

TOWN OF CLIFTON PARK TOWN BOARD

February 26, 2024

The meeting of the Town Board of the Town of Clifton Park was held in the Town Office Building at 7:05 p.m. Supervisor Barrett presiding.

Pledge of Allegiance

Present: Supervisor Barrett  
Councilman Morelli  
Councilwoman Reid  
Councilwoman Walowit  
Councilman Manir  
Town Clerk Brobston

Also Present: Town Attorney Pelagalli  
Mark Heggen, Comptroller  
Daniel Clemens, Director of Parks, Buildings & Recreation  
Michael Woerner, Director of Parks & Recreation  
John Scavo, Director of Planning & Zoning  
Norah Hofer, Communications and Technology Coordinator

**MINUTES**

1/16/24

MOTION by Councilwoman Walowit, 2<sup>nd</sup> by Councilman Morelli, to approve the Town Board minutes of January 16, 2024, as amended.

**ROLL CALL VOTE**

Ayes: Councilman Morelli, Councilman Manir,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

Abstain: Councilwoman Reid

MOTION CARRIED

2/5/24

MOTION by Councilwoman Walowit, 2<sup>nd</sup> by Councilman Morelli, to approve the Town Board minutes of February 5, 2024, as presented.

**ROLL CALL VOTE**

Ayes: Councilman Morelli, Councilman Manir,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

Abstain: Councilwoman Reid

MOTION CARRIED

## ANNOUNCEMENTS & COMMUNICATIONS

Supervisor Barrett stated, the Town received one bid result for the February 22, 2024 Bulk Waste Pick-up Bid from County Waste, that being \$146,500 for the service, and an additional \$100/per ton for disposal. This estimates \$250,000. This is substantially higher than the previous years. Items that will not be accepted were read aloud. He stated some of these items can be brought currently to the Town Transfer Station for free for any Town resident, without a permit. The items that would be accepted were read aloud. He stated a decision needs to be made if the Town Board is willing to pay the received bid amount, estimated to be \$250,000. This service, in previous years, has been met with challenges of time frame the items were to get picked up took longer than expected and issues with “pickers”. Supervisor suggested another option, which has been done in the past at one location with the Town of Ballston. Supervisor suggested this year having three different locations in Town, with roll-off containers situated for residents to bring their acceptable items to. The Town would provide a few employees and volunteers to help residents with the task of putting the items in containers. The Transfer Station would also be available on the same days to accept the items for free. This option, which would incur overtime costs for employees, would be a fraction of the overall cost of the service. Supervisor stated, Scott Earle, when he owned Twin Bridges, donated a new roll-off truck to the Town for use in disposing of the roll-offs. So, the Town will have the ability to transport the roll-offs to Casella Waste, which the Town currently has an agreement with for a charge of \$73+change per ton. This would also be a significant savings. If option, provided over a few days, would cost approximately \$7,500 for a driver and three employees at each of the locations, plus the cost of the tonnage. Supervisor requested the Town Board to think about the proposed option.

Councilman Morelli thanked all the volunteers, Parks & Recreation and Buildings & Grounds Departments for the successful Winterfest held recently.

Councilman Morelli thanked volunteers and the Town GREEN Committee for the recent successful Repair Café held at the Senior Center on February 17, 2024. This project was designed for residents to bring items to the event and volunteers with expertise in certain areas repairing household items, instead of the items ending up in the garbage. He stated the next Repair Café will be held in May 2024.

## PRESENTATION-GIRL SCOUT GOLD AWARD PROJECT: HOMETOWN HEROS BANNER PROGRAM

Supervisor Barrett explained, the Town is partnering with Ms. Fariello for this project to recognize the service of veterans. Supervisor thanked Ms. Fariello, Jean Spiegel and Norah Hoefler, from the Town, for helping with the project.

Clerks note: Two banners were on display.

