

June 1, 2020

The regular meeting of the Town Board of the Town of Clifton Park was held in the Town Office Building at 5:00 p.m. Supervisor Barrett presiding.

Present: Supervisor Barrett
Councilman Whalen
Councilwoman Standaert
Councilman Romano
Councilwoman Walowit
Town Clerk Brobston

Also Present: Town Attorney McCarthy
Dahn Bull, Superintendent of Highways
John Scavo, Director of Planning

MOTION BY Councilman Romano, seconded by Councilwoman Walowit, to approve the minutes of the May 18, 2020 meeting as presented.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano
Councilwoman Walowit, Supervisor Barrett

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATION

Supervisor Barrett announced no decision has been made on summer camps and the opening of the pools. Waiting on NYS guidance & approvals.

Supervisor Barrett explained town buildings have mitigated risks to be ready to open the buildings to the public. He explained plexiglass sneeze guards are in place and masks will be required to enter the buildings.

Supervisor Barrett thanked the Clifton Park IDA for the monetary donation to purchase masks for businesses.

PRESENTATION

Dr. Oliver Robinson, Shenendehowa School Superintendent, gave an overview of the proposed school budget. He stated the vote will be held on June 9 with absentee voting only. Ballots will be mailed out.

PUBLIC PRIVILEGE ON RESOLUTIONS

Town Clerk viewed incoming emails, no one wished to be heard.

Resolution No. 107 of 2020, a resolution scheduling a public hearing on a proposal to re-establish the Ballston Lake Sewer District No. 1.

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

WHEREAS, by Resolution No. 192 of 2015, the Town Board established the Ballston Lake Sewer District No. 1 in conjunction with the establishment of a companion sewer district within the Town of Ballston, and

WHEREAS, the total estimated expenditures for the joint project, including pipes, conduit, pumps and related equipment at the time of establishment was based upon map, plan and engineering reports of Delaware Engineering and McDonald Engineering, and engineers estimates for the joint project, including engineering, legal, administration and construction costs, totaling \$10,203,729 for the joint project between both towns, and

WHEREAS, the applicable engineering reports established that approximately 14% of the properties benefitted by the joint project were in Clifton Park, and therefore, the estimated maximum amount of expenditures for the Ballston Lake Sewer District No. 1 within Clifton Park was estimated as that proportion of the total estimated expenditures for the joint project, and

WHEREAS, the annual cost to the typical property within the proposed district within Clifton Park was estimated not to exceed \$910 including debt service and annual treatment fees, payable to the Saratoga County Sewer District, and

WHEREAS, the boundaries of the proposed Ballston Lake Sewer District No. 1 area generally encompasses properties along the eastern and southern border of Ballston Lake in the Town of Clifton Park with borders generally described as beginning at the southern end at the boundary line between Clifton Park and the Town of Ballston, near the intersection of Schaubert Road and Ballston Lake Road, including four parcels with frontage on Ballston Lake Road and/or Mill Road (SBL # 257-1-24;SBL 257-1-3;SBL 257-1-30; and SBL 257-1-6.1), more particularly described in Exhibit A, attached, said properties will be connected into the sewer collection system that serves the Ballston Sewer District on the west side of Ballston Lake, and

WHEREAS, in August of 2016, the Town of Ballston was advised by the New York State Environmental Facilities Corporation that it had received a grant from the New York State Clean Water State Revolving Fund in an amount not to exceed \$2,559,563 (“The Clean Water Fund Grant”) for purposes of the project; which grant funds are to be utilized to offset design and construction costs proportionately across the joint project, and

WHEREAS, the Town of Ballston re-established the district by increasing the maximum amount to be expended based on additional engineers’ estimates for the cost of design and construction of the project, and to include the Clean Water Fund Grant in cost calculations, as well as adjustments in the number and classification of certain properties contained within the proposed district, and

WHEREAS, as a result of certain property consolidations and further analysis, the number of eligible properties benefitted by the proposed districts have been adjusted within both towns, with resulting in approximately 13.26% of the properties to be included within the District in Clifton Park as a proportion of the joint project, and

WHEREAS, on December 3, 2018, the Town Board of Clifton Park held a Public Hearing on the re-establishment of the district to include funds from the Clean Water Fund Grant and to increase the total estimated expenditures for the project accordingly, and re-established the district by Resolution No. 284 of 2018, and

WHEREAS, following appropriate advertising and solicitation pursuant to Section 103 of the New York State General Municipal Law, on October 8, 2019, bids were opened, with the low bids exceeding previous engineers estimates for the construction phase of the project, and

