

TOWN OF CLIFTON PARK TOWN BOARD

June 13, 2022

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
Councilwoman Flood
Councilwoman Standaert
Councilman Morelli
Councilwoman Walowit
Town Clerk Brobston

Also Present: Town Attorney McCarthy
Mark Heggen, Comptroller
Matt Andrus, Information Specialist
John Scavo, Planning Director
Myla Kramer, Director of Parks, Recreation & Community Affairs
Daniel Clemens, Buildings, Parks & Recreation Director
Dahn Bull, Highways Superintendent
Walter Smead, Assessor
Susan Leonard, Director CP Senior Community Center

ANNOUNCEMENTS AND COMMUNICATION

Supervisor Barrett congratulated James Altenburger, one of the Town's lead lifeguards, after having just completed the free lifeguard training classes offered by the County.

Supervisor Barrett stated free EMT training classes was offered in partnership with the County and Clifton Park EMS. Six students from Shenendehowa High School registered for the class this summer at the Malta Tech Campus.

Supervisor Barrett announced, as Chairman of the Public Health Task Force for Saratoga County, the County has been tasked to build out an Environmental Health Department. The State had taken on the responsibilities, on behalf of Saratoga County, but now that a certain population level has been hit, the County has now been accepting those responsibilities. Brian Minor has been hired as Environmental Health Director.

Supervisor Barrett congratulated the organizers of the Deanna Rivers Softball Tournament Fundraiser held recently. The event supported community remembrance and continuing the legacy and support for the families.

RECOGNITION

Awards given to Shenendehowa Track & Field, Unified Basketball and Lacrosse Teams for their successful seasons.

PUBLIC FORUM

Offer of Cession from KLB Enterprises, LLC-Wooddale Road Development

Luigi Palleschi, ABD Engineers, representing applicant KLB Enterprises. Mr. Palleschi explained the project is located off Wooddale Drive and is 28 ½ acres and Zoned B1. Applicant is proposing nine two-family units. Access to the site is off Wooddale Drive. He explained in 1968 there was a paper street intending to have a subdivision in the project area. The project includes Federal wetlands, Adirondack Northway and existing single-family subdivision along Wooddale Drive. The property is unique due to grade elevation to Wooddale Drive. The project was presented to the Planning Board three times proposing a single-family subdivision with duplexes. Concerns were slopes and staying away from Federal wetlands. All concerns were addressed. At the third presentation at the Planning Board, the conventional layout, which was having the buildings back further into the lot and closer to the steep slopes was presented. A cluster-subdivision was then proposed, allowing the houses to be closer to the road, which would

push the proposed houses further away from current residents, Federal wetlands and slopes. The proposed project was reviewed by the Planning Department, Town Engineers and had a preliminary grading plan developed. Because of the grades they found, they could design a Town road with Town standards. He stated the Planning Board was in favor of that cluster-subdivision as presented. Site distance analysis was created showing the maximum view from the proposed road entrance in both directions. The analysis was shared with Planning Board, Town Engineer and Highways Superintendent. He stated the Highways Superintendent sent a letter agreeing with the analysis and stated he had no issues with the proposed Town road. He stated there is a division line between the two property owners where the paper-street is located, proposing 30' on each side of the division line and Planning Board suggested the Town Board review as Offer of Cession before the construction of the Town road and acquire recommendation. Normally a subdivision and roads go through the process and are built, then the roads are dedicated to the Town. He explained this project, in 2012, was part of a PDD where SEQRA was looked at and showed no significant environmental impacts, and the density proposed was allot denser at that time than the current proposed density. He stated the applicant requests the Town Board to consider a Town road or private road, in the proposed location.

