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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 24, 2019 at 6:15 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
- Michael Burick, Director, Civil Service
- Christopher Kelsey, Acting Comptroller
- John Cunningham, Commissioner, DPW

1 MR. MAGGUILLI: Resolution 442A we are creating
2 a new position of a Clerk part-time in the Assessor's
3 office and appointing Lynne Forner to the position at
4 \$18.22 an hour. She will start October 28.

5 Resolution 422B is appointing Charles Hofer
6 as a Sewer Maintenance Worker. He is replacing Todd
7 Gardner at \$19.38 an hour starting November 12.

8 Then we have permanently promoting Stephen
9 Cozzy as a Highway Signage Technician at \$26.04 an
10 hour starting October 28. He is filling the place of
11 Stephen Strohmeier.

12 Resolution 442D is creating a new position of
13 Senior Water Meter Service Worker and appointing James
14 Howlan to that spot at \$61,562 a year starting October
15 25.

16 Then, you have a late starter that I passed
17 out. This is Arthur B. Himmelberger. He's going to be
18 the Town Band Codirector. This is a part-time position
19 in Parks and Rec. He will make \$2,364 starting
20 tomorrow.

21 MS. MURPHY: Why are we having a Co-Director?

22 MR. BURICK: We officially have three of them.

23 MR. KELSEY: Each band has a Director.

24 MR. CAREY: A Director and a Co-Director?

25 MR. KELSEY: No, they are all Co-Directors.

1 They each get \$2,300 a year.

2 MS. WHALEN: Oh, the total band budget is
3 \$7,000.

4 MR. KELSEY: Correct.

5 MR. MAGGUILLI: The next four Resolutions
6 starting with 443 are annual Fire Protection District
7 contracts.

8 The first is Fuller Road Fire Department.

9 These contracts are important because they
10 form the basis of the tax levy for each of the fire
11 districts.

12 The second a Shaker Road/Loudonville. The
13 third is Maplewood and the fourth is S.W. Pitts.

14 Resolution 447 is a Resolution adopting or
15 not adopting the Local Law for vehicle and traffic.
16 This is reducing the speed limit to 30 miles per hour
17 on Sand Creek Road in the Village of Colonie at the
18 intersection of Sand Creek and Watervliet Shaker. It's
19 about seven-tenths of a mile. This reduction is at the
20 request of the Village of Colonie.

21 MS. WHALEN: Wait, can you repeat that again?
22 It goes from 40 to what?

23 MR. MAGGUILLI: It goes from 40 down to 30.

24 MS. MURPHY: The Village is 30 and in the
25 beginning of the Village it is at 40. It's a very short

1 stretch of road. It's probably not even one-sixth of a
2 mile.

3 MS. WHALEN: Does it say 30?

4 MS. MURPHY: Yes.

5 MR. MAGGUILLI: You won't see 30 because what
6 we did is delete the 40 and then it automatically
7 defaults to 30 which is the lowest that we can go under
8 State Law.

9 Resolution 448 - this is for the
10 administrative review of minor amendments to plan
11 development districts.

12 The Albany County Planning Board was supposed
13 to meet on October 17. They adjourned that meeting
14 until today. They met at 2:30 this afternoon and we
15 received a notice by email that they have no problem
16 with this. They just wanted to make sure that we
17 notified the surrounding municipalities, which we do.

18 So, we can go forward and vote on this
19 tonight, if you like.

20 MR. GREEN: We rewrote that, didn't we?

21 MR. MAGGUILLI: That's correct.

22 Did you want me to go through it, Dave?

23 MR. GREEN: Yes.

24 MR. MAGGUILLI: After a PDD is approved, any
25 subsequent development proposed which substantially

1 complies with the intensity, location and uses of the
2 approved PDD for the sole benefit of any individual lot
3 or unit on any minor amendment may be after application
4 to and referral by the Town Board be administratively
5 reviewed for approval by the Director of Planning and
6 Economic Development without need for additional public
7 hearings.

8 If we adopt that, we can go forward on the
9 following.

10 Going back, we have about four or five of
11 these minor amendments to deal with.

12 Our next is calling for a public hearing
13 under Article 12a. This is for the Safety Kleen
14 Sanitary Sewer Extension Project. The public hearing
15 is November 21 at 7:00 p.m.