Erin Fariello, Girl Scout Troop 2328, explained she has chosen this Banner Program for her Girl Scout Gold Award. She explained the requirements for obtaining the award includes the project to be an issue she feels deeply about and is sustainable for the Community. Ms. Fariello stated she will be providing an educational piece to the program that will include information on the different branches of the military and the different wars our community veteran’s have served in. She explained anyone who is currently serving or has served in the military is eligible to be honored on a banner. She was inspired by banners in surrounding areas. Her family has extensive military service. In talking with neighbors and friends, they wanted a way to honor them and recognize the men and women’s sacrifices that they gave regardless of the outcome of the war they served in. Ms. Fariello started the idea by gaining the Town support, distinguishing who would be honored for the banner program, the size and cost of the banners, where to hang, who would hang them, maintain them and for how long the banners would be displayed. What she hopes to accomplish by this project is to add remembrance in Clifton Park and honor those who are currently serving or have served in the military and educate the public on the different branches of the military and the different wars the veteran’s have served in. Ms. Fariello thanked Supervisor Barrett and Jean Spiegel for their assistance with the project. Final step includes promoting the current program. She stated the goal is to have the first set of banners up in time for July 4<sup>th</sup> parade.

Supervisor Barrett stated the banners will be \$225 and Buildings & Grounds Department will be installing the banners starting on Vischer Ferry Road.

Councilman Morelli thanked Ms. Fariello for taking the action to start this program in Town honoring those veterans.

Supervisor Barrett stated the Town continues to offer the “Buy A Brick” program for Veterans. The brick will be engraved and placed on the Military Service Walkway located on the Clifton Common. Information on either program is located on the Town website or by call the Supervisor’s Office.

PUBLIC HEARING-CONSERVATION EASEMENT 7:31 PM

Town Clerk Brobston read the legal notice as it appeared in the Daily Gazette on February 15, 2024.

Supervisor Barrett explained an application was received for a Conservation Easement on Male Road, SBL 288.-2-46, owners Joanne & Paul Coons for twenty-five years. Supervisor explained a conservation easement is an agreement with property owners to not develop their land in lieu of a tax break. The program consists of approximately 2,000 acres to date.

No one wished to be heard.

Public Hearing closed at 7:34 PM.

PUBLIC HEARING-PROPOSED LOCAL LAW AMENDING THE TRANSFER STATION PERMIT FEES 7:35 PM

Town Clerk Brobston read the legal notice as it appeared in the Daily Gazette on February 15, 2024.

Supervisor Barrett read the following proposed amendments to Chapter 97-3 of the Town Code:

Clerk’s Note: [brackets] delete, underline proposed amendments.

§ 97-3 Permit fees, entitlements and regulations.

A.

(1) May 1 to April 30:

(a) Annual primary permit: [\$100] \$110

(b) Senior citizen permit: [\$50] \$55

(c) Social security disability or disabled American veteran permit: [\$45] \$50

(e) The nonresident permit fee shall be [\$150] \$160

(f) Contractor Permit \$275, Annually

Supervisor Barrett reminded residents of all the free services at the Transfer Station. He stated household garbage removal is the largest cost at the facility. The last increase to the permits were in 2017 and 2020. Over the years the number of regular permits has been declining and an increase in senior permits. The cost of the permits is substantially less than if you had private garbage removal.

No one wished to be heard.

Public hearing closed at 7:40 PM

RESOLUTIONS

Resolution No. 33 of 2024, a resolution authorizing the hiring of Sara Casale to the position of Locust Lane Pool Manager and Summer Camp Aquatics Director for the 2024 summer pool season.

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

WHEREAS, a vacancy exists for a Locust Lane Pool Manager and Summer Camp Aquatics Director for the 2024 summer season, and

WHEREAS, Director of Parks, Recreation and Community Affairs, Michael Woerner, recommends hiring Sara Casale for these positions; now, therefore, be it

RESOLVED, that Sara Casale, Clifton Park, is hereby hired to be the Locust Lane Pool Manager and Summer Camp Aquatics Director for the 2024 summer pool season to be paid as detailed in the attached Schedule A.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 34 of 2024, a resolution authorizing Courtney Thayer to serve alcoholic beverages at a gathering to be held at Collins Park on June 30, 2024.

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

WHEREAS, Courtney Thayer is hosting a gathering at Collins Park and has requested permission to serve alcohol in the form of beer and wine at the event, and

WHEREAS, Courtney Thayer has submitted a permit application for use of Town facilities at Collins Park on June 30, 2024, from 12:00pm-5:00pm; now, therefore, be it

RESOLVED, that Courtney Thayer, Clifton Park, is hereby authorized to serve beer and wine at a gathering to be held at Collins Park on June 30, 2024, from 12:00pm-5:00pm.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 35 of 2024, a resolution to hire Thomas R. McCarthy as a Deputy Town Attorney.

