

TOWN OF CLIFTON PARK TOWN BOARD

December 6, 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 via speaker phone
Councilwoman Standaert
Councilman Morelli
Councilwoman Walowit
Town Clerk Brobston

Also Present: Town Attorney McCarthy
Mark Heggen, Comptroller
John Scavo, Planning Director
Matt Andrus, Information Specialist
Daniel Clemens, Director of Buildings, Parks & Recreation
Dahn Bull, Highways Superintendent

MINUTES APPROVAL

MOTION by Councilwoman Walowit, seconded by Councilman Morelli, to approve the minutes of the November 15, 2021 meeting as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATION

Councilwoman Flood announced on Friday, January 7, 2022 at 6:30-9pm at the Grooms Tavern - Twelfth Night Holiday Open House hosted by the Friends of Historic Grooms Tavern. Free to the public.

PUBLIC HEARING ON MARIJUANA REGULATION
AND TAXATION ACT OPT-OUT, 7:05PM

Town Clerk Brobston read the public hearing notice that was advertised in the November 17, 2021 edition of the Schenectady Gazette.

Supervisor Barrett explained, personally, he has grave concerns about the availability and acceptance of drugs that are deemed legal for recreational use, medical marijuana a separate category, but at this point NYS has made marijuana legal for recreational use. Now each municipality must decide whether they will opt-out of allowing sales through the dispensaries within the town or on-site use of the drugs through what are deemed cannabis lounges. He was hoping there would be more information forthcoming from NYS about the regulations and rules as we reached the end of the year, but that information did not come. The town must make the decision to opt-out or opt-in to the program.

Sylvia Phillips, Moe Road, stated she is totally in favor of opting out for recreational cafés, restaurants or dispensaries in Clifton Park for marijuana. She agrees it is a gateway drug for other drugs. She does not think it would benefit our community at all.

Daniel Kreplin, London Square Drive, US Air Force Veteran, believes the town should opt-in. He stated since the war on drugs, 50 years ago, a stigma has been created about marijuana and has been villainized. He stated the drug has been used for over 5,000 years to our knowledge. Other than used for medicinal purposes, more research could be done for other uses. The research was stopped in 1971. It can be compared to alcohol because alcohol is also a drug. Alcohol was prohibited at some point too.

Dave Dittmer, Canterbury Rd., not knowing all the rules and regulations around marijuana yet, he would like to see Clifton Park wait and see how this plays out in other towns, then reconsider.

Riley Lanarin, Albany, voiced support for the legalizing sale/distribution and lounges for marijuana. She explained she lost family members as victims of drug violence. Legalizing the distribution of marijuana would make the sales/distribution safer and regulated.

Supervisor Barrett stated it will be interesting to see, throughout the state, what it will do to the illegal sale of marijuana.

Katrina L. McCarthy, Waite Rd., stated she would like the town to opt-in. Opting in would benefit minority businesses, jobs and taxes. Also, will give access to everyone who may not have the medical stipulation. She is willing to create a business for the sale/distribution and lounge should Clifton Park opt-in, while aligning with the state regulations and reversing the target of minority communities. She believes by opting in the town will be helping more people than hurting.

Jim Easton, Vischer Ferry Road, fails to see, by allowing commercial marijuana sales in Clifton Park, would bring anything positive to our community. He does not support the sale or consumption of marijuana.

AJ Khoshbin, Castle Pine, supports the tax and business opportunities from the sale/distribution/consumption of marijuana. He supports the opting in program. Control and regulating are better than buying from drug dealers. Education of the community and kids on marijuana will be a benefit.

Eileen Cardone, Carpenter Way, would like the Town Board to opt-out of the program.

Supervisor Barrett thanked those who spoke. Resolutions for the opt-out of the program were distributed to the Town Board members. He stated if a municipality makes the choice to opt-out requires an action. No action on the program would be basically opting in.

Attorney McCarthy explained 2 resolutions have been prepared. One opting out of the on-site consumption locations and the other for opting out for the retail of marijuana.

Councilman Morelli commented that he personally will be voting for the town to opt-out of this program. 3 reasons: 1-He recognizes marijuana being villainized over the years because it is a gateway drug and that is not something he can support for his town or around his children. 2-The issues around driving, and impairment are severe. There is not a lot of statistics for driving while under marijuana influence and there is no system in place to measure marijuana if pulled over. 3-The regulations are still evolving. The Town Board has been supportive of the business community. By the Town Board opting out of this program, it is not the board not supporting businesses, it is the board seeking to continue having a safe community for everyone.

