

TOWN OF CLIFTON PARK TOWN BOARD

October 10, 2023

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
Councilman Morelli
Councilwoman Walowit
Councilman O'Hara
Town Clerk Brobston

Absent: Councilwoman Reid

Also Present: Town Attorney McCarthy
Mark Heggen, Comptroller
Daniel Clemens, Director of Parks, Buildings & Recreation
Norah Hofer, Communications and Technology Coordinator

ANNOUNCEMENTS & COMMUNICATIONS

Supervisor Barrett reminded residents of Trunk or Treat to be held Friday, October 27 from 4-6 PM at the Clifton Common. The Town is in partnership with Starpoint Church to host this event.

Supervisor Barrett stated the winners of the Community Action Fund Awards will be announced soon. Funding from the awards is derived from the collection of returnable bottles & cans and apparel collected from residents at the Transfer Station to support the community.

Supervisor Barrett stated the Settler's Hill trail paving is close to completion and will be opening soon.

Supervisor Barrett announced the dedication and ribbon cutting of the Town Center Park was held this past Thursday. The Town has finished up the remaining details of Phase I of the Park and is completed and safe for our residents.

Supervisor Barrett stated the Veteran's Memorial Walkway project on the Clifton Common is in progress. He encouraged residents to stop by.

Supervisor Barrett explained the Country Knolls Pool Improvements are now completed.

Supervisor Barrett gave highlights of the proposed 2024 Budget. The proposed budget will once again not have a general property tax. The Town ranks 911 out of 933 towns in NYS for taxes and when you consider the services that are available to Clifton Park residents, infrastructure, everything the Town provides and residents enjoy, that is impressive. The Supervisor explained one possible issue is the tax cap. The Town has been investing heavily in infrastructure and parks and recreational opportunities that are important to the residents of Clifton Park, but because the Town's tax levy is very small in comparison to Town's of our size, the amount the Town is allowed to increase the levy, without exceeding the tax cap is also small. So, a small percentage of a small number is going to yield a small gap in which we can maintain and stay below the tax cap. For instance, as far as the allowed levy increase year over year is \$76,600. We do have some "carry-over" that is available to use, however if you use that in a year you can't use it in another year. He stated even if the Town uses the entire "carry-over", that gives the Town a little over \$114,000 in increasing the levy before we bump up the tax cap. It does not give us a lot of room, especially with rampant inflation and increasing of costs. He stated that is an additional challenge for this year. A 2% tax cap, when inflation is 1-2%, is much more manageable. So, there is very little room with regard to the tax levy. Some areas where the tax levy is highest in the Town, such as the Highway Department, the initial proposed budget is a 6.58% increase, meaning a home assessed at full market value of \$259,000 would be \$32.52 total Highway tax for the year. Another area included in the levy is EMS, a proposal of 4.48% increase which, with the same value of assessed home, would be \$29.69. Highway surplus continues to stand at several hundreds of thousands of dollars, recently allocated \$300,000 to pave a few additional

roads. He explained \$140,000 is allocated for Bulk Waste Pickup. The proposed budget includes a 3% employee raise. The Town will continue its commitment to stormwater maintenance and paving of roads, new equipment and trucks for various departments. The Supervisor stated since the tax cap has been in place this Town Board has not broken it, which is a very good move to help keep Clifton Park's taxes low.