Jim Ruhl, Wooddale Dr., read a prepared statement presented to the Town Board. He stated the proposed compactness and completeness of the community is now being challenged by the unsuitable and unsafe development proposal as presented. He stated the proposed area is erodible, steep, soft, sandy soils next to wetlands and a class A stream. He stated concerns with drastic degrading, additional erosion damage by "clear cutting," sound barrier, negative environmental impacts and site access. Access being unsafe, limited sight distances, steep slope and hazardous winter conditions. Mr. Ruhl presented the Town Board with a Sight Distance Analysis Review prepared by Matthew Ruhlig, Wooddale Drive.

William Connor, Vista Ct., Licensed Architect, read definition of base density as in the Clifton Park Zoning Code. Expressed concerns with slopes, constrained land, federal wetlands, construction on constrained land, grading and removal of existing vegetation. He recommends the Town does not adopt the proposed roadway.

David Miller, Hidden Valley, read prepared statement as presented to the Town Board. Expressed concerns on the negative impacts of adopting the proposed road and development. Concerns are safety issue with sight line, slopes, pollution and run-off to the wetlands and streams, inadequate stormwater management area, erosion, emergency vehicle/school bus access, noise, liability to the Town, negative character of neighborhood and hurting of property values. He questioned sewer pump stations and grinder pumps maintenance. He requested the Town Board to not adopt this road request. He stated a petition with 206 signatures of residents of Country Knolls eastern section of the community opposing the proposal has been filed with the Town. He provided his history of the proposed parcel. Mr. Miller, as Chair of the Town's Open Space Committee, stated the committee voted to add the parcel to the Town Land Preservation and Acquisition Strategy document and urges the Town to pursue purchasing it as an open space preserve.

Jack Rajczewski, Wooddale Dr., requested the Town Board to visit the proposed site and access. He expressed concerns with road sight distance. Currently, the road has two center lines to assist with speeding.

David Alexander, Berkshire Dr. West, member of ECC, stated he walked the sight and has education and experience to offer pertaining to the proposal. He stated concerns with elevations, noise, sandy silty soil, wetlands, erosion on the stream, school bus access and sight loss.

Nate DeSilva, LaCosta Dr., expressed concerns finding affordable housing in the area and encouraged the proposed development opportunity.

Matt Russo, Wait Rd., Real Estate Agent, expressed the need for the proposed development and affordable houses availability.

Gundula Gutjahr, Wooddale Drive, stated the existing road is dangerous and with the proposed access it would increase the danger and expressed concerns with speeding on that road.

Justin Galchin, Wooddale Drive, expressed concerns with additional traffic and speeding on Wooddale Drive.

James Edson, Hidden Valley, stated the current roadway is dangerous and with proposal will be worse.

Sean Seiter, Huntington Parkway, expressed the need of the proposed housing. Concerning the access road he stated that as long as the developer follows the Engineer specification the proposed would not be an issue.

Kathy Boni, KLB Enterprises applicant, presented the history of the project. She explained in the past 15 years with this project, everything the Town has requested of the applicant, has been done.

2006-PDD application was filed with the Town Board for 96 acres between Boni/Belmonte/VanPatten.

2008-The PDD application was forwarded to the Planning Dept. because of the negative feedback with homeowners on Exit 10. Larry met with Supervisor Barret, Councilman Roth and Planning Director Kate Maynard. They wanted something better than just a regular subdivision. The applicant came back with 194 units of single-story cottage homes with rear garages for the senior homeowners downsizing. Two entrances off Ushers Road & on Wooddale that would be a stub street to be grated and used as a bike trail and for emergency access only. The Planning Board loved the changes, and they received a letter of recommendation from past Planning Board Chairman Steve Bulger and voted and recommended the approval of the PDD.

2011-Steve Bulger said the Town was getting negative feedback and because of this the Town asked for a full Environmental Impact Statement, costing the applicant over \$100,000. In the history of the Town, they were the first to ask to have this done. Because of the Planning Boards positive recommendation on the project, they went forward with the project.

