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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 November 21, 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
- JENNIFER WHALEN

ALSO PRESENT:

- Michael C. Magguilli, Esq, Town Attorney
- Julie Gansle, Town Clerk
- Crystal Peck, Esq., Bailey Johnson and Peck
- Christopher Kelsey, Acting Comptroller

1 MR. MAGGUILLI: We are starting off with
2 Resolution 492 A, which is the first of four personnel
3 matters. Here we have a Resolution permanently
4 appointing Sarah Berben as Typist, Grade 6 in the
5 Justice Department. She is replacing Mary Ellen Ives.
6 Her salary will be \$32,454 and she's going to start
7 November 25.

8 Resolution 492 B is a new position. We are
9 creating a position of Senior Water Pumping System
10 Monitor, Grade 26 and provisionally promoting Warren
11 E. Carr to this position. The salary is \$58,295 and he
12 will start Monday the 25th.

13 MR. GREEN: Is he an existing Town employee?

14 SUPERVISOR MAHAN: Yes.

15 MR. KELSEY: When John retired we created two
16 senior positions because he oversaw two departments. We
17 created two seniors in both of those departments and
18 didn't backfill the monitor and backfilled the meter
19 person as a meter reader and a lower position in all
20 three of the positions saved about \$1,000.

21 MR. MAGGUILLI: Resolution 492C is appointing
22 Julie Phillips as a Typist in the Police Department. She
23 is filling the vacancy of Kelsey VanAlstyne; \$17.82 an
24 hour starting November 25.

25 Then finally we are reinstating Michael

1 Haller to the position of Public Safety Communications
2 Supervisor under Civil Service Rule 18. He will start
3 Monday the 25th at a salary of - we have here \$36.53.

4 MS. WHALEN: Where was he?

5 SUPERVISOR MAHAN: He was part-time. Mike was a
6 Supervisor there for a long time. At this point, there's
7 been so much turnover that the majority of the people
8 who are there are young and newer and so Lori Kunker
9 just moved in to one of the Supervisors' positions.

10 MR. CAREY: Into Mike's position.

11 SUPERVISOR MAHAN: In order to get some
12 training and some backup and all the agreements that we
13 have going when we're working with the City of Albany
14 and the county and all of that, there's a ton of stuff
15 going on and there's a real learning curve there. So,
16 Mike was going to provide that assistance.

17 MR. CAREY: He's capped it \$30,000.

18 SUPERVISOR MAHAN: He's only \$22,500. He's been
19 there a long time, so he knows the entire system.

20 MS. WHALEN: He retired? Is that it?

21 SUPERVISOR MAHAN: Yes, he retired. The number
22 of calls has gotten higher and higher. This will give us
23 some time to get some training in. Hopefully within a
24 few years, everybody will be up to speed.

25 MR. KELSEY: And it will provide some savings

1 and when Gloria can take vacation time, we don't have to
2 pay out of title to one of the loaner people. We can
3 just fill in when she's on vacation.

4 (Ms. Whalen exited the room.)

5 SUPERVISOR MAHAN: All the way around, it
6 should work out well.

7 MR. MAGGILLI: Resolution 493 is a Resolution
8 adjourning and rescheduling the public hearing for the
9 Safety-Kleen sanitary sewer extension. The new public
10 hearing date will be December 19, 2019.

11 What happened was we had gotten everything
12 over to the Spotlight for a publication to hold the
13 public hearing tonight. We got a call that the
14 Spotlight posted it in the Delmar edition rather than
15 the Colonie/Loudonville edition. Therefore, we have to
16 do this. The Spotlight is not going to charge the
17 Town, of course, for correcting the mistake.

18 Resolution 494 is authorizing Paula to sign
19 an amendment to the agreement with the City of Cohoes.
20 This is an agreement that we entered into back in
21 2006. It allows for additional properties to either be
22 incorporated or removed from this district and to use
23 the facility. It's very basic. The terms of the
24 agreement are subject to the approval of the Town
25 Attorney's office.

1 SUPERVISOR MAHAN: I think it was a request to
2 take one out, correct, Jack? There was one request for
3 one to go to the City of Cohoes?

4 MR. CUNNINGHAM: Yes, but there's one that has
5 to come back over.

6 MR. MAGGUILLI: Resolution 495 and 496 which is
7 our Town Law 202 and 202-a Resolutions extending the
8 municipal sewer service to 273 Watervliet Shaker Road -
9 I have a request here from John Bailey's office to pull
10 these Resolutions.

11 Crystal, do you want to speak to that?

12 MS. PECK: The property owner contacted me
13 today and he was going to fund the project with a line
14 of credit. He has asked to change how he is funding the
15 project. We need to put together a new program and see a
16 check.

