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TOWN BOARD COUNTY OF ALBANY

TOWN OF COLONIE

AGENDA SESSION

THE STENOGRAPHIC MINUTES of the above entitled matter by NANCY L. STRANG, a Shorthand Reporter commencing on October 10, 2019 at 6:10 p.m. at Memorial Town Hall, 534 New Loudon Road, Latham, New York

BOARD MEMBERS:

- PAULA MAHAN, SUPERVISOR
- LINDA MURPHY, DEPUTY SUPERVISOR
- DAVID GREEN
- MELISSA JEFFERS-VONDOLLEN
- PAUL ROSANO
- CHRISTOPHER CAREY

ALSO PRESENT:

- Michael C. Magguilli, Esq, Town Attorney
- Julie Gansle, Town Clerk
- Crystal Peck, Esq., Bailey Johnson and Peck
- Rosemary Newton, Director, Human Resources

1 MR. MAGGUILLI: We have a fairly routine
2 meeting tonight. There is no personnel, which is
3 unusual. First we have our public hearing. I don't know
4 if Nancy is going to be here tonight or not. The federal
5 HUD people, the federal Housing and Urban Development
6 requires an annual public hearing to allow for public
7 comment on our proposed Section 8 Housing Choice Voucher
8 Program. So, we are complying with that annual
9 requirement tonight by conducting the public hearing.

10 SUPERVISOR MAHAN: Mike, this is a different
11 one. This is the five-year one. Every five years we have
12 to do this one.

13 MR. MAGGUILLI: This is annual.

14 SUPERVISOR MAHAN: Nancy said every five years
15 and Jim Mastroianni is going to be attending.

16 MR. MAGGUILLI: Okay, this is a mastery on a
17 program. When I read was right from HUD. Introduction:
18 annually, the Federal Department of Housing and Urban
19 Development requires a public hearing to allow for
20 comment on a Section 8 Housing Choice Voucher Program,
21 PHA plan. So, that's where I get my information from -
22 right from HUD. It is my understanding that this is
23 annual and this is not the five-year period I think the
24 five-year one we did the meeting before. I am not
25 positive. Whether it's annual or five years, we are

1 still conducting a public hearing.

2 SUPERVISOR MAHAN: Mike, back in August we call
3 the public hearing for tonight for the five-year public
4 agency plan. Maybe they sent the wrong paperwork.

5 MR. MAGGUILLI: I don't know, but that's what I
6 have in my file. The Resolution itself does not refer to
7 any type of - any length of time. The backup that we
8 received from HUD just calls it annual. Maybe it's a
9 five-year plan, but you have to have an annual public
10 hearing - I don't know.

11 SUPERVISOR MAHAN: Mr. Mastroianni will explain
12 it tonight.

13 MR. MAGGUILLI: The important part is that no
14 Town funds are involved. This is 100% HUD funded.

15 SUPERVISOR MAHAN: Yes, this is all under HUD.

16 MR. MAGGUILLI: Our next public hearing is for
17 amending our Vehicle and Traffic Law. We are amending it
18 to reduce the speed limit on 1.7 miles of Boght Road,
19 between Elm Street in Saint Agnes Highway from 40 down
20 to 35. This is at the request -

21 MR. CAREY: I thought it was 30.

22 MR. MAGGUILLI: I'm sorry, it is 30.

23 SUPERVISOR MAHAN: I would just like to point
24 out that some people called and they didn't read where
25 it says delete. What it says is that under our Code for

1 speed limits, it is 30 miles per hour. Unless there is
2 an exception, then it goes under the other part of the
3 Code.

4 MR. MAGGUILLI: So, 181 - 16 that provides that
5 it's 30 unless designated otherwise.

6 SUPERVISOR MAHAN: Yes and we don't list all
7 the 30 mile per hour - - we would not be adding that to
8 any list. It is 40 now because it is on the exception
9 list. It is going to be deleted from the exception list
10 and what happens is it goes automatically by the Code to
11 30.

12 MR. MAGGUILLI: That is correct.

13 Our third public hearing for tonight is under
14 New York State Town Law Section 202. This is for the
15 expense of constructing sewer/sewage disposal plants
16 and or drainage systems in the Town.

17 Crystal, anything you want to add to that?

18 MS. PECK: The cost on this one has gone up a
19 little bit. The assessments are increasing by about \$12
20 for a single-family residential home. That's it.

21 The next one, 202 - a - the maintenance has
22 actually gone down a little bit.

23 MR. MAGGUILLI: And 202 - a is the expense of
24 maintenance as opposed to the expense of constructing.
25 It is the same thing. The New York State Town Law

1 Section 202 - a requires that we have a public hearing.
2 Basically what you are doing is you are finding that any
3 expense for maintenance and/or construction of the
4 previous Resolution does in fact benefit the affected
5 houses and therefore we can assess them for the cost.