Supervisor Barrett stated the discussion of whether marijuana is a gateway drug or not is a contentious debate. Information for both sides can be viewed on-line. Marijuana does remain a schedule one drug, per the federal government and that designation is still in place. He is not concerned with losing sales tax revenue if the town does not opt-in. It will not have a negative effect on the town's finances. Clifton Park will continue to thrive if we don't add a pot dispensary in town.

Councilwoman Walowit stated she is in favor of opting out. Her concern is what is being added to the drug and there is no way to regulate that.

Resident from the public stated that is why it should be regulated.

Supervisor Barrett stated when medical marijuana was made available, the town established zoning as to where the business and dispensaries can be located, and the reason was because in the future recreational marijuana was expected to be made legal. He feels at some point in the future it will be sold in this town, and it would behoove the town to be prepared for that.

Planning Director Scavo stated Local Law No. 8 of 2015 that allowed the medical marijuana dispensaries. At least one potential organization approached the town about the desire of opening such business in Clifton Park. Guidance from NYS at that time was very limited. The provisions indicated that dispensaries should not be located within residential zones. The town also included places of worship, schools and daycares, giving local municipalities the decision on specific land use and determination. It provided for medical marijuana dispensaries as an allowed use and the town, as a result of public hearings and public input, and looked at the information being presented which came from the Drug Alliance and Marijuana Policy Project. The town authorized the B-4 and B-4A zoning districts, specifically along Route 9 from Zappone Motors, south to the Halfmoon town border, for medical marijuana dispensing facilities to be located. A map was displayed showing where the allowed zones are located.

Mr. Connolly, Channel 13 representative, sought clarification as to outdoor consumption, if it does not pass, does that mean outdoor consumption businesses will not be allowed anywhere in the Town of Clifton Park.

Supervisor Barrett stated where the town has “no smoking” signs up, then you would not be able to smoke marijuana in those areas and that includes the town’s parks and trails.

No one else wished to be heard. The public hearing was closed at 7:46 pm.

RESOLUTIONS

Resolution No. 268 of 2021, a resolution approving an award recommendation from the Community Action Fund.

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

WHEREAS, by Resolution No. 46 of 2019, the Town Board established the Community Action Fund Committee to offer opportunities to back non-profit community programs and organizations that support people of Clifton Park, and

WHEREAS, by Resolution No. 92 of 2019, the Town Board approved the criteria for selecting and granting awards, which may range from a minimum of \$250 to a maximum of \$1,000, and funding is generated by the donation of bottles and cans redeemed for a deposit, and

WHEREAS, an application for a Community Action Fund grant was received by the application deadline of September 30, 2021, from Father Patrick J. Butler of St. Edward the Confessor for their project called “Our House”, a safe place for young adults with developmental disabilities to gather and socialize, but was inadvertently omitted from the listed applicants forwarded to the committee for review; now, therefore, be it

RESOLVED, that the Comptroller is authorized to increase A-2706 (General Fund - Community Action Fund Contributions) in the amount of \$1,000 and to issue a check for \$1,000, to be paid from A-7309-76 (General Fund - Community Programs - Community Action Fund).

Supervisor Barrett stated a new board with names of organizations that received funding through this program was placed at the Transfer Station located where bottles and cans are placed.

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli,
Councilwoman Walowit, Supervisor Barrett
Noes: None

DECLARED ADOPTED

Resolution No. 269 of 2021, a resolution authorizing the purchase of a 1.8 cubic yard tornado spreader for the Department of Buildings & Grounds.

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

WHEREAS, Daniel Clemens, Director of Buildings, Parks, and Recreation, requested authorization to purchase a salt spreader that can be installed in the back of a ¾ ton pickup truck, and

WHEREAS, Trius Inc., Ft. Edward, NY, provided the lowest responsive quote for the spreader, per the attached quote, at a total cost not to exceed \$5,767, and

WHEREAS, Daniel Clemens has recommended the equipment be purchased from Trius Inc.; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Director of Buildings, Parks, and Recreation to purchase the 1.8 cubic yard spreader from Trius Inc., 268 Towpath Road, Fort Edward, NY, in a total amount not to exceed \$5,767, from A-7110-200 (Clifton Common – Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 270 of 2021, a resolution awarding the contract for landscape work in the Longkill I Park District to Greg's Seasonal Service.

