

TOWN OF CLIFTON PARK TOWN BOARD

October 2, 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  
John Scavo, Director of Planning & Zoning  
Dahn Bull, Superintendent of Highways  
Norah Hofer, Communications and Technology Coordinator  
Michael O’Brien, Collection System Manager

ANNOUNCEMENTS & COMMUNICATIONS

Supervisor Barrett announced the official dedication of the Town Center Park Ribbon Cutting to be held Thursday, October 5, 2023, at 11:30 a.m. near the Maxwell Road entrance sign.

RESOLUTIONS

Resolution No. 221 of 2023, a resolution appointing Paula Cooper as Secretary to the Ethics Board.

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

WHEREAS, an opening exists for a Secretary to the Ethics Board of Appeal, and

WHEREAS, Supervisor Barrett recommends Paula Cooper, current Fire Codes Appeal Board Secretary, Planning Board Secretary and Zoning Board of Appeals Secretary, to fill the position of Ethics Board Secretary; now, therefore, be it

RESOLVED, that Paula Cooper is hereby appointed as Secretary to the Ethics Board, effective immediately, and be it further

RESOLVED, that the position be compensated at \$250 on an annual basis, prorated amount of \$75 for 2023, to be paid from A-1470-E2200 (General Fund-Ethics Board-Staff Salary); and be it further

RESOLVED, that the funding for a secretary for the Ethics Board be included in subsequent years’ budgets.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

Resolution No. 222 of 2023, a resolution to adopt amendments, corrections, and additions to the 2006 Town Zoning map.

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

WHEREAS, Director of Planning & Zoning John Scavo, recommends the Town Board consider approval of the proposed Zoning Map, pursuant to Section 264 of Town Law, and

WHEREAS, Resolution No. 273 of 2021, authorized use of a Saratoga County Economic Development Fund Grant to update the Town’s existing 2006 Zoning Map, and

WHEREAS, Planning and Zoning staff recommend that the Town’s Zoning Map, dated November 29, 2006, be updated to reflect the zoning changes and additions that have been approved by the Town Board since 2006, including the Town Center re-zoning, which affects the mapping for the Exit 9 corridor, and

WHEREAS, the Town Board has retained Greenman-Pedersen, Inc. to provide technical expertise and mapping services for the project, and the Planning Department has reviewed the changes for accuracy, and

WHEREAS, no properties are being rezoned as a result of the adoption of this replacement Zoning Map, and

WHEREAS, the Saratoga County Planning Board issued a recommendation that the proposed zoning map would not have any significant County-wide or intercommunity impacts; now, therefore, be it

RESOLVED, that the attached Town Zoning Map is hereby adopted to supersede the previous Zoning Map, dated November 29, 2006, for informational purposes and assistance in interpreting existing zoning laws or ordinances; and be it further

RESOLVED, that the proposed zoning map reflects adopted zoning amendments and does not change or alter any existing laws or ordinances currently in effect and therefore, constitutes a Type II Action pursuant to 6 New York Codes, Rules & Regulations Part 617.5 (37) interpretation of an existing code, rule or regulation, thus no additional SEQR review is required.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

Director of Planning & Zoning John Scavo explained the proposed Zoning Map is a reflection of the current Town Code Chapter 208 and includes the Town Center Zoning.

Attorney McCarthy stated the Zoning Map is not an official nor officially filed map with the County and does not in and of itself constitute the zoning of the Town.

Director Scavo stated that is correct and if there were any discrepancies, the controlling factor would be the Chapter 208 legislation.

A suggestion of a disclaimer to add to the map was considered and discussed.

Resolution No. 223 of 2023, a resolution authorizing the Comptroller to pay MJ Engineering for supplemental engineering services related to the completion of the Settlers Hill Trail Reconstruction Project.

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

WHEREAS, by Resolution No. 108 of 2023, New Castle Paving was awarded the construction contract for the Settlers Hill trail paving project, and

WHEREAS, the Town was required to halt the project on May 22, 2023, and close the trail due to the significant damage done to the existing trail in the initial phase of the paving work, and

WHEREAS, the Town Board engaged MJ Engineering to prepare bid documents for reconstructing the Trail, and bids were opened on June 29, 2023, and

WHEREAS, by Resolution No. 155 of 2023, the Town Board accepted the recommendation of the Director of Buildings, Parks and Recreation Daniel Clemens, to award construction contract for reconstructing the damaged trail to Carver Construction, and

WHEREAS, MJ Engineering has prepared bid documents and provided engineering services for the reconstruction project, and has been engaged to perform construction inspection services for the project, and

WHEREAS, MJ Engineering, Clifton Park, NY, has submitted a construction inspection services proposal in an amount not to exceed \$27,015, and

WHEREAS, Director of Planning and Zoning John Scavo, recommends accepting the MJ Engineering proposal based upon their qualifications for the services to be rendered, and upon recent successful experience with their work, to review and develop a plan to reconstruct the damaged Settlers Hill Trail; now, therefore, be it

RESOLVED, that the Comptroller is authorized to pay MJ Engineering an amount not to exceed \$27,015 from A-07629-00135 (General Fund-Trails Contractual-Engineering) from a transfer from Unassigned Fund Balance (A-00914) for the supplemental engineering services for the completion of the Settlers Hill Trail Reconstruction Project.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

Resolution No. 224 of 2023, a resolution authorizing the Town Supervisor to file commitment documents with Saratoga County for collection of the Town's Share of the 2024 Sales Tax Revenues.