WHEREAS, on January 3, 2020, the Town of Ballston was advised by the Commissioner of the Department of Environmental Conservation that the project had been awarded up to an additional \$5,000,000 from the state’s Water Quality Improvement Fund to assist the towns in funding the project, which will benefit the environment through the elimination of inadequate on-site septic systems within the project area, and

WHEREAS, the Town Board now proposes to increase the maximum amount to be expended for the project within Clifton Park to reflect the bid prices as opened on October 8, 2019, for the joint project as well as the NYS WQIP funding for the construction of the project, and

WHEREAS, after application of the grant of funds from the New York State Clean Water State Revolving Fund and WQIP funding of \$5 Million is applied to the total cost of engineering, design and construction costs estimated for the joint project, the cost to the typical property on an annual basis has not increased, and

WHEREAS, the Town Board of the Town of Ballston now proposes to increase the maximum amount to be expended for the joint project to \$17,754,661 based on the bid prices received and total grant funding to be applied, and

WHEREAS, the estimated annual cost to the typical property is estimated not to exceed \$910, after application of the NYS grant funding, and

WHEREAS, the boundaries of the proposed Ballston Lake Sewer District No. 1 remain as established by Resolution No. 192 of 2015, and

WHEREAS, these properties now represent 13.26% of this overall joint project within both towns, and

WHEREAS, the total estimated expenditures for the portion of the joint project to be constructed in Clifton Park is \$ 2,355,000, and

WHEREAS, the maps and plans have been filed in the Town Clerk's Office and are available for public inspection during regular business hours, and under the Sewer Department page on www.cliftonpark.org, and

WHEREAS, the Town Board wishes to schedule a public hearing to receive comments on a proposal to re-establish the Ballston Lake Sewer District No. 1 within the town; now, therefore, be it

RESOLVED, that the Town Board will hold a public hearing on the proposal to re-establish the Ballston Lake Sewer District No. 1 as outlined above, on June 15, 2020 at 7:05 PM in the Clifton Park Senior Community Center, 6 Clifton Park Common Court, Clifton Park, New York, and be it further

RESOLVED, the proposed method of financing the total cost of the joint project includes the following, with approximately 13.26% of all expenditures allocated to Clifton Park properties benefitting from the joint project:

- A. New York State Clean Water Fund Grant of \$2,550,932
- B. Issuance of bonds and/or bond anticipation notes by the Town of Ballston to New York State Clean Water State Revolving Fund to secure short term financing in the amount of \$10,203,729
- C. New York State Water Quality Improvement Grant of up to \$5,000,000

Debt service on the bonds will be paid by an annual benefit assessment charged to users and Saratoga County Sewer District No. 1 will impose fees to pay the costs of operation and maintenance, and be it further

RESOLVED, and ordered that the Town Clerk give notice of such public hearing by publishing the attached notice in the official town newspaper and by posting a copy of such notice on the town's official sign board not less than ten (10) nor more than twenty (20) days before such hearing.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 108 of 2020, a resolution authorizing the Supervisor to execute an engineering consultant agreement with Barton & Loguidice, D.P.C., for engineering services and construction administration and observation services for the construction of the Vischer Ferry Nature & Historic Preserve – Gateway and Accessibility Improvements Project.

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

WHEREAS, the Town of Clifton Park has an existing grant contract with the NYS Canals Corporation #C010174 and a grant contract with NYS DOT identified as PIN 1SB1.32/D034917 to fund a portion of the Vischer Ferry Nature & Historic Preserve Project as a transportation federal-aid project and appropriating funds therefore, and

WHEREAS, by Resolution No. 286 of 2014, the Town Board retained Barton & Loguidice, D.P.C. (B&L) for engineering design documents for the Project, and

WHEREAS, by Resolution No. 125 of 2018, the Town Board authorized Barton & Loguidice to prepare final design documents and conduct construction management services for the construction phase which had been anticipated for 2018, and

WHEREAS, Barton & Loguidice prepared the updated, final engineering design drawings, as well as final plans, specifications and bid documents, which were advertised for bid on February 21, 2020 pursuant to Section 103 of General Municipal Law, and

WHEREAS, after a bid opening on March 19, 2020, Barton & Loguidice performed a bid analysis and recommended the construction contract be awarded to Bette & Cring, LLC as low bidder, and

WHEREAS, by Resolution No. 102 of 2020, on May 11, 2020, the town accepted the recommendation of the project design engineer Barton & Loguidice, and awarded the construction contract to Bette & Cring, LLC for the project, and