16 Crystal, anything you want to add to that?

17 MS. PECK: Yes, this is a developer-funded
18 project with the escrow provided by the developer.

19 MR. MAGGILLI: Resolution 450 is the escrow
20 agreement that goes along with Resolution 449.

21 Then we have Resolution 451 which is spending
22 money to settle three cases.

23 The first is Elizabeth Neumeister. DPW had
24 caused the flooding in her yard. It backed up into her
25 garage and damaged a brand new box of ceiling tiles

1 that she owned. So, she's asking for reimbursement for
2 the box of ceiling tile at \$74.34. That's reasonable.

3 The next two; Camille Allen and Grady
4 Quackenbush - these are both Town Employees - our
5 Highway Department was doing work above their vehicles
6 without notifying these people, giving them the
7 opportunity to move their cars. Both vehicles were
8 damaged by stuff that the Highway Department was
9 doing. I think things fell on the car or something.

10 MR. CUNNINGHAM: It wasn't the Highway
11 Department. It was the Facilities Department. They were
12 cutting trees and they didn't tell anybody to move their
13 cars and sap got on the cars and stained - apparently,
14 Grady's car has a certain kind of paint on it that
15 Chreit and I said okay, it's our fault. It's a new truck
16 and it's got a certain kind of paint. They were taking
17 down a bunch of dead trees.

18 MR. MAGGILLI: Resolution 452 - as you recall,
19 I had asked to put this one over from the last meeting.
20 This is Butler Rowland and Mays. There was \$84,000 for
21 architectural services for the roof at the library. I
22 had some questions about this.

23 I was able to meet with Doug and Chris
24 Kelsey. There is, in fact, a Phase 3 that was proposed
25 by the Town apparently right at the beginning. One of

1 my main concerns was the original contract didn't
2 mention anything about a Phase 3 and just a Phase 1
3 and 2. Chris tells me that he had suggested it be
4 broken up into three phases.

5 MR. KELSEY: Four actually for bonding
6 purposes, as well as controlling this cost as opposed to
7 saying - they originally proposed \$400,000 for the whole
8 project. We said no, let's face it. As the bids come in,
9 we will get a better idea of what the costs really are
10 and then there's 10% of the actual costs and it would be
11 more accurate as opposed to saying you're going to be
12 able to bill us -

13 MR. MAGGUILLI: But not knowing that, it looked
14 as if this could've been part of the original contract.

15 MR. KELSEY: There will actually be another
16 one.

17 MS. MURPHY: Some of the bidding -- we have had
18 has damaged some of the new walls.

19 MR. KELSEY: Not for nothing, but we should not
20 have done construction without fixing the roof first.

21 MR. MAGGUILLI: You would think that the roof
22 would be the first thing that they do.

23 MS. MURPHY: I don't know who determined what
24 went first.

25 MS. WHALEN: So, the roof is the whole thing?

1 MS. MURPHY: No, not the whole thing, but there
2 are portions of it.

3 MR. KELSEY: We can't get the bidding done in
4 enough time. There wouldn't be enough time for it to
5 bid, come back and be awarded before they started it.

6 MS. WHALEN: Can't we tarp this roof until the
7 spring if it's damaging the new construction?

8 MR. KELSEY: They're going to mitigate it.

9 MS. WHALEN: What is Phase 4? Are we doing that
10 too?

11 MR. KELSEY: There will be a Phase 4. I think
12 she said the other day that's going to be more
13 mechanical.

14 MS. MURPHY: It looks wonderful. They moved the
15 children's library all to the back of the library this
16 week. It still in the process, but looks wonderful.

17 MS. WHALEN: It looked great at the
18 ribbon-cutting. It was so nice.

19 MR. MAGGILLI: Resolution 453 is one of the
20 first Resolutions on the minor amendments to plan
21 development districts.