6 Then we have one that I don't recall doing
7 before. This is under 202B of the New York State Town
8 Law. This is for proposed pipe grids; our pipe grids
9 evaluation project. The Town owns and maintains five
10 sanitary sewer bridges in the Town. We had hired a
11 company, Greenman Pederson, an engineering firm, to
12 take a look at these. They discovered that four out of
13 the five needed repair. The cost of repairs estimated
14 to be \$1,095,000. Under 202 - be we also require a
15 public hearing for the work that is going to be done.

16 Resolution 424 is calling a public hearing
17 for the preliminary budget and a public hearing will
18 be held on November 7 at 7:00 p.m.

19 Next we have a Resolution authorizing a
20 payment. I'm not even going to try to pronounce this
21 name. It's \$594. This was a sewer, sinkhole on this
22 property that actually backed up into his house. He
23 went in and fixed it on May 28 and submitted the bill
24 to the Town. My office investigated and we had a
25 number of prior instances in the past where there was

1 the exact same problem. We didn't get there in time to
2 fix it before there was the backup that caused the
3 real damage. Therefore, we had notice and consequently
4 I'm recommending payment.

5 Resolution 426 is calling for a public
6 hearing on October 24 at 7:00 p.m. The Village of
7 Colonie has requested that we reduce the speed limit
8 from 40 down to 30 on Sand Creek Road at the
9 intersection of Watervliet Shaker for a distance of
10 about 7/10 of a mile. Again, this is for the public
11 hearing. Like the last one, what were doing is
12 deleting the exception that provides for 40 and it
13 will default down to 30.

14 SUPERVISOR MAHAN: Linda, were you able to
15 contact Frank?

16 MS. MURPHY: I spoke to him on the telephone
17 today.

18 SUPERVISOR MAHAN: Thank you. Is he feeling
19 better?

20 MS. MURPHY: Yes.

21 MR. MAGGUILLI: The next Resolutions have to do
22 with emergency repairs. The first is we had a collapsed
23 pipe and sinkhole at 99 Exchange Street. It was
24 determined that we had to go in and repaired immediately
25 because there were no sewer service to this building.

1 They discovered that the clay pipe there had
2 collapsed and the cost was \$8,624.68.

3 The next emergency repair was we had a
4 blocked pipe and sewer service to 14 Sparrowbush. This
5 was repaired back on July 11.

6 It turns out that the asbestos cement pipe
7 completely failed in collapsed. The cost of repairing
8 this was \$8,443.43.

9 Resolution 429 is authorizing politics signed
10 an agreement with Barton and Loguidice. This is for
11 the Kromma Hill Trunk Sewer Rehab Project for Pure
12 Waters. We initially approved this project by
13 Resolution 205 for 2016. The cost was not to exceed
14 \$92,800. After we did our excavation, we discovered
15 that the existing pipes were in worse condition that
16 they expected due to their age and that required a
17 redesign and also we had to relocate these pipes.
18 Apparently, these were deeper and there's quite a bit
19 of other utilities there that made it difficult. So,
20 to do the redesign work, they are requesting an
21 additional \$8,011.

22 Resolution 430 is a contract with CDPHP. This
23 is for health insurance for 2020. It is a 12.4%
24 increase for 2019. It looks like it's about \$12.3
25 million for cost.

1 Resolution 431 is in agreement with Guardian
2 Life. As you know, one of the benefits we provide the
3 employees as if they die while they are gainfully
4 employed by the Town, they get a \$10,000 life
5 insurance payment. The cost of that premium for this
6 year - this covers all Town employees - is \$20,191.

7 Resolution 432 is the contract with CDPHP.
8 This is to administer our flexible spending account
9 program. The cost has not gone up from the last couple
10 of years. The sum is still \$5.26 per participant, per
11 month.

12 Resolution 433 - there is a new IRS
13 Regulation that increased the maximum benefit to
14 \$2,700. So, we have to amend our health flexible
15 spending account program to meet the new statutory
16 account limit. The cost of amending the documents and
17 putting this in compliance is \$350.

18 Resolution 434 is authorizing Paula to sign a
19 contract extension with Corporate Counseling
20 Associates. These are the people that provide our
21 employees assistance type services to Town employees.
22 The cost - - this is the same as it has been. It is a
23 \$1.46 per month, per employee. The total cost, based
24 on the number of current employees results in a
25 \$12,264 premium.

1 MS. NEWTON: And that's for the next three
2 years.

3 MR. MAGGUILLI: Resolution 435 is accepting the
4 dedication of Sterling Ridge at 34 Sterling Ridge in the
5 Loudon Hills East Conservation Subdivision. This is the
6 one off of Spring Street.

7 All these Resolutions for public street
8 dedications - as you notice in the first resolve
9 clause, they are all contingent upon receipt of the
10 required certification and fulfillment of all other
11 Town Department of Public Works requirements for
12 dedication. What that means is basically all you're
13 doing tonight is authorizing Jack to sign the
14 documents when our various Town departments; Pure
15 Waters, our Water Department in the Highway Department
16 are satisfied that these roads have been constructed
17 in accordance with all Town requirements and all plan
18 specifications. It is further subject to the approval
19 of the Town Attorney's office to make sure all the
20 deeds and everything else conforms to the approvals
21 placed on by the Town. That applies to all of these.
22 So, the first one is accepting the dedication, subject
23 to those contingencies and conditions for Loudon Hills
24 East.