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

WHEREAS, the Town Board wishes to hire Thomas R. McCarthy as a Deputy Town Attorney, effective February 27, 2024, and

WHEREAS, pursuant to New York State Town Law Sections 864 (5) and 824, the Town Board has the authority to appoint an individual as a Deputy Town Attorney to fill such position, and

WHEREAS, Mr. McCarthy, Clifton Park, has previously served as Town Attorney from 2007-2024, and

WHEREAS, Mr. McCarthy has the background, education, training and experience which qualifies him to act as a Deputy Town Attorney; now, therefore, be it

RESOLVED, that Thomas R. McCarthy is hereby appointed as a Deputy Town Attorney effective February 27, 2024, pursuant to New York State Town Law 864 (5) and 824, at a bi-weekly rate of \$858.46, not to exceed \$22,320 annually, to be paid from A-01420-E0693, (General Fund – Legal Office – T. McCarthy).

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Councilman Manir questioned why the Town needs another part-time attorney since, we already have two part-time and one full-time attorney. He questioned the expense.

Supervisor Barrett stated the cost is already in the budget. Supervisor stated Mr. McCarthy has seventeen years' experience with the Town and will be helping with his knowledge and experience with the transition period.

Councilman Manir questioned if the position will be on-going throughout next year.

Supervisor Barrett answered no. He explained considering some resolutions/project work go back many years, it would be good to have Mr. McCarthy's knowledge for the Town to go forward.

Comptroller Heggen stated the position is not increasing the budget at all right now.

Councilman Morelli explained, just a few years ago the Town had a total of four attorneys. Mr. McCarthy absorbed a lot of the workload for the third attorney. He stated there is a possibility that at least one of the current part-time attorneys will be moving on this coming year, so having Mr. McCarthy coming on now just makes sense. He explained some legal issues that go back several years, so having the continued knowledge will be an asset for everyone.

Resolution No. 36 of 2024, a resolution accepting the naming rights proposal from Prestige Services, Inc. for the Clifton Park Ice Arena.

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

WHEREAS, the Town published a request for proposal (RFP) for proposals to support the Clifton Park Ice Arena through a sponsorship/naming rights relationship for a period of ten (10) years, and

WHEREAS, proposals were due on Friday, January 12, 2024, and

WHEREAS, Prestige Services, Inc. submitted the sole responsive proposal, in an amount of \$30,000, to be paid to the Town for a ten-year naming rights sponsorship of the Clifton Park Ice Arena, and

WHEREAS, the Town Board wishes to accept a partnership with Prestige Services, Inc. that is both compatible with Clifton Park’s positive image within the southern Saratoga County region and with the activities and facilities at the Ice Arena and Clifton Common to support and enhance these facilities and to promote the business activities of Prestige Services, Inc. in a mutually supportive environment; now, therefore, be it

RESOLVED, that the Supervisor is authorized to accept the proposal from Prestige Services, Inc. to support the Clifton Park Ice Arena through a sponsorship/naming rights relationship, for a period of ten (10) years, with a payment to the Town of \$30,000, to be deposited in the Town’s general fund.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Supervisor Barrett stated the Town has had a great relationship with Prestige Services, Inc. over the last decade on the naming rights for the Ice Arena. They purchased the sign on the arena as part of the initial agreement. In addition to the agreement, donated the electronic sign that is at the front of the Clifton Common estimated to be around \$40,000. They also donated three water coolers that are attached to the water service, a sizable donation on top of the annual cash payment. Supervisor thanked Prestige Services for their continued partnership with the Town for the Ice Arena.

Resolution No. 37 of 2024, a resolution appointing Captain David Huestis to the Town of Clifton Park Youth Court Community Board.

