

TOWN OF CLIFTON PARK TOWN BOARD

August 19, 2024

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.

Pledge of Allegiance

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

Also Present: Assistant Town Attorney Weiner
 Daniel Clemens, Director of Parks, Buildings & Recreation
 Dahn Bull, Highways Superintendent
 John Scavo, Director of Planning & Zoning
 Norah Hoefer, Communications and Technology Coordinator
 Louis Pasquarell, Director of Safety & Security
 Walter Smead, Town Assessor

ANNOUNCEMENTS & COMMUNICATIONS

Supervisor Barrett reminded residents of the Concert Series on the Clifton Common. Kids series are on Wednesday nights, at 7:00 p.m., with free popcorn/cotton candy concessions donated by Starpoint Church. The final kids' series show is to be held on 8/21, with Grama Tippy Toes performing. Regular series are held Sunday and Thursday evenings at 7:00 p.m. The final regular series will be featuring Skeeter Creek on Thursday, August 29. All shows are free and open to the public.

Supervisor Barrett announced the Town has moved forward with the purchase of approximately 6 acres of property on Sugarhill Road. The property is located between the Town's Grange and Grooms Tavern. This property will allow and enhance the Town to develop as a historic district.

PUBLIC HEARING-Amend Town Code Chapter 189, Transient Retail Merchants

Town Clerk Brobston read the legal notice as advertised in the Daily Gazette on August 9, 2024.

Supervisor Barrett explained the Town recently was made aware of an issue with the current Transient Retail Merchants Law. The permit fee of \$300 was extremely high. The original law was adopted in 1988 and amended in 2006. Supervisor stated the Town Board consensus was to lower the fee. Included in the proposed amendment is to rebate applicants the difference between the fees who purchased a Transient License between July 1, 2024 – and the day of the proposed amendment's adoption, hopefully this evening.

Councilman Morelli stated the main Town Board concerns were liability and safety inspections required by NYS. As a Town, we are not looking to make a profit on the backs of food trucks. Reducing the fees makes sense. Any additional comments are welcome.

Town Clerk Brobston recommended an additional amendment to what is proposed. Removing first sentence on 189-4 D, limiting the license per calendar year, since we are now proposing a per day application fee.

Bruce Anderson, Sonat Rd. and owner of the Two for the Road food truck, thanked the Town Board for the proposed changes. He questioned some of the paperwork part of it and the need for the fire inspections.

Town Clerk Brobston explained the application process and inspections.

Councilman Morelli thanked the Town and food truck vendors for the participation on updating the code to address concerning issues. He stated this is the way the process should work in coming up with amendments that will work for the Town and the applicants.

No one else wished to be heard. Public Hearing closed at 7:17 p.m.

RESOLUTIONS

Resolution No. 196 of 2024, a resolution adopting a local law amending Chapter 189 of the Town Code, amending the provisions for licensing and inspection of Transient Retail Merchants.

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

WHEREAS, Chapter 189 addresses the permitting, licensing and inspection of Transient Retail Merchants operating within the Town, and

WHEREAS, on August 19, 2024, the Town Board held a public hearing on a proposal to update this Chapter by amending the wording of this Section of the Town Code, which was last amended in 2006, to address current circumstances, and

WHEREAS, having obtained input from local merchants and due to the increased prevalence of transient retail merchants, which provide valuable services to the community and to local businesses, the Town Board recognizes the need to modify Town Code Chapter 189; now, therefore, be it

RESOLVED that Local Law No. 7 of 2024, a local law amending Chapter 189 of the Town Code, as attached, is hereby adopted, effective immediately.

AMENDMENT-189-4D, Delete first sentence. Introduced by Councilman Morelli, who moved the amendment, seconded by Councilwoman Walowit.

ROLL CALL VOTE

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

Noes: None

AMENDMENT APPROVED

ROLL CALL VOTE AS AMENDED

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

Noes: None

DECLARED ADOPTED

Resolution No. 197 of 2024, a resolution supporting eminent domain proceedings between the Town of Clifton Park (Town) and Richard B. Meyer.