22 Here, the owner at 46 Preston Drive has asked
23 for an amendment to the PDD to build a deck on the
24 back of their property. The way we wrote the
25 Resolution is that the Town Board recommends that the

1 Planning Board and/or the Planning Economic
2 Development Department Review the proposed amendment.

3 So, what we're going to have to do is we have
4 to decide which way you want to go on this. Do you
5 want this to go to the full Planning Board, or is this
6 a small enough amendment that it can go just to the
7 Planning and Economic Development Department for
8 review? Again, this is where we contemplated that it's
9 only going to affect one unit. It doesn't change the
10 scope of the PDD, or the density or anything else. So,
11 I would recommend that this is the type that we would,
12 in fact, give to the Department to decide.

13 MS. MURPHY: Well, we were trying to avoid
14 going to the Planning Board with these.

15 MR. MAGGUILLI: That's correct, but in each and
16 every instance, you get to decide which way to go.

17 The same thing with 54. The owner at 54
18 Preston Drive wants to build a deck. So, you can
19 either send that to Planning or Joe.

20 MS. WHALEN: Doesn't Joe have enough to do?

21 MR. CAREY: He's the one that wanted this.

22 MS. MURPHY: The Planning Board has more than
23 enough to do.

24 MR. CAREY: But Joe is the one who brought this
25 change to us.

1 MR. ROSANO: It's not just Joe. It is also the
2 Building Department.

3 MR. MAGGUILLI: It won't just be Joe. Joe will
4 essentially coordinate it. This still has to go through
5 all the departments. They have to make sure that the
6 deck is designed according to Code and everything else,
7 but there is no public hearing, it doesn't come back to
8 us for second public hearing.

9 MS. WHALEN: I've a question, Mike. So, looking
10 at this, if we refer this to the Planning Board, does it
11 come back to us again or no?

12 MR. MAGGUILLI: No. If you referred it to the
13 Planning Board, yes, it would come back to us. We would
14 refer it to Planning for their recommendation whether or
15 not to amend the PDD. What this does is we are not
16 actually amending the plan development district. We are
17 just allowing Joe to put on the plans that there's going
18 to be a deck at 54 Preston or 14 Jordan Court.

19 MS. WHALEN: It says, though, that there is
20 proposed amendment of the PDD. Is that wrong?

21 MR. MAGGUILLI: It is a proposed amendment to
22 the PDD. The drawings will show a deck where they don't
23 show a deck now.

24 MS. WHALEN: So, if we refer it to the Planning
25 Board, it comes back to us. If we refer it to the

1 Planning and Economic Development Department, it doesn't
2 come back to us.

3 MR. MAGGUILLI: That's correct.

4 MS. WHALEN: That's in each and every instance
5 where there is something like this.

6 MR. MAGGUILLI: Yes.

7 MS. WHALEN: The ones that are more substantive
8 go directly to the Planning Department.

9 MR. MAGGUILLI: That's up to you.

10 MR. ROSANO: These are all accessory
11 structures.

12 MS. WHALEN: I know that. Let's say it's like a
13 big amendment to the PDD, will it automatically go - -
14 the language of the law says it's got to have these
15 certain requirements.

16 MR. MAGGUILLI: If it is a substantial change
17 to the development, it's up to the Planning Board to say
18 no we don't want this to go to Joe, we want this to go
19 to Planning for public hearing and then their
20 recommendation back to the Town Board. Then, it would
21 come back to the Town Board for another public hearing
22 and a vote. Anything that is a substantial change, you
23 have the right to say - - it is you that decides what is
24 substantial and what isn't. There is nobody else. It is
25 the Town Board.

1 MS. WHALEN: So, each and every PDD amendment,
2 no matter how big or small, will always have this one or
3 the other.

4 MR. MAGGUILLI: That's correct. You will always
5 see something like this from now on. The only time you
6 won't is for an application for a new PDD. If somebody
7 comes in with a brand new plan development district,
8 that has to go in front of the Planning Board or its
9 recommendation. This is just for amendments to existing
10 PDD's.

11 Resolution 456 is a deck at Jordan Court.

12 Resolution 457 is a fence and an inground
13 pool and a shed at 22 Buckingham Lane. Again,
14 something that just affects one lot. He wants to put a
15 fence around his property and he wants to build a pool
16 and put a shed on there.