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

WHEREAS, by Resolution No. 147 of 2014, the Town Board established the Town of Clifton Park Youth Court Community Board, and

WHEREAS, the Town of Clifton Park Youth Court Community Board, provides recommendations, information and analysis in specific areas involving law, the legal system and offer insight and advice to the Youth Court Coordinators and the students involved in the program, and

WHEREAS, a vacancy exists due to Sheriff Michael Zurlo stepping down from his position on the Board, and

WHEREAS, the Town Board wishes to appoint Captain David Huestis to take over Sheriff Zurlo’s position on the Youth Court Community Board; now, therefore, be it

RESOLVED, that the Town Board hereby appoints Captain David Huestis to the Clifton Park Youth Court Community Board, effective immediately, term to expire December 31, 2024.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 38 of 2024, a resolution authorizing the Town Supervisor to sign an agreement with the Saratoga County Sheriff’s Department for Specialized Law Enforcement Services.

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

WHEREAS, the Town of Clifton Park has found it to be effective and efficient to obtain law enforcement services within the Town through the Saratoga County Sheriff’s Department, and

WHEREAS, the Town Board wishes to renew the existing Agreement for Specialized Law Enforcement Services with the Saratoga County Sheriff’s Department, per the attached agreement; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign the attached agreement with the Saratoga County Sheriff’s Department, whereby the Sheriff’s Department shall provide specialized law enforcement services within the Town of Clifton Park for a one (1) year period from January 1, 2024, through December 31, 2024, for an amount not to exceed \$653,161.32, to be paid in monthly payments of \$54,430.11 from A-3120-15 (General Fund-Security-Other Contractual).

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Supervisor Barrett, in his County Supervisor role, stated the County is ramping up on hiring and has hired twenty new deputies recently, and marketing directly to NYPD. And consider other officers throughout the region for a lateral move.

Resolution No. 39 of 2024, a resolution authorizing the Town Supervisor to sign an agreement with CAPTAIN Community Human Services to sponsor a youth service project.

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

WHEREAS, CAPTAIN conducts a supervisory youth program for the benefit of Town youth, and

WHEREAS, the Town Board wishes to support the operation of CAPTAIN’s Youth Service Project due to the benefits provided to the community youth, and

WHEREAS, the Town is eligible to receive reimbursement from New York State for sponsoring a youth service project; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign the attached agreement with CAPTAIN Community Human Services for a one-year period from January 1, 2024, through December 31, 2024, for an amount not to exceed \$218,884, to be paid quarterly from A-07309-00080 (General Fund-Community Programs-CAPTAIN Grant).

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 40 of 2024, as resolution authorizing the Town Supervisor to sign an agreement with the Southern Saratoga YMCA (YMCA) to sponsor their Circle of Champs program.

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

WHEREAS, the YMCA conducts the Circle of Champs comprehensive support program for Town families with children battling life-threatening illnesses, and

WHEREAS, the Circle of Champs program includes a wide variety of activities on a year-round basis, and provides discounted YMCA memberships, as well as a one-week summer camp for all children and siblings in affected families, and

WHEREAS, the Town Board wishes to support the operation of the YMCA Circle of Champs Program to help provide consistent support to the children and families affected by childhood disease; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign the attached agreement with the Southern Saratoga YMCA to support its Circle of Champs program for a one-year period from January 1, 2024, through December 31, 2024, for an amount not to exceed \$6,000, to be paid from A-07309-00084 (General Fund - Community Programs - YMCA Grant).

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 41 of 2024, a resolution hiring a substitute driver for the Town of Clifton Park Senior Van.

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

WHEREAS, Supervisor Barrett has identified the need for hiring a substitute driver for the Senior Van, and

WHEREAS, James Manuel, Clifton Park, has been recommended to fill the position; now, therefore, be it

RESOLVED, that James Manuel, Clifton Park, be appointed to fill the position of substitute driver for the Senior Van, at Grade 1, Step 3, to be paid \$18.72/hr. from A6772-E2250 (Community Support-Senior Support-Sub Driver), effective immediately.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 42 of 2024, a resolution authorizing the assignment of a ground lease and management agreement for the ice arenas at the Clifton Common.

Introduced by Councilwoman Reid, who moved its adoption, seconded by Councilman Manir.

