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TOWN BOARD COUNTY OF ALBANY

TOWN OF COLONIE

TOWN BOARD MEETING

THE STENOGRAPHIC MINUTES of the above entitled matter by NANCY L. STRANG, a Shorthand Reporter commencing on September 26, 2019 at 7:06 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
- JENNIFER WHALEN
- CHRISTOPHER CAREY

ALSO PRESENT:

- Michael C. Magguilli, Esq, Town Attorney
- Julie Gansle, Town Clerk

1 MS. GANSLE: Before we begin with personnel I
2 would just like to make an announcement for the record
3 that the Town Board has been presented with a tentative
4 budget. You should have the packet in front of you.

5 SUPERVISOR MAHAN: We will start with
6 personnel.

7 MS. WHALEN: This is the budget for next year,
8 right?

9 MS. GANSLE: For 2020, that's correct.

10 Our first Resolution is a Resolution
11 establishing one position of Senior Public Works
12 Operations Technician, Grade 15, in the
13 DPW/Engineering Department and provisionally promoting
14 Ryan W. Buff to same.

15 MR. ROSANO: So moved.

16 MR. GREEN: Second.

17 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,
18 call the roll.

19 (The roll was called.)

20 MS. GANSLE: The ayes have it, Madam
21 Supervisor.

22 SUPERVISOR MAHAN: The Resolution is adopted.
23 Congratulations, Ryan.

24 MS. GANSLE: We have a Resolution appointing
25 Mary Ellen Ives to the position of Clerk to Town

1 Justice, Grade 8, in the Justice Department.

2 MR. GREEN: So moved.

3 MS. MURPHY: Second.

4 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,
5 call the roll.

6 (The roll was called.)

7 MS. GANSLE: The ayes have it, Madam
8 Supervisor.

9 SUPERVISOR MAHAN: The Resolution is adopted.
10 Congratulations, Mary Ellen.

11 MS. GANSLE: We have a Resolution permanently
12 promoting Donald W. Delude, Jr. to the position of
13 Senior Building Inspector, Grade 17, in the Building
14 Department.

15 MR. ROSANO: So moved.

16 MR. GREEN: Second.

17 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,
18 call the roll.

19 (The roll was called.)

20 MS. GANSLE: The ayes have it, Madam
21 Supervisor.

22 SUPERVISOR MAHAN: The Resolution is adopted.
23 Congratulations, Don.

24 MS. GANSLE: We have a Resolution appointing
25 Drew T. Clow to the position of Building and Grounds

1 Maintenance Worker, Grade 8, in the DPW/Facilities
2 Division.

3 MR. ROSANO: So moved.

4 MR. GREEN: Second.

5 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,
6 call the roll.

7 (The roll was called.)

8 MS. GANSLE: The ayes have it, Madam
9 Supervisor.

10 SUPERVISOR MAHAN: The Resolution is adopted.

11 I don't believe Drew is here. Please pass on
12 our congratulations.

13 MS. GANSLE: In connection with the first
14 public hearing, we have a Resolution adjourning this
15 public hearing in connection with the proposed Local Law
16 amending Chapter 181 of the Code of the Town of
17 Colonie, "Vehicle & Traffic Codification" by amending
18 Schedule VII - "Speed Limits".

19 MR. ROSANO: So moved.

20 MS. JEFFERS VONDOLLEN: Second.

21 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,
22 call the roll.

23 (The roll was called.)

24 MS. GANSLE: The hearing is adjourned to
25 October 10.

1 The ayes have it, Madam Supervisor.

2 SUPERVISOR MAHAN: Thank you.

3 (Whereas the above entitled proceeding was
4 adjourned to address the public hearing and public
5 comment of the evening and recommenced immediately
6 after.)

7 MS. GANSLE: We have a Resolution authorizing
8 expenditure of funds from the Insurance Reserve Fund for
9 payment of legal fees, expenses and/or settlement in
10 connection with tort litigation.

11 MS. JEFFERS-VONDOLLEN: So moved.

12 MS. WHALEN: Second.

13 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,
14 call the roll.

15 (The roll was called.)

16 MS. GANSLE: The ayes have it, Madam
17 Supervisor.

18 SUPERVISOR MAHAN: The Resolution is adopted.

19 MS. GANSLE: We have a Resolution authorizing
20 acceptance of a proposal from Arthur J. Gallagher & Co.
21 to provide excess automobile insurance coverage for the
22 Town of Colonie through The Travelers Indemnity Company.

23 MS. JEFFERS-VONDOLLEN: So moved.

24 MS. WHALEN: Second.

25 SUPERVISOR MAHAN: This is \$83,302.00 and that

1 is a reduction from last year.