17 MR. CAREY: How do we know that affects just
18 one lot? He is adjacent to another lot. That's more of
19 an effect than somebody putting a deck off the back.

20 MR. MAGGUILLI: It will affect the neighbors to
21 the extent that there will be a fence along their
22 property line. This has to go in front of the
23 departments to be approved. Joe just doesn't have the
24 authority to approve it. It goes to Joe and he has to
25 send it out to the various departments. Really, all this

1 does is treats these things as if these people lived in
2 a subdivision rather than a plan development District.

3 MS. MURPHY: If for some reason it got out of
4 control, we can always change that.

5 MR. MAGGUILLI: Absolutely.

6 MR. GREEN: For doing it on a case-by-case
7 basis so we haven't given up any control at all.

8 MR. MAGGUILLI: These poor people that buy into
9 these plan development districts don't realize - they
10 want to put in a deck or a pool and they've got to go
11 through two public hearings at least and pay the expense
12 of notifying all the neighbors.

13 That 500 foot rule applies for something like
14 this. If somebody wants to build a deck, somebody
15 within 500 feet of the boundary of the PDD - not his
16 lot. It's the whole PDD. It's a nightmare. All we are
17 really doing is treating these people the same as we
18 would if they lived in a subdivision. That's how
19 you've got to look at it. New PDD's go through the
20 normal process. This amendment only applies to
21 amendments of existing plan development districts.

22 MR. KELSEY: And large changes to the PDD.
23 Sidewalks and things like that -

24 MR. MAGGUILLI: It's up to the Town Board to
25 decide what's a large one and what's not.

1 MS. WHALEN: No, the law says something that
2 the regulation says something about density.

3 MR. KELSEY: If one of the developers wanted to
4 put a pool building in or something which wasn't
5 originally planned, that would not follow this.

6 MR. MAGGUILLI: Let's say the developer wanted
7 to come in and build a community center with a pool and
8 recreational facilities, you may consider that to be a
9 major development or major change.

10 MS. WHALEN: That's a big change. So, that's
11 outside the scope of this because this one relates to
12 density and three other elements.

13 MR. MAGGUILLI: Yes.

14 Again what the Law says is post-decision
15 actions and limitations. After a plan development
16 district is approved - - so, this doesn't apply to an
17 initial application - any subsequent development
18 proposed which substantially complies with the
19 density, the location and uses of the approved PDD
20 that is for the sole benefit of any individual lot or
21 units or any minor amendment may be, after application
22 to and referral by the Board, administratively
23 reviewed.

24 MS. WHALEN: So, if it is a little one, it's
25 not everything.

1 MR. MAGGUILLI: Just the little ones.

2 MS. WHALEN: Everything else, even if it is an
3 existing PDD goes to the Planning Board and then it
4 comes back to us.

5 MR. MAGGUILLI: That's correct. If somebody
6 wanted to add 25 units to an existing plan development
7 district, you I assume would decide that is a major
8 change and send it to the Planning Board for its
9 recommendation.

10 Next we have a Resolution authorizing the
11 levy upon 39 Dover Drive. This is one of the Zombie
12 Law cases. Under Chapter 62 of the Town Code, we tried
13 to get the owners to cover the compliance of the
14 Building Code, mow the property and cleaned it up.
15 They didn't do it. We sent in our people to do it. It
16 cost the Town \$397.32.

17 What this Resolution does is it puts it on
18 your tax bill.

19 MS. WHALEN: Where are these people? Did they
20 abandon the place?

21 MR. MAGGUILLI: Yes. We never got answers to
22 any of our notices.

23 MS. WHALEN: So, what happens next with this?

24 MR. MAGGUILLI: So, what happens is it goes
25 under the tax bill. Ultimately, the county is going to

1 pay it. We have to get the county's permission before we
2 do this and we have the county's permission. The going
3 to pay the \$397.32.

4 Resolution 459 is the same thing except for
5 the property is 12 Arrow. The cost for the clean up on
6 this one is \$441.36.