25 Resolution 436 is the Donna Drive and 55

1 Donna Drive Conservation Subdivision. They have been
2 offered for dedication in our preliminary review of
3 all the documents conform to the Planning Board
4 requirements and the various departments will again
5 make sure that they conform with Town Code with
6 respect to the width of the highways, the depth,
7 ectera.

8 Resolution 437 is the same thing with Cordell
9 Road except this also includes three parcels with the
10 Pine Bush with a total of 41 acres of land that will
11 be added to the Town open space inventory. Again, this
12 is at no cost to the Town. We will not be deeding this
13 to the Pine Bush. We will dedicate it to the Pine Bush
14 and that's a little different. It will still be owned
15 by the Town, but the maintenance and the use will be
16 solely up to the Pine Bush people.

17 MR. GREEN: Do we have a lease agreement or
18 something with us?

19 MR. MAGGUILLI: Yes.

20 SUPERVISOR MAHAN: They usually prefer to
21 maintain everything because they know it best.

22 MR. MAGGUILLI: We would have to do the fires
23 and stuff like that.

24 Next we have accepting the dedication of a
25 portion of Cove Road in a portion of Shore Lane in

1 Phase 4C, again, contingent upon receipt of all of the
2 required certifications and performance in the
3 approval of the Town Attorney's office.

4 SUPERVISOR MAHAN: The Resolutions are first
5 preparatory step in the whole process.

6 MR. MAGGUILLI: Resolution 439 is an extension
7 of Proctor Avenue and Sylvan Avenue; again, that's
8 contingent.

9 Actually, it is a better way of doing it
10 because it requires them to provide us with the
11 documentation beforehand. So, it gives Sue Pellegrini
12 in my office and myself more time to review it and
13 make sure everything is according to the approvals by
14 the Planning Board.

15 Resolution 440 is authorizing Paula to sign
16 an acknowledgment for Verizon Wireless. This is for
17 our enterprise messaging access gateway. This is for
18 the Police Department and EMS, primarily. We didn't
19 get the paperwork until recently for whatever reason,
20 but this went into effect and we didn't want to lose
21 it on September 13. So, we are retroactively
22 authorizing Paula to sign an acknowledgment. This is
23 at no cost to the Town. Verizon Wireless does this as
24 a public service to Police and Fire and EMS.

25 Resolution 441 - - as you know, I was gone

1 last week and so I didn't have a chance to talk to
2 anyone. I would request that this Resolution be pulled
3 until the October 24 meeting. I haven't had a chance
4 to compare this with a contract - the base contract
5 that we signed with this architectural firm back on
6 May 12 of 2017. It just seems like \$84,000 at this
7 stage of the game is a lot of money to do with what
8 they call Phase 3.

9 I was able to go through it quickly today and
10 the initial contract talks about a Phase 1 and a Phase
11 2, but there is no mention of any Phase 3. The
12 documentation that we got for this also talks about a
13 Phase 2a and I can't find any reference in any of the
14 files to a section 2A. So, if you don't mind, I would
15 like a couple of weeks to look into this. I don't
16 think it will hold anything up. I have some concerns.

17 They call it a Phase 3, but this came in as
18 an additional service. Basically, it is a change
19 order. You know how I look at change orders.

20 That's all I have.

21 MR. GREEN: I will make a motion to adjourn
22 Resolution 441 until our October 24 meeting.

23 MR. CAREY: Second.

24 MS. GANSLE: All in favor?

25 (Ayes were recited.)

1 Any opposed?

2 (There were none opposed.)

3 The motion carries.

4 MR. MAGGUILLI: We have with us tonight Crystal
5 Peck, our Counsel to our Water Department and John
6 Frazer. They would like to talk.

7 Crystal, what would you like the subject to
8 be?

9 MS. PECK: Pending litigation.

10 MR. MAGGUILLI: Who are the litigants, again?

11 MS. PECK: I'm sorry. Global Contracting and
12 IFIC.

13 MR. GREEN: I will make the motion to go into
14 Executive Session to discuss pending litigation.

15 MR. MAGGUILLI: And that Nancy be allowed to
16 stay, I would be allowed to stay, John Frazer, Jack
17 Spath and Julie Gansle.

18 MS. MURPHY: Second.

19 MS. GANSLE: All in favor?

20 (Ayes were recited.)

21 Any opposed?

22 (There were none opposed.)

23 (Whereas the above entitled proceeding was
24 concluded at 6:35 p.m.)

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CERTIFICATION

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I, NANCY L. STRANG, Shorthand Reporter and
Notary Public in and for the State of New York, hereby
CERTIFY that the record taken by me at the time and
place noted in the heading hereof is a true and
accurate transcript of same, to the best of my ability
and belief.

Dated: _____

NANCY L. STRANG
LEGAL TRANSCRIPTION
2420 TROY SCHENECTADY RD.
NISKAYUNA, NY 12309