WHEREAS, by Resolution No. 71 of 2001, the Town Board authorized the execution of a Ground Lease with Clifton Park Ice Arena LLC (CPIA), which provided for the construction of a second ice arena at the Common, and for its occupancy and operation by CPIA for a term of 30 years, with an option to extend for an additional 10 years, and

WHEREAS, Resolution No. 71 of 2001 also authorized an execution of a management agreement with Arena Management Group, LLC (AMG), a related entity, for the management of the Town's adjacent ice arena, and the administration of the various hockey and ice-skating programs at the existing facility, and

WHEREAS, by its terms, the lease term commenced upon issuance of all municipal approvals allowing for the construction and occupancy of the new arena building, which occurred with the issuance of the Certificate of Occupancy on August 22, 2002, and

WHEREAS, the ground lease provided for an initial rental payment of \$450,000, a \$500,000 payment at the 15-year point within the lease, both of which have been paid, and also provided for a \$300,000 option payment in exchange for a ten-year extension of the initial term, and

WHEREAS, pursuant to the Management Agreement, AMG provided staff, maintenance and supplies for the administration of programs for Clifton Park Youth Hockey, adult hockey and the hosting of Shenendehowa High School competitive hockey, at a secure and stable facility that is properly equipped to provide a comfortable experience for players, fans and family throughout the fall and winter months, and

WHEREAS, the Ground Lease and Management Agreement provide that the agreements may be assigned to successor entities only with Town Board approval, and

WHEREAS, pursuant to Resolution No. 194 of 2018, CPIA assigned its rights under the ground lease to occupy the arena, which was constructed pursuant to that lease, to Arena Realty Group LLC (ARG) for the remaining term of years, as well as the option to extend, and

WHEREAS, AMG assigned its rights and responsibilities under the management agreement for the administration of programs and activities at what is now known as the Prestige Services Arena to Clifton Park Family Sports Arena, LLC, and

WHEREAS, ARG leased space in the former concession area /storage room at the Prestige Services Arena for the sum of an additional \$1,066.66 to provide enhanced fitness training and skills training for competitive hockey programs, and

WHEREAS, ARG and Recovery Management Group LLC (RMG), have entered into an agreement whereby ARG will assign its rights under the ground lease to RMG, and

WHEREAS, Clifton Park Family Sports Arena, LLC and RMG have entered into an agreement whereby Clifton Park Family Sports Arena, LLC will assign its rights and responsibilities under the management agreement for the administration of programs and activities at the Prestige Services Arena to RMG, and

WHEREAS, the Town Board is willing to grant RMG an option to extend the term of said management agreement for the period ending on the expiration date of the ground lease, as extended through August 21, 2042, so that the terms of the management agreement and the ground lease are co-terminus if extended by RMG, and

WHEREAS, the Town Board is willing to consent to the assignment of the existing ground lease and management agreement under terms and conditions that will provide for the continued operation and growth of these and other programs; now, therefore, be it

RESOLVED, that the Town Board consents to the assignment of the rights to the remaining term of years under the existing ground lease for the Prestige Services Arena from Arena Realty Group LLC to Recovery Management Group LLC, through August 21, 2032, as well as the ten-year extension, and be it further

RESOLVED, that the Town Board consents to the assignment of the May 21, 2001, Management Agreement, as amended, for the operation and management of the Prestige Services Arena, to Recovery Management Group LLC, and grants Recovery Management Group LLC an option to extend the term of said Management Agreement for the period ending on the expiration date of the ground lease, as extended through August 21, 2042; and be it further

RESOLVED, that the Supervisor is authorized to sign a commercial lease agreement for 1600 sq. ft. of space in the former concession area at the Prestige Ice Arena.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Supervisor Barrett explained Josh Laber, Recovery Management Group, will be the third management group with the ice arena’s new structure that began in the early 2000’s. The new structure has led to not only expansion of recreational opportunities, professional management, and much improved financial results. The Group has large amount of business experience and cares about the residents of the Town. Supervisor stated great ideas have already been expressed by the Group to further improve the arena and to maximize the use of the facility.

Josh Laber, Recovery Management Group LLC, introduced himself and stated he sees a lot of opportunity for the community. It is an ageing facility that needs a lot of upgrades. He explained the Group/his family is willing to look for opportunities for additional revenue on the Town side and maximize the use of the facility. Youth hockey and figure skating have both increased in activity. He explained part of this transaction is purchasing the hockey program. This is a huge opportunity to increase tournaments in the facility, which will economically benefit the whole community.