WHEREAS, Barton & Loguidice has provided a consultant agreement for engineering and construction inspection and support services in an amount not to exceed \$11,500 based on the total estimated costs of the project per NYSDOT regulations and guidelines, and

WHEREAS, by Resolution No. 316 of 2014, the Town Board created a capital projects fund to cover the costs of design and construction for the project and payment in the first instance, and

WHEREAS, the project is supported by federal, state, and local funding sources, and

WHEREAS, the town is eligible to seek applicable federal and state grant reimbursement for eligible engineering, construction inspection, and construction supervision costs for the project; now, therefore, be it

RESOLVED, that the Town Board accepts the proposal from Barton & Loguidice, for construction management and inspection services for the project; and be it further

RESOLVED, that the comptroller is authorized to increase budget line H36-7629 (Vischer Ferry Nature Preserve-Trails Contractual-Engineering) by \$11,500, as per attached Supplement Agreement #2 Attachment A, and be it further

RESOLVED, that the Town Board authorizes the Comptroller to pay 100% of the costs of the construction and construction management services in the first instance pending reimbursement from Grant Funding sources per operative grant contracts in place for the project; and be it further

RESOLVED, the Supervisor is authorized to execute the attached Supplemental Agreement #2 Engineering and Inspection Agreement, for \$11,500 with Barton & Loguidice for Vischer Ferry Nature & Historic Preserve – Gateway and Accessibility Improvements Project.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 109 of 2020, a resolution authorizing an amendment of dates for the Capital Bicycle Race Club to use town roadways for time trials for several times July through August 2020.

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

WHEREAS, by Resolution No. 63 Of 2020, the Town Board authorized the Capital Bicycle Race Club to use of the Town of Clifton Park roadways as specified in the attachment hereto, for the purpose of time trials to qualify for future races on Wednesdays, May 27, June 3, 10, and 24 starting at 6:15 PM until the last participant finishes, and

WHEREAS, the club has also requested permission to hold an event on Sunday, August 9, 2020 following the same course as the Mohawk Hudson Towpath Duathlon, and

WHEREAS, due to restrictions placed on gathering sizes pursuant to executive orders by the governor, several time trials were canceled, and the club has requested permission to reschedule those dates to include July 1, July 8, and July 15, 2020, and

WHEREAS, Highways Superintendent Dahn Bull, recommends approval of the club's request to conduct time trials on the roads as enumerated; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Capital Bicycle Race Club to use town roadways as specified in the attachment hereto, for the purpose of holding time trials, and be it further

RESOLVED, that this approval is expressly conditioned upon receipt prior to July 1, 2020, in the Office of the Town Clerk, of an insurance certificate in the amount of \$1,000,000 naming the Town of Clifton Park as an additional insured; and be it further

RESOLVED, that this approval is expressly conditioned upon the roads not being closed, but members of the Capital Bicycle Race Club are permitted to raise awareness of the trials at the intersections and each end of the course.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 110 of 2020, a resolution scheduling a public hearing regarding the establishment of Clifton Park Sewer District No. 2.

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

WHEREAS, Crescent Waste Treatment Corporation is a transportation corporation serving sanitary sewer customers generally within the southern portion of the Town of Clifton Park, and

WHEREAS, Crescent Waste Treatment Corporation, (CWTC), operates through a Sanitary Sewer Collection system which conveys flows to Saratoga County Sewer District facilities, and

WHEREAS, on April 20, 2020, CWTC organized under the NYS Transportation Corporation Laws, advised the Town of its intent to abandon all facilities and improvements to the Town of Clifton Park pursuant to NYSTCL 119 (3), and

WHEREAS, the Town Board proposes to create Clifton Park Sewer District #2, under Article 12 and 12A of the New York State Town Law, to own and maintain the infrastructure and improvements to be abandoned to the town under the statute, and

WHEREAS, by Resolution 101 of 2020, the Town Board retained MJ Engineering to prepare a Map, Plan and Report to determine the engineering details necessary for Special District formation, and

WHEREAS, a map, plan and report (the "Maps and Plans") have been prepared by MJ Engineering, dated June 1, 2020, in a manner and detail as determined by the Town Board regarding the proposed sewer district, and

WHEREAS, the Maps and Plans have been filed in the Town Clerk's Office and are available for public inspection during regular business hours, and under the Sewer Department page on www.cliftonpark.org, and

WHEREAS, the boundaries of the proposed district are generally described as:

ALL THAT TRACT, PIECE OR PARCEL OF LAND situate in the Town of Clifton Park, Saratoga County as generally being bounded by Huntwood Drive on the north, Westchester Drive and Grissom Drive on the south, Bonneau Road and Foxwood Drive to the west and Interstate 87 to the east, being more particularly described as follows:

Being designated as the previously privately owned and serviced Crescent Waste Treatment Corporation encompassing approximately 1.9 square miles and 2,500 parcels as shown on the map entitled "Crescent Waste Treatment Corp. Existing Sanitary Sewer Existing Conditions Plat" dated February 18, 2009, which is available for review in the Town Clerk's office during regular business hours, and

WHEREAS, the sewer system improvements proposed to be incorporated within Clifton Park Sewer District No. 2 consist of all pipes, conduits, pumps, pumphouses, and their related infrastructure, parts, and apparatus, together with all interests in rights-of-way and other real property interests of CWTC, and

WHEREAS, the estimated maximum amount to be expended for the Improvements, including design, construction, and administrative costs, is estimated to be \$5,900 for engineering and design services and will be borne by the project owner/developer without capital costs or bonded indebtedness to the new extension, and

WHEREAS, the annual cost of the proposed extension to the typical property in the Sewer district will consist of a \$175 annual sewer use charge to Clifton Park Sewer District No. 2, and a \$255.50 sewer charge payable to the Saratoga County Sewer District pursuant to published rates, for a total estimated annual cost to the typical property of \$430.50, and

WHEREAS, the estimated cost of the hook-up fees to the typical property for new users within the sewer district boundaries is anticipated to be \$1,000 and

WHEREAS, grinder pumps existing within the boundaries of the new district will continue to be owned and maintained by sewer users within the district; now, therefore, be it

RESOLVED, that the Town Board will hold a public hearing to hear all persons interested in the Establishment of Clifton Park Sewer District No. 2, and the maintenance and operation of the improvements and facilities of the former CWTC, to be held at 7:20 PM at the Clifton Park Senior Community Center in the Town of Clifton Park on June 15, 2020 ; and be it further

RESOLVED, and ordered that the Town Clerk give notice of such hearing by publishing in the official Town newspaper a copy of this resolution and by posting a copy of this resolution on the towns official sign board not less than ten (10) nor more than twenty (20) days before such hearing.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 111 of 2020 a resolution changing the location of the June 15, 2020 Town Board Meeting to the Clifton Park Senior Community Center.

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

WHEREAS, by Resolution No. 1 of 2020, the Town Office Building (Vernon Wood Memorial Town Meeting Room) was designated as the official regular meeting place for the Town Board, and the official regular meetings were established as the first, second and third Monday of each month at 7:00 PM, and

WHEREAS, a State of Emergency was first declared in New York on March 7, 2020, due to COVID-19, and pursuant to Executive Order No. 202.5, issued on March 18, 2020, Town Board meetings have been closed to the public but allowed participation by online platforms and conference calling since April 6, 2020, and

WHEREAS, the Capital Region has now begun to reopen, and the full workforce has returned at Town Hall, and the Town Board desires to resume in person meetings following the regular meeting schedule for Town Board Meetings, and

WHEREAS, the potential number of participants at two public hearing being held on June 15, 2020 would require more space per social distancing guidelines; now, therefore, be it

RESOLVED, that on the June 15, 2020, the Town Board meetings will resume in person at their regular meeting time of 7:00 PM, and be it further

RESOLVED, that the location for the Town Board Meeting for June 15, 2020 will be held at 7:00 PM in the Clifton Park Senior Community Center, to allow proper social distancing during public participation, and be it further

RESOLVED, that Town Board meetings July through December 2020, will then resume their regular meeting place at the Vernon Wood Memorial Town Meeting Room at Town Hall at 7:00 PM; and be it further

RESOLVED, that the Town Clerk is directed to publish notice of the change of meeting place for the June 15, 2020 Town Board meeting.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Town Clerk viewed incoming emails, no one wished to be heard.

MOTION by Supervisor Barrett to move into Executive Session to discuss a personnel matter and the board will not return to the regular Town Board meeting but adjourn at the end of the Executive Session, seconded by Councilwoman Standaert. All were in favor.

MOTION by Councilwoman Walowit, seconded by Councilman Whalen, to adjourn the Executive Session and adjourn the regular Town Board meeting to the next regular meeting or any other meeting necessary for the conduct of town business.

MOTION unanimously carried at 7:20 PM.

Teresa Brobston
Town Clerk