7 Now we have Resolution 460 which is an
8 amendment to our engineering agreement with Barton and
9 Loguidice. The base agreement was done by Resolution
10 371 of 2016. This is a valid change order, adding
11 \$4,103.27 to the contract. It turns out that the
12 drawings that were used initially were found to be
13 inaccurate requiring Barton and Loguidice to do
14 additional work, or they will do additional work once
15 this is approved. The contract will go for \$120,000 to
16 \$124,103.27.

17 Resolution 461 is authorizing Paula to
18 execute change order one to the contract with the VMJR
19 companies. This is for the PryneHhouse restoration.

20 MS. WHALEN: That is a big change. What are
21 they doing?

22 MR. CUNNINGHAM: I had told everyone about this
23 two meetings ago that we were going to have to do this.
24 It has to do with the sill for the roof and the beams.

25 MR. MAGGUILLI: They took a façade wall down

1 and found the brick wall behind it was bowed and
2 structurally unsound.

3 Next we have Resolution 462, which is our
4 agreement with CD PHP. This is for Medicare Advantage
5 Health Insurance Plan for 2020. The cost the share
6 will be \$309.12 per participant. It's actually an 8%
7 reduction from last year. Last year was \$336 per
8 participant. Due to the number of participants, we
9 negotiated a reduction.

10 Next is accepting Jacobsen Rough Mower from
11 Hiawatha Trails Golf Course. This is to be used at our
12 golf course apparently. We need a Resolution accepting
13 the donation.

14 Resolution 464 is awarding the low bid to
15 David Frueh Contracting for \$38,900. This is to
16 demolish 1366 Central Avenue. Again, this is another
17 zombie property. We went after them under Chapter 62.

18 MS. WHALEN: Is this commercial?

19 MR. MAGGUILLI: Yes.

20 MS. WHALEN: Which building is it, Mike?

21 MR. CAREY: It's an apartment building.

22 MR. MAGGUILLI: It's the one next to 1368 which
23 we are moving on next. This isn't costing the Town
24 anything. For whatever reason, the county approached us
25 and asked if we would just give them the invoice and

1 they would pay it directly. We said sure, as long as it
2 gets paid.

3 MR. KELSEY: My thought is they found a pot of
4 money for demolition and it's cheaper for them to take
5 it out of the budget than to put it on the tax bill and
6 make us whole.

7 MR. MAGGUILLI: As long as it gets knocked
8 down.

9 Next is awarding the bid to Concept Print.
10 They were the low bidder in connection with the Town
11 Printing Group 7 needs for 2020 at \$39,015.50. This
12 contract has a three one-year renewal term clause in
13 it. So, you will see it in the coming years
14 Resolutions authorizing the renewal.

15 MR. CAREY: Mike, before we get too far ahead
16 since we were on the topic of demolition of abandoned
17 buildings, the fire the other night up on Central Avenue
18 at the old school - do you have any plans to address
19 that?

20 MR. MAGGUILLI: I went over there at one time
21 with Paul Shepard when he was the Building Department
22 Manager and we met with the Muslim mosque that owns that
23 building. As a result of our visit, that's when it got
24 placarded. Nobody can go in. We didn't think it was bad
25 enough to knock down. Now, it may well be. We had

1 figured at the time that it would be about \$2 million to
2 demolish that place because it is a huge old-school.
3 Now, our Building Department has to go through and give
4 us a report and hopefully it will come back that they
5 have to knock it down.

6 MR. CAREY: Have they been authorized to
7 investigate that and give a report?

8 MR. MAGGUILLI: Yes.

9 SUPERVISOR MAHAN: I know I talked to Mike
10 about it and I heard it after the last meeting. Someone
11 had concerns about the wall where the cafeteria was -
12 the exterior wall. They could see that was starting to
13 cave in, so that was something that compromised the
14 whole building. That was probably just within the last
15 week and a half that somebody told me that. They could
16 see it from Lansing Road.

17 MR. MAGGUILLI: I'm hoping that the report
18 comes back and then we can do an order for them to take
19 the building down. If they don't, we can move under
20 Chapter 62.

21 MR. KELSEY: Well, if it's going to cost \$2
22 million, no were not. We don't have \$2 million to knock
23 it down. Let's be real on that one. If that's the cost,
24 we don't have \$2 million. What would our revenues be at
25 that point, Mike?