Resolution No. 43 of 2024, a resolution authorizing the Superintendent of Highways to install two (2) STOP signs, one within the gore area of the Sugar Hill Road and Ray Road intersection, and one on Woods Way at the Nadler Road “T” intersection.

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

WHEREAS, the Highway Safety Committee reviewed existing conditions of the intersections under guidelines contained within the current New York State Supplemental to the Manual of Uniform Traffic Control Devices (MUTCD), and

WHEREAS, the MUTCD provides guidance on the installation of STOP or YIELD signs at intersections, where, in the first case, a restricted view exists due to the triangular area referred to as a “gore” in the road and highway design construction at the intersection of Sugar Hill Road and Ray Road, and in the second case, a citizen requested stop control, and

WHEREAS, visual observation and field analysis by Town Staff and Highway Safety Committee Representatives at the Sugar Hill Road/Ray Road intersection, have confirmed limited sight distance at the intersection and therefore the Committee recommends the placement of an R1-1 STOP control sign, which will require motorists traveling northbound on Sugar Hill Road proceeding eastbound on Ray Road to come to a complete STOP before proceeding, and

WHEREAS, after reviewing a referral from the Highways Superintendent, based on a citizen’s request for stop control on Woods Way at the Nadler Road “T” intersection, the Highway Safety Committee recommends the placement of an R1-1 STOP sign, which will require motorists on Woods Way to come to a complete STOP and yield the right-of-way to Nadler Road motorists; now, therefore, be it

RESOLVED, that the Superintendent of Highways is hereby authorized to install two (2) STOP signs for motorists as outlined above.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 44 of 2024, a resolution authorizing the roof replacement of the Clifton Park Ice Arena at the Common.

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

WHEREAS, the Director of Buildings, Parks and Recreation Daniel Clemens, has recommended that the roof of the Clifton Park Ice Arena be replaced, and

WHEREAS, bids were opened for the Ice Arena roof replacement on January 18, 2024, and

WHEREAS, Barton and Loguidice has recommended that S&L Roofing and Sheetmetal Inc., be authorized to replace the surface, for an amount not to exceed \$973,320; now, therefore, be it

RESOLVED, that the roof replacement of the Clifton Park Ice Arena is awarded to S&L Roofing and Sheetmetal, Inc., Voorheesville, NY, at a cost not to exceed \$973,320 to be paid from A-07112-00200 (General Fund-Clifton Common-Equipment); and be it further

RESOLVED, that the Comptroller is authorized to transfer funds from Unreserved Fund Balance, A-00914.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 45 of 2024, a resolution authorizing the replacement of a hot water heater at the Clifton Common Ice Arena.

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

WHEREAS, Daniel Clemens, Director of Buildings, Parks, and Recreation requested quotes for the replacement of a hot water heater within the arena, and

WHEREAS Postler & Jaeckle, Corp., Rensselaer, NY, has submitted the lowest responsive quote, at a total cost not to exceed \$13,590, and

WHEREAS, Mr. Clemens has recommended the equipment be supplied and installed by Postler & Jaeckle, Corp; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Director of Buildings, Parks, and Recreation to engage Postler & Jaeckle, Corp. to supply and install the hot water heater in the Clifton Common Ice Arena, for a total amount not to exceed \$13,590, from A-7112-200 (General Fund – Clifton Common – Equipment) as budgeted.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 46 of 2024, a resolution to authorize the purchase of a Lanier/Ricoh IM 7000 copier from Electronic Business Products.

Introduced by Councilman Morelli, who moved its adoption, seconded by Councilman Manir.

WHEREAS, the office copier in the 2<sup>nd</sup> floor copier room of Town Hall is over five years old and needs to be replaced, and

WHEREAS, Electronic Business Products has submitted a quote for a Lanier/Ricoh IM 7000 copier, in an amount not to exceed \$11,650, and

WHEREAS, the Comptroller wishes to purchase this copier from Electronic Business Products, as he has determined the lease terms to be unfavorable, and

RESOLVED, that the Town is authorized to purchase a Lanier/Ricoh IM 7000 copier from Electronic Business Products, at a cost not to exceed \$11,650; and be it further

RESOLVED, that the Comptroller is authorized to transfer \$11,650 from Contingency to A-01620-200 (General Fund – Town Hall Operations – Equipment).

