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

WHEREAS, by Resolution No. 241 of 2021, the Town Board adopted legislative changes to the Zoning Code relative to the siting and approval of new solar energy installations, systems or equipment and

WHEREAS, the town's Building and Development Department and Planning Department have reviewed the steps necessary to review solar energy system and equipment applications, and have reviewed fee schedules from other municipalities within the state, and

WHEREAS, on November 1, 2021, the Town Board conducted a public hearing on a proposal to amend Chapter 103 of the town code relative to fees for building permits issued by the Director of Building and Zoning for the review and inspection of such installations, systems and equipment, and

WHEREAS, members of the public were provided an opportunity to speak in favor or against the proposal; now, therefore, be it

RESOLVED, that Local Law No. 8 of 2021, a local law amending Chapter 103 of the Town Code, per the attached, is hereby adopted, and be it further

RESOLVED, that the Town Clerk file said local law with the New York State Department of State as required by law; and be it further

RESOLVED, that this local law shall take effect immediately upon its adoption.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 249 of 2021, a resolution reaffirming the Town of Clifton Park's commitment to transparency and openness in the conduct of public meetings.

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

WHEREAS, under the New York State Open Meetings Law, often known as the "Sunshine Law", it states in the Legislative Declaration that "It is essential to the maintenance of a democratic society that the public business be performed in an open and public manner and that the citizens of this state be fully aware of and able to observe the performance of public officials and attend and listen to the deliberations and decisions that go into the making of public policy", and

WHEREAS, transparency and openness are important tenets of our democracy, and

WHEREAS, on October 19, 2021, Governor Hochul signed into law legislation amending the New York State Public Officer's Law, in relation to making certain documents available for open meetings, and

WHEREAS, the legislation was passed with overwhelming bipartisan support in both houses of the state legislature; and

WHEREAS, the new legislation requires that any proposed resolution, law, rule, regulation, policy, or any amendment thereto, that is scheduled to be the subject of discussion by a public body during an open meeting shall be made available, upon request therefor, to the extent practicable at least twenty-four hours prior to the meeting during which the records will be discussed, and

WHEREAS, it is important for transparency and openness that the town follow not only the letter of the open meetings law, but also the spirit with which it was written, and

WHEREAS, during the COVID-19 Pandemic, it was shown that the town has the technology available to disseminate information in an expedient, effective and practicable manner to the public, and

WHEREAS, members of the Town Board wish for the public to have ample opportunity to review proposed resolutions and ask questions of their elected officials and representatives; now, therefore, be it

RESOLVED, that the Town Board hereby directs the appropriate town department(s) to make available upon request and post to the town's website all relevant documents and resolutions at least twenty-four hours prior to the meeting during which the records will be discussed; and be it further

RESOLVED, that this directive will go into effect November 18, 2021.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Discussion on clarification on "draft" and "final" agenda's and when resolutions and back-ups need to be submitted prior to Town Board meetings pursued.

Resolution No. 250 of 2021, a resolution accepting a quote for the removal and replacement of the roof shingles on the repair shop at 5 Locust Lane used by Buildings and Grounds Department.

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

WHEREAS, quotes were received by the Buildings and Grounds Department for repairs to a leaky roof at the 5 Locust Lane shop, per the attached quote, and

WHEREAS, the lowest conforming quote for the reroofing services was submitted by 518 Roofing Company LLC, 3 Whip Circle, Albany, in an amount not to exceed \$9,375, and

WHEREAS, Dan Clemens, Director of Buildings, Parks, and Recreation, has recommended that 518 Roofing Co. be authorized to proceed with the repairs; now, therefore, be it

RESOLVED, that the Town Board accepts the quote from 518 Roofing Co. for removal and replacement of roof shingles at the 5 Locust Lane repair shop, at a total cost not to exceed \$9,375, as lowest responsive quote, to be charged from A-1625-200 (General Fund – Locust Lane Clubhouse - Equipment); and be it further

RESOLVED, that the Comptroller is authorized to transfer \$4,375 from A-1626-200 (General Fund – Burning Bush Clubhouse – Equipment) to A-1625-200 (General Fund – Locust Lane Clubhouse – Equipment) to cover the cost of the repairs.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 251 of 2021, a resolution appointing John Desimone and Max Luetters, individually, to permanent status as Building Inspectors.

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

WHEREAS, Max Luetters of Clifton Park, NY, and John Desimone of Ft. Edward, NY, were provisionally appointed as Building Inspectors, and

WHEREAS, Max Luetters and John Desimone each successfully passed the Civil Service Exam for the position of Building Inspector and were certified as a permanent employee on October 14, 2021; now, therefore, be it

RESOLVED, that Max Luetters, 704 Forest Lane, Clifton Park, and John Desimone, 4 Birch Est., Ft. Edward, NY, are hereby appointed to permanent status as Building Inspectors for the Town of Clifton Park per Civil Service Certification as of November 1, 2021.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 252 of 2021, a resolution approving an agreement with Barton & Loguidice for engineering services required to remedy a collapsing culvert on Forest Drive.

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

WHEREAS, by Resolution No. 145 of 2021, Highways Superintendent Dahn Bull was authorized to execute an agreement for engineering scoping services with Barton & Loguidice for a collapsing culvert under a portion of Forest Drive, and

WHEREAS, scoping services have been completed, and

WHEREAS, Mr. Bull has recommended that Barton & Loguidice be hired, at a cost not to exceed \$39,610, to provide engineering and design services to develop plans and specifications for the repair to the culvert, as well as advertising and review of responses to a request for bids; now, therefore, be it

RESOLVED, the Highways Superintendent is authorized to execute the attached agreement for engineering and design services associated with the Forest Drive culvert replacement, to be paid no more than \$39,610 from A-08540-00135 (General Fund — Drainage Repairs - Engineering).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

No one else wished to be heard.

PUBLIC PRIVILEGE

Jim Viola, Holbrook Drive, presented the Town Board with a packet regarding Clifton Park Town Code Chapter 170.23, Dedication of Land and Infrastructure, and investigation requests of April 2020 and August 2021. He expressed concern about what would be the town's plans for the parcel at the end of Windover Farms. Concerns of a flooding issue behind the residents were discussed. He felt the flooding is due to the way Marini Builders excavated the properties within Windover Farms. The area that floods is dangerous and mosquito infested and affecting the property values. This issue also affects the road system. A berm built out of gravel by Marini Builders washed away located at the end of the development. He requested the town not allow the road dedications by Marini Builders. He explained this has been happening for 18 months and still has not been resolved. Maps were viewed of the properties in question. He would like to see where in the Town Code the requirement of road dedications by October 1.

Supervisor Barrett stated the town does not accept dedications of roads until all the items on the check list are approved.

Attorney McCarthy stated he has not seen the road dedication request.

Highways Superintendent Bull stated that developers are told, who want to get their roads turned over, the request needs to be completed by October 1 so there is not a mad dash of dedications to review after the first snow falls and they are responsible for road care. Once the roads are turned over, the town must take care of the roads no matter what. When a developer wants the roads dedicated to the town Superintendent Bull keeps emails, letters, presentations of concerned residents and are handed over to the developer and told to review and take care of the issues or the road can't be given a positive recommendation to turn it over to the town.

Mr. Viola stated he was given a copy of the check list and it says nothing about the flooding. That's why he is bringing this issue forward.

Superintendent Bull stated if the developer requests the road dedication, he will hand them the information presented tonight.

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

Motion carried at 8:42 PM

Teresa Brobston  
Town Clerk