17 MR. MAGGUILLI: Crystal, any idea - this was
18 scheduled for December 19. Any idea of when they will
19 want to put this back on?

20 MS. PECK: They're going to want to be back on
21 January, is my guess.

22 MR. MAGGUILLI: Thank you.

23 Resolution 497 is authorizing Paula to sign a
24 support service agreement with the IDA. This the
25 agreement that we do every year and the agreement this

1 year will be from January 1, 2022 to December 31,
2 2020. It's not to exceed \$50,000 for the IDA and
3 \$2,000 for the local development area. That is money
4 paid to the Town. We provide support services -
5 financial support - our Purchasing department,
6 Planning and Economic Development - but it's all the
7 administrative support services. This has been done
8 for probably the last 25 years.

9 Resolution 498 is authorizing the purchase of
10 property down the road at 496 Loudon Road to be added
11 to our open space inventory.

12 As you recall, we discussed this at our last
13 Town Board meeting and David Green kindly volunteered
14 to complete the negotiations on this. He did a yeoman
15 service. He got the price down to \$160,000 from the
16 asking price of \$179,900. He also contacted a title
17 company that is willing to provide us with title
18 insurance at no charge - - it's the search at no
19 charge.

20 MR. GREEN: It's just the search. If you want
21 to buy the insurance which may or may not be necessary
22 once we see the search, we will make that determination.

23 MR. MAGGILLI: This is the property at the
24 corner down here. We walked it and it's a very nice
25 piece of land. There is some wetland on it, but perfect

1 for keeping green.

2 MR. GREEN: You need to make one change in this
3 Resolution. They don't really authorize to spend that
4 amount. It says we have interest in acquiring it in that
5 amount.

6 MR. MAGGUILLI: No, but it authorizes her to
7 sign a contract that has that amount in it.

8 MR. GREEN: So, you don't have to say in the
9 amount of?

10 MR. MAGGUILLI: No. It's in the whereas clause
11 in the amount of \$160,000. If you would feel more
12 comfortable adding the \$160,000 in the resolve, I would
13 have no problem with that.

14 MR. GREEN: The first be it resolved that the
15 Town is authorized to purchase property located at 496
16 Loudon Road in the amount of \$160,000.

17 MR. MAGGUILLI: That's fine.

18 MR. GREEN: Just to put it in there to make it
19 clear.

20 MR. MAGGUILLI: I will need a motion to amend.

21 MR. GREEN: I will make a motion to amend.

22 MS. MURPHY: I will second it.

23 MS. GANSLE: All in favor?

24 (Ayes were recited.)

25 Opposed?

1 (There were none opposed.)

2 MR. MAGGUILLI: Resolution 499 is authorizing
3 Paula to sign an agreement with Hitech Systems. This is
4 for the safety net automatic record exchange program for
5 our Police Department. What this does is it allows the
6 County Police Department to search other agencies
7 databases for persons, vehicles and crimes. This is at
8 no cost to the Town.

9 Next we have Resolution 500 that authorizes
10 Paula to sign an agreement with the YakResponder
11 Communications. This is software for the Robo calls
12 essentially - text information during non-emergency
13 calls. This agreement will run from November 1, 2019
14 to December 31, 2020. The total cost of this will be
15 \$3,000. What this provides is what they call the
16 Marvel package which is \$1,000; 10 lines for the
17 communication at 1,800; 10,000 text messages at \$.55
18 per text for total of 550 and then because we are one
19 of the early adopters of this relatively new program,
20 we are getting a \$350 discount. That's what they call
21 an early adoption discount which brings the yearly
22 cost for this down to \$3,000. What this does is
23 provides for the delivery of text information during
24 non-emergency calls for services for the computer
25 aided dispatch callers and work Town employees who

1 have verbally opted in to receive those text
2 notifications.

3 MR. CAREY: Should we have the amount in that
4 Resolution?

5 MR. MAGGUILLI: We can. What I typically do is
6 use the review and approval of the Town Attorney
7 provision. Again, if you would like to add it, that's
8 something that we can certainly do.

9 How about if we do the first whereas clause -
10 authorized to enter into an agreement not to exceed
11 \$3,000 with discounts with Yak. How does that sound?

12 MR. CAREY: Sounds good.

13 MR. MAGGUILLI: Resolution 501 is authorizing
14 Paula to sign a professional service agreement with CT
15 Male. This is in connection with the engineering
16 services -

17 MS. GANSLE: Before we go further, we have to
18 make a motion to amend that one.

19 MR. CAREY: I will make a motion to add in
20 there that the amount will not exceed \$3,000.

21 MR. GREEN: Second.

22 MS. GANSLE: All in favor?

23 (Ayes were recited.)