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

WHEREAS, the Town, with the assistance of Greenman-Pedersen, Inc. (GPI), has undertaken considerable efforts to obtain the consent of homeowners affected by the Hubbs Road sidewalk project, and

WHEREAS, all but one homeowner, Richard B. Meyer, have consented to the acquisition of a portion of their property in order to accommodate the project, and

WHEREAS, the Town seeks only a temporary construction easement over a portion of Richard B. Meyer's property, and

WHEREAS, considerable efforts to negotiate with Richard B. Meyer and to appraise the acquisition of a temporary construction easement have been expended by GPI on behalf of the Town, and

WHEREAS, Richard B. Meyer's refusal to agree to the acquisition of the temporary construction easement is impeding the construction of the sidewalk, which will have a public benefit when completed; now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to sign a Verified Petition brought against Richard B. Meyer, pursuant to the N.Y.S. Eminent Domain Procedure Law; and it is further

RESOLVED, that the Town Attorney is authorized to proceed pursuant to the NYS Eminent Domain Procedure Law with the acquisition of the temporary construction easement from Richard B. Meyer.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

John Scavo, Director of Planning & Zoning stated this is relative to one piece of property that is outstanding for a \$750 temporary easement, approximately 130' in length in depth with 17' at its deepest point. Property owner broke off all dialog with the Town. The Town was willing to do whatever they could to accommodate the property owner. This easement is the smallest out of all the necessary easements to accommodate the equipment temporarily so the sidewalk can be constructed. This procedure of eminent domain allows the Town to go through the court system to obtain the easement and move the project forward. The project has been delayed due to this last easement.

Resolution No. 198 of 2024, a resolution authorizing the Sole Assessor to enter a lease agreement with De Lage Landen Financial Services, Inc. (through Electronic Business Products), for a digital copying system for use by the Assessor's Office.

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

WHEREAS, Sole Assessor, Walter Smead, has requested that the new digital copier/printer lease be authorized for 48 months for use by the Assessor's Department, and

WHEREAS, the proposed cost for leasing the copier has been budgeted, per the attached schedule, and

WHEREAS, quotes were received with Electronic Business Products submitting the lowest quote of \$210.60 per month, for forty-eight months, and

WHEREAS, the Town Board finds that the use of an installment purchase contract to finance the Digital Copying System is a cost-effective method of acquisition of such equipment and is consistent with General Municipal Law Section 109 (B); now, therefore, be it

RESOLVED, that the Sole Assessor is authorized to enter into a lease agreement with De Lage Landen Financial Services, Inc. (through Electronic Business Products), for a Ricoh, IMC 4510 Digital Copier/Printer System, for forty-eight (48) months, at a cost not to exceed \$210.60 per month, to be paid from A-1355-003 (General Fund - Assessor - Copier).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 199 of 2024, a resolution authorizing the Town Assessor and Valuation Assistant to attend the New York State Assessors Association (NYSAA) Fall Conference.

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

WHEREAS, Walter Smead, Town Assessor, and Kelly Miller, Valuation Assistant, have requested permission to attend the NYSAA Fall Conference to be held at the Woodcliff Hotel and Spa, Fairport, NY, September 23-26, 2024, at a cost not to exceed \$2,150, and

WHEREAS, the amount has been budgeted for 2024 in budget line-item A-1355-001 (Assessor’s Office – Travel & Conferences), and

WHEREAS, attendance at the Conference would confer a benefit to the Town’s citizens; now, therefore, be it

RESOLVED, that Walter Smead and Kelly Miller are hereby authorized to attend the NYSAA Fall Conference in Fairport, NY from September 23-26, 2024, at a cost not to exceed \$2,150, which includes registration fee, lodging and meals, to be vouchered appropriately, and to be paid from budget line-item A-1355-001 (General Fund- Assessor – Travel & Conferences).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 200 of 2024, a resolution authorizing M.A. Shafer Construction of Altamont, NY to supply and install playground equipment at the Locust Lane playground in the Clifton Knolls Park District.