2012-The EIS was completed and submitted to the Town Board. A required public meeting was held, and a negative declaration was adopted by the Town Board, finding no significant environmental impact with the project. After six years with submittals for any studies that were asked for, engineering changes asked for, the project was still denied to be brought up to by the Town Board. The applicant was then told to go to the Zoning Board to see what they could do with his own property. Applicant went on his own to court over disagreement of ZBA recommendation. Applicant won through the appellate court that he can build 72 houses. After this approval the Town, with two property owners butting up to the stub street, went to court and had the only entrance taken away. Ownership was awarded to split 60' divided by the adjacent property owners. The Town Board can still use this as an access road, up to their discretion. The owner has since purchased 161 Wooddale, to get into their property. Zoning states they have the right to put in duplexes similar to the Vista units. Because of the pushback, Supervisor Barret told us to meet with Town Board members to get their input on the Town taking over the road, before wasting more time and money. A meeting was held with Councilman Morelli, Councilwoman Walowit, Councilwoman Flood and Councilwoman Standaert and told them about the pushback they were getting. None of them saw any issues with taking over the road. Then they met with Highways Superintendent Bull, and he had no issues, as long as the guidelines were met, and he submitted a letter to reflect this. Because of them having no issues, they moved forward with the Planning Department which is zoned for nine duplexes. They went in front of the Planning Board requesting 18-unit townhomes like the Vista and they liked the idea of cluster townhomes. Normally Planning Board gives approvals to build & then go to the Town Board to accept the road after build, but in this case, they asked us to go to Town Board for approvals first.

Applicant acknowledged petitions. Stated only four out of eleven houses that but-up to the property signed. Duplicate pages.

Mr. Palleschi stated, the applicant would comply with all official entities. He stated along the steep slopes, allot of the trees will be preserved. No retaining walls presented. He explained slope protection and stormwater design meeting DEC standards. He stated when vegetation is removed, the houses would provide a sound barrier. Mitigations can be put up for road concerns.

Supervisor Barrett stated additional information or comments beyond tonight, can be forwarded to the Town Board.

Highways Superintendent Bull stated, he was questioned about the sight distance concern, he requested from the developer a study, he reviewed the study and visited the site and saw it was fitting. He will request the Town Engineers to review the project.

Councilwoman Walowit questioned if ESAB has reviewed the plans? She questioned the width of the proposed road for concerns if school bus and emergency vehicles will be able to travel it.

Mr. Palleschi stated, the proposed road meets the requirements of the Town Code and NYS Fire Code.

No one else wished to be heard.

Supervisor Barrett stated no decision will be made tonight. Possible consideration at the next two meetings.

RESOLUTIONS

No one wished to be heard.

Resolution No. 164 of 2022, a resolution authorizing the Assessor to accept a proposal from Systems Development Group, Inc. for a web-based tool to utilize GIS data in conjunction with the existing assessment and real property information.

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

WHEREAS, Resolution No. 254 of 2021 authorized Walter Smead, Sole Assessor, to request the installation of a web service to integrate real property data with additional comprehensive assessment and real property information on the Assessor's page of www.cliftonpark.org, and

WHEREAS, after successful launching of the SDG Image Mate Online, from Systems Development Group, Inc., the Assessor wishes to allow the integration of geographic information systems (GIS) data with the addition of an ESRI map viewer component; now, therefore, be it

RESOLVED, that the Town Board hereby accepts the recommendation of Mr. Smead to allow residents and others to utilize GIS data integrated with existing real property data; and be it further

RESOLVED, that the Assessor is authorized to request the installation and hosting of the GIS component to the existing SDG Image Mate Online, by Systems Development Group under NYS OGS backdrop contract, at a cost not to exceed \$4,500 to be paid from A-1355-045 (Assessor – Consultants).

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Assessor Smead stated the new site will have the most current information available.

Resolution No. 165 of 2022, a resolution to authorize the Supervisor to sign an agreement with Greenman-Pederson, Inc., (GPI) for engineering design services related to the New York State 146/146A Bicycle and Pedestrian Improvement project.