24 Opposed?

25 (There were none opposed.)

1 MR. MAGGUILLI: Resolution 501 - an agreement
2 with CT Male for the engineering services with the 168th
3 extension. The cost of this will not exceed \$2,500. What
4 this does and what the report will include is general
5 information on the district, the water demand quality,
6 supply information and the like. They will also assist
7 with preparing DEC permits and reports that are due.
8 This is at the request of John Frazier of the Water
9 Department.

10 MR. CAREY: It's \$2,250.00

11 MR. MAGGUILLI: It's \$2,250. I'm sorry.

12 Resolution 500 to is requiring the Planning
13 Board to review and consider an open development area
14 at 31 Hills Road. This is apparently on a private
15 road, so therefore it needs an open development area.
16 All we are doing here is sending it to the planning
17 Board for them to conduct their hearings and then
18 report back to the Town at which time we will - you
19 will decide.

20 Resolution 503 - back on October 23 we
21 received five proposals in connection with our annual
22 purchase of gravel/fill/topsoil and top dressing for
23 the coming year. If approved, this will award the bids
24 all to the low bidders.

25 Resolution 504 is change order No. 1 with the

1 contract with Midstate Industries in connection with
2 the replacements of the roof at the EMS Station 3.
3 Contract price is \$17,260 as an increase.

4 I looked through this and this does meet the
5 requirements of our change order policy.

6 As it happened when they started to remove
7 the old roof, it was determined that there was no top
8 bonding and no wooden blocks to attach a new roof to.
9 What this change order does is for the cost of putting
10 in the top bonding and wooden supports.

11 Resolution 505 is two tax certs. They are
12 settlements, again, subject to the court's approval.
13 The first is for Dutch Village at 30 Wards Lane. It
14 would be a reduction of \$250,000. Our Town tax rate
15 has yet to be determined as far as a refund, if any is
16 concerned.

17 The second is with Limited Point, LLC. No
18 reduction for the parcel that we have denominated as
19 Parcel A. Parcel B at 2 Winter Creek Road would be
20 tentatively \$100,000 in reduction.

21 Again, we are waiting for the calculations of
22 the refund, if any.

23 Resolution 506 - I'm afraid I need another
24 amendment.

25 MR. GREEN: We want to make that 333, right?

1 MR. MAGGUILLI: Yes.

2 MR. GREEN: All right, we will make a motion to
3 change it where we are resending Resolution 333 for
4 2019.

5 MR. MAGGUILLI: Correct. We had received a
6 request from Shelco Development. They want to rescind
7 the open development area that was granted to them for
8 that three lot subdivision. They do not wish to proceed
9 with that. They want what was enumerated as 36, 37 and
10 38 Dennison Road to be returned and consolidated back
11 into 34 Dennison Road.

12 Before you ask, I have no idea of what
13 their future intentions are. They didn't put it in.
14 They also never fully completed the process on the
15 open development area. We looked at it and they didn't
16 go through and file the final paperwork. I still think
17 the best way to do it - - we went back and forth on
18 this for a while. They claimed one was never created
19 because they didn't finish the work. We have the
20 Resolution on the books and the plans. So, to make it
21 clear, I think we should adopt this Resolution.

22 MS. GANSLE: Do we have a second?

23 MS. MURPHY: Second.

24 MS. GANSLE: All in favor?

25 (Ayes were recited.)

1 Opposed?

2 (There were none opposed.)

3 MR. GREEN: So, Michael, in other words with
4 this lot - I remember this specifically because there
5 was one road in and they were going to have a circle and
6 branch off of the circle - all of the different service
7 roads to the properties. When you say return it to what
8 it was before - we approved the ODA but the ODA still
9 had to go through all of the Town approvals in order to
10 come back -

11 MR. MAGGUILLI: Before they could get permits,
12 sure.

13 MR. GREEN: Right. So, nothing's really been
14 done here. It's just back to - why is it going back to
15 one number; 34?

16 MR. MAGGUILLI: Right now the way I looked at
17 this, there is an open development designation for a
18 three lots known as 36, 37 and 38 Dennison Road. They do
19 not, for whatever reason, want to go forward with the
20 open development area and they want the parcel back in
21 the condition that it was in prior to the ODA grant in
22 2018. I think that it is better that we have a written
23 Resolution resending the old Resolution. That way 10
24 years from now somebody could look through the file and
25 they are going to know what went on. It's really all it

1 is.

2 MR. GREEN: Okay, no harm to the Town.

3 MR. MAGGUILLI: No.

4 That's it.

5 Whereas the above entitled proceeding was
6 concluded at 6:24 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
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NISKAYUNA, NY 12309