Supervisor Barrett explained a HR Investigation was conducted regarding a possible sick time abuse by the Highways Superintendent. He stated in May of 2023 a memo was sent to the Highways Superintendent inquiring about the approval of sick time in the case of an employee who apparently left employment. The response received back from the Highways Superintendent was read aloud explaining the office maintains confidentiality of the physical, mental and/or emotional health office of its employees. The Supervisor said he inquired about the process of the sick time for the \$3,500, not about the health of the employee. Supervisor stated false HIPA references were made by the Highways Superintendent. He stated memos were also sent to Ellenmarie Martin, Assistant Highways Superintendent and Jim Ryan, Highways Maintenance Supervisor, for information regarding the same in May and during the HR investigation. Witnesses/co-workers were interviewed as part of the investigation that did not reflect well with the process and approvals of paid sick leave. He stated the approvals were done solely by the Highways Superintendent. Supervisor stated the Highways Superintendent refused to participate in the investigation or any questions regarding this situation. Supervisor stated the leave slips are fraudulent on their face and looked highly irregular and contradictory to the Town's fiscal policies. The GTM report documents what happened and confirms there is no justification or explanations or extenuating circumstances that could explain the actions of the Highways Superintendent in this regard. Supervisor stated the Highways Superintendent actions can be explained as a clear example of financial mismanagement, financial improprieties and unauthorized payouts to a favored employee. Supervisor stated of the three other employees who left the Department in May, the two of them left time on the books consistent with the employee manual and Collective Bargaining Agreement the Town has with the Department, essentially granted one of the four that left in May a no-show job while others played by the rules.

Councilman Morelli stated he has reviewed the report. He stated he has never known of the ability in past careers or jobs to decline interviews with Human Resources. He stated a resolution had to be passed by the Town Board directing the Highways Superintendent to meet with HR and the interview still has not occurred. He is not sure how the Town Board can permit that to happen. He stated the sick leave requests were for three consecutive weeks, periods of five days in April, yet they were approved on March 24th. Councilman read from the employee handbook the definition of sick leave which is also in the Highway Union Contract. He stated the report also stated that the individual, that management knew a month in advance that he was sick, that there was an eyewitness that on his sick days was working for another company. Councilman read from the handbook the explanation of how sick leave is dealt with when an employee resigns. When a person resigns from the Town they can use accumulated sick time toward the monthly health insurance premiums, not to be paid out. Councilman voiced his concern with approving sick leave a month in advance.

Leave slips were viewed by all.

Councilman Morelli questioned, at what point is NY Public Officers Law Section 36, removal of an election official, an option?

Discussion of a series of issues with the Highways Superintendent ensued.

Councilman O'Hara requested the Town Attorney and the Town Board to continue to pursue this in any means to hold Mr. Bull accountable or have some duly appointed authority hold him accountable.

Councilwoman Walowit voiced concern for having enough snowplow drivers with the decline in Highway employees.

SUGGESTED AMENDMENT TO BE ADDED

Per Supervisor Barrett:

Councilwoman Walowit stated, 8 employees have left Highway recently. One transfer and 7 left for other opportunities. We discussed those numbers at some point. This is why there is a decline in numbers.

RESOLUTIONS

Resolution 228 of 2023, a resolution appointing Andrew Gorman to the Historic Preservation Commission.

Introduced by Councilman O’Hara, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, pursuant to Section 208-78 (C) (2) of the Town Code, members of the Historic Preservation Commission are appointed by and serve at the discretion of the Town Board, and

WHEREAS, Councilman O’Hara, Liaison to the Historic Preservation Commission, recommends that Andrew Gorman be appointed to serve on the Commission; now, therefore, be it,

RESOLVED, that Andrew Gorman, Clifton Park, is hereby appointed to the Historic Preservation Commission as a member.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilman O’Hara, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

Resolution No. 229 of 2023, a resolution authorizing an agreement with Postler & Jaeckle Corp. to replace the HVAC Unit #2 on the roof at the Town Public Safety building.

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

WHEREAS, the Director of Buildings, Parks, and Recreation, Daniel Clemens, requested quotes for the replacement of the HVAC Unit #2 on the roof of the Town Public Safety Building, and

WHEREAS, one quote was received by September 29, 2023, and

WHEREAS, Postler & Jaeckle Corp. Mechanical Contractors, 9 Krey Blvd. Rensselaer, NY, submitted the sole conforming quote for the contract for a new HVAC unit, in the amount of \$15,480, and

WHEREAS, Mr. Clemens recommends the project be completed by Postler & Jaeckle, as sole quote; now, therefore, be it

RESOLVED, that the Director of Buildings, Parks, and Recreation is authorized to sign an agreement with Postler & Jaeckle Corp. for the project in an amount not to exceed \$15,480, to be paid from A-01621-00200 (General Fund-Public Safety Building-Equipment).