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

WHEREAS, the Town of Clifton Park is required to file commitment papers regarding the collection of Sales Tax Revenue for 2024; now, therefore, be it

RESOLVED, that the Clifton Park Town Board hereby authorizes the collection of Sales Tax Revenue, to be paid in cash for 2024, from Saratoga County; and be it further

RESOLVED, that the Town Supervisor is hereby authorized to file the appropriate documents of commitment with Saratoga County.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Reid

## DECLARED ADOPTED

Resolution No. 225 of 2023, a resolution correcting Resolution No. 216 of 2023 and authorizing the Supervisor to sign a lease agreement with M&T Bank for leasing of a Broom Bear Sweeper and a 2023 Ram Class 4 truck for the Highway Department.

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

WHEREAS, by Resolution No. 105 of 2022, the Town Board authorized the purchase of an Elgin Broom Bear Sweeper pursuant to a competitive bidding process conducted by Sourcewell Service Cooperative, Contract #093021-ELG (Elgin), in the amount of \$306,535 to replace the 2021 model destroyed in the August 17, 2021 fire in the “White Building”, and authorized the Comptroller to solicit bids for a capital lease for purchase financing, and

WHEREAS, by Resolution No. 205 of 2023, the Board also authorized the purchase of a new 2023 Ram Class 4 Regular Cab truck for the Highway Department, through the Onondaga County Contract #7974, in the amount of \$68,094, also to be financed through a municipal lease, and

WHEREAS, Resolution No. 216 of 2023 resolved to authorize the Supervisor to execute a lease term for a specific rate in an inflationary national economy, while interest rates fluctuate daily, and

WHEREAS, following solicitation by the Comptroller’s Office, on September 13, 2023, M&T Bank submitted the lowest financing rate proposal, estimated at 5.127%, but subject to the Lessor’s final cost of funds based on the date of closing, and

WHEREAS, the Town Board determines that financing of the approved acquisitions of such equipment and vehicle for municipal use is best accomplished through a master lease agreement with M&T Bank at competitive lease financing rates; now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to enter into a lease agreement with M&T Bank for the lease/purchase of the Sweeper and Truck identified above, for a seven-year term at a rate per the proposal outlined on September 13, 2023, and be it further

RESOLVED, that the Board ratifies the Comptroller’s execution of a rate hold commitment for the Lease rate on September 19, 2023, in order to lock in funds in a daily rate environment, and be it further

RESOLVED, that the Comptroller is authorized to charge \$62,069.37 from DA-05130-00145 (Highway Machinery-Lease Payments); and be it further

RESOLVED, that the subsequent budgets include appropriations to cover the lease payments.

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Reid

## DECLARED ADOPTED

Attorney McCarthy stated the previous resolution had a specific dollar amount of monthly payments and the rate would be the final rate when the contract was locked in. This doesn't change the RFP percentage.

Resolution No. 226 of 2023, a resolution authorizing the Highway Department to purchase a service truck for the mechanics bay from the State Contract.

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

WHEREAS, the Highways Superintendent Dahn Bull, has requested authorization to purchase one 2023 Chevrolet 3500 Regular Cab 4X4 to replace a 2003 Ford Regular Cab 4X4 that has been deemed unreliable, and

WHEREAS, one such truck at a cost of \$87,308.20, is available from DeNooyer Chevrolet, Albany, NY, through a mini-bid process under the NYS Office of General Services Mini-bid #23166; now, therefore, be it

RESOLVED, that the Highways Superintendent is authorized to purchase the above-referenced vehicle for use by the Highway Department as a service truck for the mechanics bay, in a total amount not to exceed \$87,308.20 from DA-05130-00219 (Highway Fund-Machinery Highway-Highway Truck), with an additional transfer from DA-00915 Assigned Fund Balance of \$14,775, to DA-05130-00219.

#### ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Reid

#### DECLARED ADOPTED

Supervisor Barrett suggested adding this truck purchase to the previously discussed lease contract.

Comptroller Heggen stated he would need to check with M & T Bank to see if they could increase the amount.

Supervisor Barrett recommended approving this Resolution but would like to suggest amending it to include the Town Comptroller to discuss with M & T Bank to see if the lease dollar amount can be increased and add this truck amount to the lease and if that is approved then combine the amounts. The Supervisor also suggested approving the current resolution and return if necessary to correct/update the lease amount after the Comptroller discusses with the Bank. Approving the current resolution occurred.

Resolution No. 227 of 2023, a resolution authorizing the purchase of lawn mowing equipment.

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

WHEREAS, Michael O'Brien, Collection System Manager, has identified a need for lawn mowing and maintenance equipment for Town-owned lands maintained by the Sewer Department, and

WHEREAS, All Seasons Equipment, Inc., Scotia, NY, has a SCAG 36-inch, zero-turn commercial mower, at a total cost not to exceed \$6,044 for purchase under Sourcewell Contract #031121-scg, and

WHEREAS, Mr. O'Brien has recommended the equipment be purchased from All Seasons Equipment, Inc., pursuant to the Sourcewell Contract identified above; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Collection System Manager to purchase the lawn mowing equipment from All Seasons Equipment, Inc., in a total amount not to exceed \$6,044, from G7-8111-200 (Clifton Park Sewer #1-Sewer Contractual-Equipment).

ROLL CALL VOTE

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

Noes: None

Absent: Councilwoman Reid

DECLARED ADOPTED

No one wished to be heard.

OTHER BUSINESS

Supervisor Barrett mentioned that the investigation into the questionable approval of pay to an employee of the Highway Department has been completed and is under review and more details will be forthcoming pertaining to new information that was forthcoming during the investigation that corroborates troubling details.

PUBLIC PRIVILEGE

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 7:30 PM

Teresa Brobston  
Town Clerk