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

WHEREAS, by Resolution No. 82 of 2022, the Town authorized the implementation and funding of the NYS 146/146A Improvements Project and appropriated \$182,000 in H62 (Capital Project – NYS 146/146A Improvements), to cover the cost of the design phase of the project, and

WHEREAS, expressions of interest were solicited in November of 2018, and GPI was the sole applicant to respond to the solicitation, in an amount not to exceed \$182,000; now, therefore, be it

RESOLVED, that the Town Board authorizes the Supervisor to sign an agreement with GPI for engineering design services, for the NYS 146/146A Bicycle and Pedestrian Improvement Project, in an amount not to exceed \$182,000 to be paid from Capital Project Fund H62.

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Planning Director Scavo stated construction on the project should begin next year.

Resolution No. 166 of 2022, a resolution authorizing the Supervisor to sign a lease agreement with National Business Technologies, for a digital copying system for use by the Building & Development Office.

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

WHEREAS, Director of Building & Development Steven Myers, has requested that a new digital copier/printer be leased for use by the department, and

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

WHEREAS, quotes were received, with National Business Technologies submitting the lowest quote for a lease plus service charge totaling \$149.71 per month, plus \$.0057 for black and white copies exceeding 2500 pages, and \$.047 for color copies; now, therefore be it

RESOLVED, that the Town Supervisor is authorized to enter into a lease agreement with National Business Technologies, for a Kyocera TASKalfa 3352ci copier/printer system, for thirty-six (36) months, for a lease plus service charge totaling \$149.71 per month, plus copy charges as listed above, to be paid from A-3620-003 (Building & Development – Copier).

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 167 of 2022, a resolution awarding the contract for demolition of the “White Building” pursuant to competitive bid.

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

WHEREAS, by Resolution No. 20 of 2022, the Town Board authorized acceptance of depreciation estimates from Selective Insurance for the fire loss of the White Building used by the Highway Department, and authorized preparation for its demolition and replacement, and

WHEREAS, the Highways Superintendent published bid specifications and solicited sealed bids for demolition of the structure, pursuant to General Municipal Law 103, and

WHEREAS, bids were opened on May 27, 2022, and

WHEREAS, the Highways Superintendent has submitted a resolution request, which seeks authority, to award the bid to DiTonno & Sons, LLC, and transfer funds from the General Fund to offset the costs of the demolition, and

WHEREAS, the resolution request contains no bid analysis, reference check, or formal recommendation to award the bid as low bidder; now, therefore, be it

RESOLVED, that the Comptroller is authorized to transfer funds from A-00914 (Unassigned Fund Balance) to A-5132-0200 (General Fund – Highway Garage – Equipment), with a possible reimbursement from insurance proceeds, and be it further

RESOLVED, that the Supervisor is hereby authorized to execute all contract documents implementing this resolution; and be it further

RESOLVED, that the Highways Superintendent is authorized to notify DiTonno & Sons, LLC, to proceed with demolition once contract documents are executed between DiTonno & Sons and the Town of Clifton Park.

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Highways Superintendent Bull stated the building should be down by end of June.

Resolution No. 168 of 2022, a resolution hiring seasonal staff for the 2022 Parks & Recreation Programs.

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

WHEREAS, the Town Board wishes to hire additional staff for the summer 2022 pool season, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that the individuals listed in the attached Schedule A be hired; now, therefore, be it

RESOLVED, that the individuals listed in the attached Schedule A be accepted as staff for the Town's pools, to be paid as indicated on the schedule through the end of the respective season.

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 169 of 2022, a resolution authorizing tent rentals for the summer season, and a transfer of funds from contingency to cover the increased costs.