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilman O’Hara, Councilwoman Walowit,
Supervisor Barrett

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

Resolution No. 230 of 2023, a resolution awarding a contract for the removal and replacement of countertops in the two downstairs restrooms at Town Hall.

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

WHEREAS, the Director of Buildings, Parks and Recreation Daniel Clemens, requested quotes for the replacement of the countertops in the two downstairs restrooms at Town Hall, and

WHEREAS, Belleard Contracting, Clifton Park, NY, submitted the sole conforming quote for the project in the amount of \$5,550, and

WHEREAS, Mr. Clemens recommends the restroom project be completed by Belleard Contracting, as sole quote; now, therefore, be it

RESOLVED, that the Director of Buildings, Parks and Recreation is authorized to sign an agreement with Belleard Contracting for the replacement of the countertops in the two downstairs restrooms at Town Hall, in an amount not to exceed \$5,550, to be paid from A-01620-00024 (General Fund-Town Hall Operations-General Maintenance).

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilman O’Hara, Councilwoman Walowit,
Supervisor Barrett

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

Resolution No. 231 of 2023, a resolution authorizing the purchase of a replacement engine for a 2014 Chevrolet 2500 HD pickup truck currently in use by the Buildings & Grounds Department.

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

WHEREAS, Daniel Clemens, Director of Buildings, Parks, and Recreation, has requested authorization to replace the engine in the 2014 Chevrolet pickup truck, in lieu of purchasing a new truck, as the truck’s current engine experienced an internal failure, and

WHEREAS, Mr. Clemens has advised that this 2014 Chevrolet truck is in good condition and the Town will get several more years of use from it with an engine replacement, and

WHEREAS, Mr. Clemens requested quotes for the truck engine replacement, and AAR Auto Repair, Latham, NY, submitted the lowest conforming quote in an amount of \$8,694, and

WHEREAS, Mr. Clemens recommends purchasing the engine replacement be completed by AAR Auto Repair, as lowest conforming quote; now, therefore, be it

RESOLVED, that the Buildings & Grounds Department is authorized to purchase a Reman Engine to replace the engine in the Department's 2014 Chevrolet 2500 HD pickup truck from AAR Auto Repair, Latham, NY, in an amount not to exceed \$8,694, to be paid from A-7110-022 (General Fund-Buildings & Grounds-Vehicle Expense).

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilman O'Hara, Councilwoman Walowit,
Supervisor Barrett

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

Resolution No. 232 of 2023, a resolution amending Resolution No. 226 of 2023, relative to the funding mechanism for the purchase of a service truck, for the mechanics' bay in the Highway Department.

Introduced by Councilman Morelli, who moved its adoption, seconded by Councilman O'Hara.

WHEREAS, on October 2, 2023, the Town Board considered and adopted a resolution to authorize the purchase of a 2023 Chevrolet 3500 Regular Cab 4x4 for use by the Highway Department, from DeNooyer Chevrolet, Albany, N.Y., through the NYS Office of General Services Mini-Bid #23166, and

WHEREAS, the Supervisor recommended funding the purchase through the M&T Bank Vehicle Lease which was approved through Resolution No. 225 of 2023, and

WHEREAS, the Comptroller has advised that the Lease is available for funding the purchase; now, therefore, be it

RESOLVED, that Resolution No. 226 of 2023 is hereby amended, to authorize the purchase of a 2023 Chevrolet 3500 Regular Cab 4x4 for use by the Highway Department, from DeNooyer Chevrolet, Albany, N.Y. through the NYS Office of General Services Mini-Bid #23166, to be financed through a master vehicle lease with M&T Bank.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilman O'Hara, Councilwoman Walowit,
Supervisor Barrett

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

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 8:11 PM

Teresa Brobston
Town Clerk