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

WHEREAS, the Town Board, as commissioners of the Clifton Knolls Park District, wish to authorize improvements to the playground equipment at the Locust Lane playground, and

WHEREAS, at the Park District’s request, the Department of Buildings and Grounds solicited quotes for installing playground equipment at the playground, and

WHEREAS, after a bid opening on July 19, 2024, MJ Engineering reviewed the bids received and performed an evaluation of the bid submitted by M.A. Shafer Construction, and

WHEREAS, MJ Engineering finds that M.A. Shafer Construction is qualified to perform the work for which they bid, and has advised that the prices bid for the work are reasonable for the project, and

WHEREAS, M.A. Shafer Construction, 4928 Western Turnpike, Altamont, NY, submitted the lowest responsive quote to supply and install the equipment in an amount not to exceed \$55,900; now, therefore, be it

RESOLVED, that the Town Board accepts the recommendation of MJ Engineering and hereby awards the playground equipment improvement project to M.A. Shafer Construction, pursuant to General Municipal Law Section 103, at a cost not to exceed \$55,900, and be it further

RESOLVED, that M.A. Shafer Construction is authorized to supply and install equipment, as detailed in the bid specifications, at the Locust Lane playground in the Clifton Knolls Park District, at a cost not to exceed \$55,900, to be paid from SP3-0731-00200 (Clifton Knolls Park District-Clifton Knolls-Equipment); and be it further

RESOLVED, that the Comptroller is authorized to transfer \$55,900 from Assigned Fund Balance, SP3-00915 to the above account.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Supervisor Barrett explained the playground was deemed unsafe in the Spring.

Daniel Clemens, Director of Buildings, Parks & Recreation, stated the goal is to have the project completed by end of September 2024.

Resolution No. 201 of 2024, a resolution authorizing an agreement for the replacement of the dual compressors at Town Hall by Postler & Jaekle Corp.

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

WHEREAS, the Director of Buildings, Parks, and Recreation, Daniel Clemens, requested a quote for the replacement of the dual compressors for the chiller system at One Town Hall Plaza from Postler & Jaekle Corp, as they are the Town's contracted service vendor, and

WHEREAS, Postler & Jaekle Corp Mechanical Contractors, 9 Krey Blvd. Rensselaer, NY, submitted a quote in an amount not to exceed \$11, 687, and

WHEREAS, Mr. Clemens recommends that the quote from Postler & Jaekle Corp be accepted; now, therefore, be it

RESOLVED, that the quote from Postler & Jaekle Corp. to replace the dual compressors in the Town Hall chiller system, be accepted for an amount not to exceed \$11,687; and be it further

RESOLVED, that the Director of Buildings, Parks, and Recreation is authorized to engage Postler & Jaekle Corp. for the project in an amount not to exceed \$11,687, to be paid from A-1620-00200 (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. 202 of 2024, a resolution awarding a contract for purchasing fencing for the area between the Clifton Common and 46 Damask Drive.

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

WHEREAS, the Director of Buildings, Parks, and Recreation, Daniel Clemens, requested quotes for fence panels and fence posts for the area between the Clifton Common and 46 Damask Drive, and

WHEREAS, Bruce Fence Co., Inc., Latham, NY, submitted the sole conforming quote, in an amount not to exceed \$7,296, and

WHEREAS, Mr. Clemens recommends accepting the quote from Bruce Fence Co., Inc.; now, therefore, be it

RESOLVED, that the Director of Buildings, Parks and Recreation is authorized to accept the quote from Bruce Fence Co. Inc., to supply fence panels and fence posts for the area between the Clifton Common and 46 Damask Drive, which will be installed by the Town, to be paid from A-07112-00200 (General Fund- Clifton Common – Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 203 of 2024, a resolution authorizing the purchase of a 2017 Chevrolet 4X4 pickup truck for use by the Buildings & Grounds Department.

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

WHEREAS, after assessing the needs of the Buildings & Grounds Department, Daniel Clemens, Director of Buildings, Parks, and Recreation, has recommended the purchase of a 2017 Chevy 4X4 pickup truck to replace a 2012 Chevy Colorado pickup truck that will not pass inspection, and

WHEREAS, after reviewing the options available, Mr. Clemens has recommended that the truck be purchased from Upstate Auto Sales, for a total amount not to exceed \$12,971; now, therefore, be it

RESOLVED, that the Director of Buildings, Parks and Recreation is authorized to purchase a 2017 Chevrolet 4X4 pickup truck from Upstate Auto Sales, Hoosick Falls, NY, in an amount not to exceed \$12,971, to be paid from A-07110-00200 (General Fund- Buildings & Grounds- Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Daniel Clemens, Director of Buildings, Parks & Recreation, explained this vehicle is used in the winter for plowing snow off the trails.

Resolution No. 204 of 2024, a resolution authorizing the Highway Department to install approximate “No Parking Anytime” signage along a portion of Westchester Drive.