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 47 of 2024, a resolution accepting an application for inclusion in the Conservation Easement program of a parcel of land located at Male Road, Clifton Park.

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

WHEREAS, a public hearing was held on February 26, 2024, to allow the Town Board to receive public comment regarding an application for a Conservation Easement for inclusion of a parcel of land at Male Road into the Conservation Easement program, in accordance with Chapter 125 of the Town Code, as amended, and

WHEREAS, the Town Board has considered the application and the comments received, and

WHEREAS, the Town Board members approved the application at the February 26, 2024 Town Board meeting by voice vote; now, therefore, be it

RESOLVED, that the application for the home located at Male Road, Clifton Park, owned by Paul M. and Joanne L. Coons (SBL:288.-2-46), is hereby accepted and is granted a 25-year conservation easement in accordance with the attached application, pursuant to Chapter 125 of the Town Code; and be it further

RESOLVED, that the Assessor is hereby notified to include the parcel located at Male Road, Clifton Park, (SBL:288.-2-46) in a 25-year conservation easement in accordance with the attached application.

ROLL CALL VOTE

Ayes: Councilman Morelli, Councilwoman Reid, Councilman Manir, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

No one wished to be heard.

OTHER BUSINESS

Supervisor Barrett distributed to the Town Board a copy of the 284 Agreement for the Expenditure of Highways Moneys, a letter to Evolution Construction Services, LLC, 2023 Paving Results (Streets Included in 284 Agreement) and Evolution Construction Services return letter.

Supervisor Barrett explained last year the Town Board had a terrible time getting a proposed 284 Agreement from the Highways Superintendent, eventually got an agreement which was signed. Unfortunately, the Highways Superintendent did not follow the agreement. He stated a road was paved that was not on the agreement, making the payment to the contractor not authorized. He explained technically the Town does not have to pay that bill and has not yet. He explained that he had written a letter to Evolution Construction Services, to whom the money was owed, to let them know not to expect timely payment on this one invoice. He explained in the letter that this matter was sent to the Town Attorney for review. NYS Highway Law states funds received from CHIPS funding and appropriations from the Town Board “shall be expended for the repair and maintenance of such highways,...at such places and in such manner as may be agreed upon by the Town Board and Town Superintendent of Highways”. He stated Courts have held that a Superintendent may not divert funds appropriated consistent with a 284 Agreement to other highway projects, and that doing so may result in his personal liability for the expenses so generated. Supervisor also included in the letter to Evolution Construction a recent article that appeared in the Association of Towns quarterly magazine explaining the important elements of the Highway Law pertaining to the topic. He stated therefore, the Highways Superintendent appears to have personal liability in this instance, which is detailed in the Law.

Supervisor Barrett stated Willard Drive was included in the 284 Agreement and not paved. Willow Springs Drive was not included in the 284 Agreement and was paved. The Willow Springs Drive is the invoice in question.

Supervisor Barrett stated because the Highways Superintendent worked outside the 284 Agreement, he cannot authorize the payment and the Superintendent is personally liable for the invoice. Supervisor does not feel the Superintendent will follow through with the commitment. He explained it will be up to the Town Board to authorize paying of the invoice in question. He stated authorizing payment is something the Town Board is authorized to do. He stated the Highways Superintendent did not follow the agreement. Supervisor stated personally, he feels the Town should pay the invoice, it is not the Contractors fault. It is now a question for the Town Board. Supervisor stated paving contractors will now be sent the 284 Agreement for guidelines. If the road is not on the agreement, then the Town will not authorize payment for the work.

Councilwoman Walowit stated she does not want this to be setting a precedence.

Councilwoman Reid stated she does not want this to harm the relationship with contractors to be an issue moving forward in not getting bidders.

Supervisor Barrett stated a proposed 284 Agreement has already been submitted for 2024. So, we are in a much better position than last year. He requested the Board to consider the discussion and any questions shared with the Board to come to a decision.

Councilman Manir questioned the agreement process. He agreed that the contractor should get a copy of the agreement.

Attorney Pelagalli stated that if the contractor has the agreement, then they would have knowledge if they were outside the 284 Agreement.

Councilman Morelli agrees the invoice should be paid.

PUBLIC PRIVILEGE

No one wished to be heard.

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

Motion carried at 8:49 PM

Teresa Brobston  
Town Clerk