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

WHEREAS, quotes were received by the Town Board, as Commissioners of the Longkill I Park District, for seasonal landscape work including various landscaping services for the Country Knolls Pool area, ball fields at Martin Jewitt Park, sign beautification and maintenance, as well as, spring and fall cleanup, and

WHEREAS, the lowest conforming quote for the landscaping and field maintenance services was submitted by Greg's Seasonal Service, 25 Lape Road, Waterford, NY, and

WHEREAS, Greg's Seasonal is known to the town to provide competent and timely landscaping services; now, therefore, be it

RESOLVED, that the Town Board, as Commissioners of the Longkill I Park District, hereby awards the contract to Greg's Seasonal Service, Waterford, NY, for landscape and field maintenance work at the Longkill I Park District, at a cost not to exceed \$35,000 for the 2022 season, to be budgeted at \$3,000 from SP5-07151-00045 (Longkill I Park District - Country Knolls Pool – Other Program Supplies) and the remainder from SP5-07123-24 (Longkill I Park District General).

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli,
Councilwoman Walowit, Supervisor Barrett
Noes: None

DECLARED ADOPTED

Resolution No. 271 of 2021, a resolution amending the holiday schedule for Town Hall hours.

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

WHEREAS, by Resolution No. 1 of 2021, the Town Board adopted a holiday schedule which provided for a full day schedule on December 30, 2021, notwithstanding its designation as the observance of New Year’s Eve, and

WHEREAS, the current collective bargaining agreement with CSEA, Local 1000, AFSCME, for union employees provides that the last working days prior to Christmas and New Year’s Day, or their equivalents, shall be half-days, and

WHEREAS, the Town Board wishes to provide the same holiday schedule for union and non-union employees for the 2021 holidays; now, therefore, be it

RESOLVED, that Town Hall and facilities will be open on a half-day schedule on Thursday, December 30, 2021, consistent with the existing CSEA contract.

ROLL CALL VOTE

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

Noes: Supervisor Barrett

DECLARED ADOPTED

Councilwoman Walowit explained this is brought forward to create fairness for all employees. She does not feel there is a lot of activity in the building for that half-day.

Supervisor Barrett stated the current structure has been in place for a number of years. He does not like the fact that we have half-days but was part of the union contract that began in the 1990’s. That is 9 more hours that Town Hall is closed in a weeks’ time where it should be open. Going into next year, there will be a new federal and state holiday added, Juneteenth. He feels the responsibility to the town to be open as much as possible. Residents of the town take time off during that week and they do come to town hall to do business, so the idea is to keep Town Hall open as much as possible.

Comptroller Heggen stated it has been about 10 years that the town has been open on New Year’s Eve.

Councilwoman Standaert stated the non-union employees have no one to fight for them for their holidays and if a resident does need to be provided with a service on a holiday, many non-union employees will go above and beyond for the resident. It’s a great way to show appreciation to the non-union employees.

Resolution No. 272 of 2021, a resolution accepting an offer of dedication of the road system, and utility/stormwater easements within the Rolling Meadows subdivision.

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

WHEREAS, pursuant to New York State Highway Law 171, and Section 179-23 of the Town Code, the Town Board has the discretion to accept the dedication of roads and real property for public use, and

WHEREAS, pursuant to the approved plans for the Rolling Meadows Subdivision, Developers, ER Land Development LLC/Shaker Builders, have offered to dedicate a road system including certain drainage facilities, and stormwater management areas, along with easements over several approved lots for drainage purposes within the subdivision, and

WHEREAS, the town's determination to accept the road system was contingent upon the completion of the road construction, including topcoat, drainage facilities, as well as detailed items related to the approved subdivision plan, and

WHEREAS, Prime Engineering has completed inspections and reports that all punch list items have been completed, and

WHEREAS, Highways Superintendent Dahn Bull concurs in the acceptance of the road system at this time; now, therefore, be it

RESOLVED, that the Town Board accepts the offer of dedication of Rolling Meadows Lane, Denhelder Drive Extension, Winkel Way Extension, and Fieldstone Drive, as depicted on the approved subdivision map and as more particularly described in the relevant deeds, as well as the dedication of certain stormwater management areas and utility easements as listed in the attached deeds and descriptions, subject to the final approval of the Town Attorney of all real estate transfer documents, review of title and confirmation of the payment of appropriate taxes.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 273 of 2021, a resolution authorizing the updating of the town Zoning Map utilizing funds available through a Saratoga County Economic Development Fund grant.