2 Supervisor votes aye. Clerk, call the roll.

3 (The roll was called.)

4 MS. GANSLE: The ayes have it, Madam

5 Supervisor.

6 SUPERVISOR MAHAN: The Resolution is adopted.

7 MS. GANSLE: We have a Resolution authorizing
8 acceptance of a proposal from Arthur J. Gallagher & Co.
9 to provide automobile insurance coverage for the Town of
10 Colonie through Selective Insurance Company of New York.

11 MS. JEFFERS-VONDOLLEN: So moved.

12 MS. WHALEN: Second.

13 SUPERVISOR MAHAN: This is is for a period From
14 August 15, 2019 to August 15, 2020. The new policy is
15 \$263,780. This is also reduction from last year.

16 Supervisor votes aye. Clerk, call the roll.

17 (The roll was called.)

18 MS. GANSLE: The ayes have it, Madam

19 Supervisor.

20 SUPERVISOR MAHAN: The Resolution is adopted.

21 MS. GANSLE: We have a Resolution authorizing
22 the Supervisor to reimburse for overestimated water
23 usage at 6 Douglas Lane and 28 Hawthorne Court.

24 MR. ROSANO: So moved.

25 MS. MURPHY: Second.

1 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,
2 call the roll.

3 (The roll was called.)

4 MS. GANSLE: The ayes have it, Madam
5 Supervisor.

6 SUPERVISOR MAHAN: The Resolution is adopted.

7 MS. GANSLE: We have a Resolution calling
8 public hearings in connection with Fire Protection
9 District contracts.

10 MS. JEFFERS-VONDOLLEN: So moved.

11 MS. WHALEN: Second.

12 SUPERVISOR MAHAN: The public hearing is
13 scheduled for October 24, 2019 at 7:00 p.m. This is for
14 the SW Pitts Hose Company, Fuller Road Fire Department,
15 Shaker Road/Loudonville and Maplewood.

16 Supervisor votes aye. Clerk, call the roll.

17 (The roll was called.)

18 MS. GANSLE: The ayes have it, Madam
19 Supervisor.

20 SUPERVISOR MAHAN: The Resolution is adopted.

21 MS. GANSLE: We have a Resolution for the Town
22 Board to approve modifications to the General Town-Wide,
23 Latham Water District and William K. Sanford Library
24 Funds' 2019 operating budgets.

25 MS. MURPHY: So moved.

1 MR. GREEN: Second.

2 SUPERVISOR MAHAN: There are zero budget
3 neutral.

4 Supervisor votes aye. Clerk, call the roll.

5 (The roll was called.)

6 MS. GANSLE: The ayes have it, Madam
7 Supervisor.

8 SUPERVISOR MAHAN: The Resolution is adopted.

9 MS. GANSLE: We have a Resolution authorizing
10 the Supervisor to enter into a Sale & Purchase Agreement
11 with the North Colonie Central School District in
12 connection with the supply of salt for use during the
13 winter season of 2019/2020.

14 MR. ROSANO: So moved.

15 MS. WHALEN: Second.

16 SUPERVISOR MAHAN: This is a shared services
17 agreement with North Colonie. It's \$54.89 per ton which
18 is our cost.

19 Supervisor votes aye. Clerk, call the roll.

20 (The roll was called.)

21 MS. GANSLE: The ayes have it, Madam
22 Supervisor.

23 SUPERVISOR MAHAN: The Resolution is adopted.

24 MS. GANSLE: We have a Resolution authorizing
25 the Supervisor to execute a Contract Amendment with

1 Weston & Sampson, P.E., LS, LA, PC in connection with
2 the Splash Pad at the Town Park.

3 MS. WHALEN: So moved.

4 MR. GREEN: Second.

5 SUPERVISOR MAHAN: The additional costs is
6 \$19,258.50 of which \$3140 was the town's responsibility.

7 Supervisor votes aye. Clerk, call the roll.

8 (The roll was called.)

9 MS. GANSLE: The ayes have it, Madam
10 Supervisor.

11 SUPERVISOR MAHAN: The Resolution is adopted.

12 MS. GANSLE: We have a Resolution ordering the
13 removal of an unsafe structure and its contents on
14 property located at 165 Exchange Street pursuant to
15 Article III of Chapter 62 of the Town Code.

16 MS. WHALEN: So moved.

17 MS. JEFFERS VONDOLLEN: Second.

18 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,
19 call the roll.

20 (The roll was called.)