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

WHEREAS, the Clifton Park Highway Safety Committee (CPHSC) reviewed a request for a solution to cars parking along a portion of Westchester Drive adjacent to Town property along a horizontal curvature in the public right-of-way (ROW), and

WHEREAS, the CPHSC recommends that the Town deploy “No Parking Anytime” signage along the inside portion of the horizontal curve adjacent to Town Property as shown on the attached map, and

WHEREAS, parking along the said section of ROW creates a situation where vehicles, pedestrians, and cyclists may need to take unnecessary risks with oncoming traffic to avoid parked vehicles along the shoulder of the horizontal curve, and

AMENDMENT: WHEREAS, if similar situations in nature become apparent, and the CPHSC reviews and recommends, to move forward and place the signage in the same area, and

WHEREAS, the U.S. Department of Transportation Federal Highway Administration reports that more than 25 percent of fatal crashes are associated with a horizontal curve, and the vast majority of these crashes are roadway departures with the average crash rate for horizontal curves about three times that of other types of highway segments; now, therefore, be it

RESOLVED, that the Highway Department is authorized to install one R7-1 No Parking Anytime Sign; one R7-1L No Parking Anytime Sign; and one, R7-1R No Parking Anytime Sign in locations shown on the attached map, and be it further

RESOLVED, the authorized signs shall comply with all applicable Manual on Uniform Traffic Control Devices (MUTCD) 11th Edition and current NYS Supplemental regulations, including shape, color, and location; and be it further

RESOLVED, that a copy of this resolution shall be given to the Town Security Department which is authorized to enforce the “No Parking Anytime” once the signage is deployed.

Supervisor Barrett explained residents contacted him with safety concerns for pedestrians about the stretch of the roadway on Westchester Drive between #44-#46. He stated the reason is having to do with the shape of the road and having cars parked along that section of the road. Supervisor suggested amending the resolution as indicated above.

Supervisor Barrett introduced amending the resolution as appears above, seconded by Councilman Morelli.

ROLL CALL VOTE

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

Noes: None

AMENDMENT APPROVED

ROLL CALL VOTE AS AMENDED

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

Noes: None

DECLARED ADOPTED

Resolution No. 205 of 2024, a resolution authorizing Straight Line Industries to install pavement markings along a portion of Maxwell Drive in Clifton Park.

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

WHEREAS, the Superintendent of Highways, Dahn Bull, solicited quotes for street striping along the northern portion of Maxwell Drive, and

WHEREAS, Straight Line Industries submitted the sole quote to stripe the above-referenced road, at the cost not to exceed \$19,900, and

WHEREAS, the Superintendent of Highways recommends that Straight Line Industries, 5 Arrowhead Lane, Cohoes NY, be authorized to install the pavement markings; now, therefore, be it

RESOLVED, that Straight Line Industries, Cohoes, NY, is authorized to stripe Maxwell Drive, between Route 146 and Plank Road, at a cost not to exceed \$19,900, to be paid from DA-05110-00215 (Highway Fund-General Construction-Traffic Safety).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 206 of 2024, a resolution authorizing the purchase of an Automated External Defibrillator (AED) and cabinet to house the AED, for Veterans Memorial Park.

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

WHEREAS, the Director of Safety and Security, Louis Pasquarell, has recommended that the Town purchase the AED and cabinet to be installed at the Veterans Memorial Park, at a cost not to exceed \$2,211, and

WHEREAS, the installment of the AED and cabinet would be a benefit to the Town and the residents; now, therefore, be it

RESOLVED, that the Director of Safety & Security is authorized to purchase an Automated External Defibrillator (AED) and cabinet, at a cost not to exceed \$2,211, to be paid with an increase in Gifts & Donation, A-2705, and an increase in expenditures in A-3010-200 (General Fund – Safety – Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Supervisor Barrett thanked Starpoint Church for the donation received to be used for public safety for this purchase of the AED. This AED and outdoors cabinet will be located near the Pickleball Courts.

Director of Safety & Security Louis Pasquarell stated there are approximately 20 AEDs throughout the Town. He will provide a list to be shared on the website and filed.

Councilman Morelli thanked Starpoint Church for the donation of free concessions on Wednesday nights during the kid's concert series.

No one wished to be heard.

PUBLIC PRIVILEGE 7:47 PM

No one else wished to be heard. Public Privilege closed at 7:47 PM.

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 7:48 PM

Teresa Brobston
Town Clerk