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

WHEREAS, the town has been awarded a grant from the Saratoga County Economic Development Fund, in the amount of \$7,100, and

WHEREAS, eligibility for economic development funding includes updates to land use regulations pertaining to solar facility siting, and farmland protections, and

WHEREAS, by Resolution No. 241 of 2021, the Town Board adopted updated zoning text regulations, as well as earlier amendments to the Zoning Code for Town Center, and

WHEREAS, the Town Board wishes to authorize updates to the town's existing zoning map, last updated in 2006 by CHA Associates, and

WHEREAS, the project has utilized available grant funds, working with Greenman Petersen, Inc (GPI), to create the new zoning map in GIS layers that are easily modifiable and can be used for various mapping services going forward for the town, and

WHEREAS, GPI has notified the Planning Department that additional funding is required to complete the town-wide zoning map update project, in the amount of \$3,200; now, therefore, be it

RESOLVED, that the Town Board hereby appropriates \$3,200 from A-1440-135 (Engineering Services) for GPI to complete an update and conversion to GIS digital format of the 2006 Town of Clifton Park Zoning Map.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 274 of 2021, a resolution authorizing the Supervisor and the Superintendent of Highways to execute a mutual aid agreement with the Town of Halfmoon for the 2021-2022 winter season.

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

WHEREAS, the ramps and configuration of the temporary bridge over the I-87 interstate highway at Sitterly Road may impact the ability of the Highway Department to utilize heavy plows in that area under certain weather events this upcoming winter season, and

WHEREAS, Highway Departments within both towns seek to enter into a mutual aid agreement to divide snowplow responsibilities in a way that makes access to this area more practicable for both departments, and to minimize the impact of the temporary bridge on the snowplow operations of both towns, and

WHEREAS, pursuant to New York State Town Law §32, the Town Board may authorize the Highways Superintendent to enter into intermunicipal and mutual aid agreements, not inconsistent with the State Highway Law; now, therefore, be it

RESOLVED, that the Town Board finds and determines that the proposed agreement for the mutual exchange of responsibilities to maintain defined areas of particular roadways within the Town of Halfmoon, in exchange for a similar delegation of maintenance responsibility over defined Clifton Park roadways, is in the public interest; and be it further

RESOLVED, that the Supervisor and Superintendent of Highways, is authorized to execute the attached agreement for the mutual aid of both townships during weather events for the 2021-2022 winter season.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 275 of 2021, a resolution approving the extension of a contract with Passport Labs, Inc. for webservices associated with enforcing traffic violations.

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

WHEREAS, Resolution No. 241 of 2018, authorized the Supervisor to enter into a contract with Passport Labs for cloud-based software for the issuance and payment of parking violations, and

WHEREAS, pursuant to Chapter 194 of the Town Code, Town Security enforces parking regulations through the issuance of citations and warnings for violations using a Passport Labs application on portable devices, as necessary, and

WHEREAS, by Local Law No. 4 of 2019, the Town Board established an administrative traffic violations bureau for the efficient resolution of parking citations and warnings for the efficient management of parking enforcement within the town, and

WHEREAS, the Passport System and Parking Violations Agency have successfully streamlined the enforcement process and has enabled the town and court system to eliminate an extensive backlog of unresolved citations, and has provided operators with a convenient method to contest and resolve such citations, and

WHEREAS, the Town Board wishes to extend the agreement for one-year terms, which may be renewed annually for up to 4 years upon mutual consent with a continuation of current financial terms; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign the attached extension for software licensing and service agreement with Passport Labs, Inc.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

No one wished to be heard.

Supervisor Barrett wanted the board to consider the previously distributed resolution. He stated 3 board members have expressed there opt-out opinions during the public hearing.

Attorney McCarthy stated the deadline to adopt either of the distributed resolutions is by the end of the year. The board can consider them tonight or at the next 2 Town Board meetings. This would still meet the statutory deadline for opting out.

Councilwoman Standaert stated she will not vote on something that was not released to the public 24 hours prior to consideration per the recently enacted law.

Supervisor Barrett explained he was asking for comment and limitation of timing for the vote.

Councilman Morelli proposed to add the opt-out resolutions to the next Town Board meeting for consideration.

Further comments from residents are encouraged to contact the Town Board.

PUBLIC PRIVILEGE

No one wished to be heard.

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 8:32 PM

Teresa Brobston
Town Clerk