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

WHEREAS, quotes were received, per the attached Schedule A, for renting tents for the Full Day Camp at the Clifton Common, and

WHEREAS, Clifton Park Rental submitted the lowest quote, in an amount not to exceed \$7,415.30, and

WHEREAS, \$4000 was allocated in the adopted 2022 budget line A-7320-015 (Summer Recreation – Other Contractual), to be used for tent rentals and other expenses, and

WHEREAS, Director of Parks, Recreation, and Community Affairs Myla Kramer, has requested that an additional \$5,216 is needed to cover the increased costs in tent rentals to be used for the Full Day Camp; now, therefore, be it

RESOLVED, that the Director is authorized to accept the quote from Clifton Park Rental, in an amount not to exceed \$7,416; and be it further

RESOLVED, that the Comptroller is authorized to transfer \$5,216 from A-01990-00015 (Contingency – Other Contractual) to A-7320-015 (General Fund – Full Day Camp – Other Contractual).

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 170 of 2022, a resolution to authorize fence and backstop repairs to Fields 2 and 3 at Veterans Memorial Park.

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

WHEREAS, Daniel Clemens, Director of Buildings, Parks and Recreation, sought quotes for the repair of the fences and backstops at Fields 2 & 3 at Veterans Memorial Park, and

WHEREAS, Mariaville Fence submitted the lowest responsive quote, in the total amount of \$8,080 for the repairs to the chain link fence and backstops at both fields; now, therefore, be it

RESOLVED, that the Director of Buildings, Parks and Recreation is authorized to accept the quote from Mariaville Fence for Fields 2 and 3, per the attached documents, to be paid from A-7024-200 (Veterans Memorial Park – Equipment).

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 171 of 2022, a resolution authorizing the hiring of William Torres as 2022 summer help for the Buildings and Grounds Department.

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

WHEREAS, an opening exists for seasonal help at the Barney Road Golf Course, and

WHEREAS, Daniel Clemens, Director of Buildings, Parks and Recreation, has recommended that William Torres be hired to fill the seasonal position; now, therefore, be it

RESOLVED, that William Torres, 56 Ray Road, Rexford, be employed as a seasonal worker for Buildings and Grounds for 2022, to be paid \$18/hour from A-7190-E4000 (Barney Road Golf Course – Assistant), effective immediately.

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 172 of 2022, a resolution increasing Trips & Tours – Senior Center revenues and expenditures by \$39,250, for trips sponsored by the Clifton Park Senior Community Center.

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

WHEREAS, the Clifton Park Senior Community Center is offering a multi-day trip to Maine, September 26-29, 2022, and six individual daytrips between September and December, as listed on the attached Schedule A, and

WHEREAS, the Senior Community Center will collect fees from participants for the bus trips; now, therefore, be it

RESOLVED, that 2022 A-6773-77 (Trip Revenues) is hereby increased by \$39,250, and A-6773-015 (Trips & Tours – Other – Contractual) expenditures are hereby increased by \$39,250.

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 173 of 2022, a resolution authorizing the transfer of funds to cover the costs of long arm extensions for the Town’s streetlighting project.

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

WHEREAS, an estimated \$550,000 was allocated in the adopted 2022 budget line A-5182-200 (Street Light Purchases), and

WHEREAS, Executive Electric, subcontractor to Siemens Industrial as the installation contractor for the newly acquired lights, has identified eight National Grid poles which have been moved, replaced, or otherwise changed since the original audit was prepared, and for which the “ARM” for street light attachments have been removed, and

WHEREAS, Executive Electric has advised the Town that it will need installation of long arm extensions and wiring to complete the streetlight project, in an amount not to exceed \$14,190, to be paid from A-5182-200 (Lighting District – Equipment); now, therefore, be it

RESOLVED, that the Supervisor is authorized to accept the quote. in the amount not to exceed \$14,190 and the Comptroller is authorized to transfer \$14,190 from A-1990-15 (Contingency – Other Contractual) to A-5182-200 (Lighting District – Equipment).

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 174 of 2022, a resolution appointing a hearing officer, pursuant to Civil Service Law Section 75.

Introduced by Councilman Morelli, who moved its adoption, seconded by Supervisor Barrett.