21 MS. GANSLE: The ayes have it, Madam
22 Supervisor.

23 SUPERVISOR MAHAN: The Resolution is adopted.

24 MS. GANSLE: We have a Resolution renaming
25 North Schermerhorn Road to Waterfront Road.

1 MR. CAREY: So moved.

2 MR. GREEN: Second.

3 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,
4 call the roll.

5 (The roll was called.)

6 MS. GANSLE: The ayes have it, Madam
7 Supervisor.

8 SUPERVISOR MAHAN: The Resolution is adopted.

9 MS. GANSLE: We have a Resolution authorizing
10 Leave of Absence without pay for Carol Jones.

11 MS. WHALEN: So moved.

12 MR. GREEN: Second.

13 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,
14 call the roll.

15 (The roll was called.)

16 MS. GANSLE: The ayes have it, Madam
17 Supervisor.

18 SUPERVISOR MAHAN: The Resolution is adopted.

19 MR. GREEN: Paula, we have to announce the vote
20 in Executive Session.

21 MR. MAGGUILLI: Was there a vote?

22 SUPERVISOR MAHAN: No.

23 MR. MAGGUILLI: We can take a vote now, if you
24 like.

25 MR. GREEN: There were two matters. One was

1 assigning outside counsel and the other one was electing
2 to pay.

3 MR. MAGGILLI: During the Agenda Session two
4 matters were discussed in Executive Session. One matter
5 had to do with a lawsuit that was recently filed against
6 the Justice Department and our Court Clerk Mary Falace
7 by the County of Albany and specifically the Public
8 Defender's office. Because the Town Attorney's office
9 prosecutes cases in Town Court and we appear routinely
10 in front of the Town Judges who are a part of this
11 lawsuit as the head of the Department of Justice for the
12 Town, my office has a conflict of interest and during
13 Executive Session I explain the conflict in detail and
14 requested that the Town Board give me authorization to
15 appoint one of our outside counsel to represent the
16 Judges in this case and Mary Falace. At this time, I
17 would ask for a vote either approving or not approving
18 my request for outside counsel's appointment.

19 MR. GREEN: I make a motion for Mike to make
20 that appointment.

21 MS. MURPHY: Second.

22 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,
23 call the roll.

24 (The roll was called.)

25 MS. GANSLE: The ayes have it, Madam

1 Supervisor.

2 MR. MAGGUILLI: Then, the second matter is
3 another conflict situation.

4 The Town had denied a claim by a non-resident
5 for damage to a vehicle for a pothole. The gentleman
6 is a retired State Trooper who I happen to know very
7 well personally. I was actually best man at his
8 wedding. I am therefore conflicted out.

9 When one attorney in a law office has a
10 conflict, all of the attorneys in the office have the
11 conflict. So, I would request a vote either one, given
12 the nature of the amount of the underlying claim being
13 \$750.69 - - the Town Board may consider that it would
14 be more beneficial to merely pay the claim rather than
15 to hire outside counsel which could be more expensive
16 and most likely would be. I'm just looking for some
17 direction at this point.

18 MR. GREEN: Michael, after having heard it
19 upstairs, I think it is more cost-effective to pay that
20 amount knowing that an attorney on the outside may
21 charge us more to prepare and handle it.

22 I'm going to make that motion to go ahead and
23 pay that \$750.69 claim, in lieu of appointing anyone
24 outside to represent us.

25 MS. MURPHY: Second?

1 SUPERVISOR MAHAN: As a results of a drain that
2 sunk in.

3 MR. MAGGILLI: A pothole. I know that the Town
4 initially denied the claim, but because of my
5 relationship with the plaintiff, I stayed out of it as
6 much as I could initially. Apparently it was denied and
7 a small claim was filed which requires us to act. In the
8 10 or 11 years that I have been here, this is the first
9 time something like this has happened.

10 MS. WHALEN: Mike, I assume that you probably
11 don't have that many friends that this would become a
12 dangerous precedent to set. So, I will vote for it in
13 this one instance. Hopefully your friends don't come out
14 of the woodwork hitting potholes or we will be setting a
15 very dangerous precedent which I will not vote for this
16 again. Because of the dollar amount of the claim, it
17 does make fiscal sense in this instance. I vote yes.

18 MS. GANSLE: It has been moved and seconded.

19 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,
20 call the roll.

21 (The roll was called.)

22 MS. GANSLE: The ayes have it, Madam
23 Supervisor.

24 SUPERVISOR MAHAN: The Resolution is adopted.
25 Thank you for attending.

1 (Whereas the above entitled proceeding was
2 concluded at 7:45 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