WHEREAS, on April 27, 2022, the Supervisor served a Notice of Discipline upon a Town employee, alleging incompetence arising from neglect of job duties, and

WHEREAS, on May 5, 2022, the employee so noticed, served an answer through counsel, demanding a hearing on the charges, and

WHEREAS, the Supervisor has referred the charges to the Town Board for action; now, therefore, be it

RESOLVED, that pursuant to Section 75 of the New York State Civil Service Law, the Board hereby appoints Carolyn George, Cooper Erving, as Hearing Officer to conduct a full hearing on the disciplinary charges, to make a record and to make recommendations to the Board for disposition on the charges so made.

ROLL CALL VOTE

Ayes: Councilman Morelli, Supervisor Barrett

Noes: Councilwoman Flood, Councilwoman Standaert, Councilwoman Walowit

DECLARED DENIED

Councilwoman Standaert questioned why the second Notice of Discipline issued on May 2, 2022, is not mentioned in the resolution, nor provided to the Town Board? She requested more information in order to move forward.

Councilwoman Flood questioned the process for disciplinary issues.

Attorney McCarthy explained the process. He stated the attorney, which was asked to consult on the issue, recommended this action and is present tonight.

Councilman Morelli questioned, under Civil Service Law, if the Town is required to perform the disciplinary hearing by a separate hearing officer or the Town performs it themselves, but the hearing must be held legally.

Attorney McCarthy stated it was recommended, by outside counsel, to proceed one at a time with the Notice of Disciplines. After the recommended resolution decision, the Board would have a better idea on how to proceed with the second Notice of Discipline.

EXECUTIVE SESSION 9:11 PM

Councilwoman Standaert made a **MOTION** for the Town Board, the Town Clerk and the Town Attorney to enter into executive session for the purposes of discussing a Town employee matter with legal counsel, covered under NYS Public Officer's Law, Article 7, Section 105, seconded by Councilwoman Walowit.

Supervisor Barrett stated he also has an item involving an employee, which may lead to disciplinary action, to discuss as well in the executive session.

Attorney McCarthy stated, if this executive session request has anything to do with the current two disciplinary actions, he requested Earl T. Redding, ESQ, partner with Roemer Wallens Gold & Mineaux LLP, law firm retained by the Town of Clifton Park, to join in the executive session.

Councilwoman Standaert was in agreement with outside counsel joining in the executive session.

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli,
Councilwoman Walowit, Supervisor Barrett

Noes: None

MOTION APPROVED

MOTION to return to the regular Town Board meeting.

ROLL CALL VOTE

Ayes: Councilwoman Flood, Councilwoman Standaert, Councilman Morelli,
Councilwoman Walowit, Supervisor Barrett

Noes: None

MOTION APPROVED

NO ACTION TAKEN IN THE EXECUTIVE SESSION.

Councilman Morelli requested clarification under which Section, under Executive Session Law, that permitted three of the board members to have a meeting with outside counsel. Mr. Morelli stated the Town Board entered into Executive Session, motion was for a personnel issue and there are specific reasons the board can enter into executive session, during the executive session, unknown to himself, there was a meeting set-up with external counsel that this board had a resolution to retain. Mr. Morelli stated, during the consideration of the resolution retaining the outside counsel, Councilwoman Standaert stated all members of the Town Board would be copied on all communications with outside counsel. Mr. Morelli was not notified of the scheduled outside counsel meeting. He questioned who the outside counsel works for, three members of the board or the entire board.

Councilwoman Standaert stated when hiring the outside counsel, they would report to the entire town board. Ms. Standaert stated only a meeting time was set-up. No other communication.

Councilman Morelli stated he would like to be notified when the meetings are set-up.

Mr. McCarthy stated, the meeting with outside counsel would have been covered under attorney-client privilege. He suggested when a member of the board wants to go into executive session, it would be helpful if information on what the topic is, to notify town council and the whole Town Board prior to calling for the meeting. His understanding was that the session was to discuss the last resolution appointing a hearing officer, not a zoom meeting with outside counsel.

Discussion ensued.

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 10:09 PM

Teresa Brobston
Town Clerk