1 MR. MAGGUILLI: It's the same thing here. We
2 have to try to get permission from the county first. If
3 the county agreed to pay for, we could go ahead. It just
4 gets really levied into the tax bill.

5 MS. WHALEN: Did we hit them for fines for
6 negligence over the course of the years?

7 MR. MAGGUILLI: We can, but that's totally
8 separate.

9 MS. WHALEN: I mean, have we? I mean, what is
10 our burden to make sure these things don't unravel to
11 the extent that they are unaffordable for us and the
12 county to have them take it down.

13 MR. MAGGUILLI: I think we gave the guy a break
14 at the time and told him he had to board it up so nobody
15 got in. I can't remember if I actually served him with
16 violations or threatened to because it was a church kind
17 of thing. It was a mosque. So, we go kind of gentle when
18 we're dealing with churches or mosques or synagogues. I
19 can't remember if I actually sued them for violations or
20 if we just had them placarded and secured so people
21 couldn't get into easily. I'm pretty sure that's what we
22 did, but I don't remember.

23 MS. MURPHY: They said it's just being used for
24 storage.

25 MR. KELSEY: Mike, can we go against any

1 insurance they would have on the building?

2 MR. MAGGUILLI: If they have any.

3 SUPERVISOR MAHAN: They should have some.

4 MS. WHALEN: I bet they don't. We don't have
5 insurance, right?

6 MR. MAGGUILLI: We would not have it for their
7 building.

8 SUPERVISOR MAHAN: Hopefully they do have some.
9 Maybe that would cover the demolition.

10 MR. CAREY: Maybe after our report from the
11 Building Department, that might push them to do
12 something.

13 MR. MAGGUILLI: We get a lot of complaints, but
14 the complaints are mostly noise complaints.

15 I guess on Saturday nights the kids play till
16 all hours of the night. They are quite loud and the
17 neighbors call on Monday morning. Is there anything
18 that we can do about the kids making noise on the
19 playground? Not really. What are we going to do?

20 MS. MURPHY: When they were talking about the
21 fire, they were saying that the building is presently
22 being used for storage. The kids probably don't care if
23 there is stuff there.

24 MR. MAGGUILLI: Resolution 466 is accepting
25 goods and services. The county got a shared services

1 grant in the amount of \$149,947. I think our share of it
2 is \$54,000 and change.

3 Resolution 467 is our aircraft liability
4 coverage. This is for our EMS people. This is for the
5 flight paramedics. The premium is \$7,480. That's for
6 \$1 million per incident, \$10 million aggregate. It's a
7 pretty good policy. That's up from \$6,800 from last
8 year. The nice thing is that the State of New York
9 pays it. The State Police pay that.

10 MS. WHALEN: Does a drone count as aircraft?

11 MR. MAGGUILLI: Not for this. This covers our
12 people flying on the State Police helicopters.

13 MS. GANSLE: Mike, just to go back to 488 - are
14 we going to allow any public comment on that since we
15 did close it at the last meeting? I just wanted to make
16 sure.

17 MR. MAGGUILLI: Julie just asked a good
18 question. The last meeting we closed the public hearing
19 on the Resolution for the planned development district.
20 So, if there's anybody downstairs that wants to talk
21 about it, typically we close it and we made it very
22 clear that the public hearing was closed last time. My
23 recommendation is not to open it up again and just
24 vote. The only reason why we didn't vote the last time
25 is because the county. We've had three different

1 opportunities for people to speak already. Why flog a
2 dead horse?

3 MR. GREEN: We already made that determination.
4 I didn't think we could change that.

5 MR. MAGGUILLI: You can always change it. If
6 somebody wanted to speak to it, the Town Board would
7 have to vote to reopen the public hearing.

8 MS. WHALEN: Public comment comes after that,
9 right?

10 MR. CAREY: My personal opinion is to reopen it
11 and allow anybody to speak. I don't think there will be.

12 MR. MAGGUILLI: I'll just say that we close the
13 public hearing and we are here for vote.

14 MS. WHALEN: I have all night. If they feel
15 strongly about it, let them speak.

16 MR. ROSANO: I think the consensus is no.

17 MR. CAREY: As long as I'm on the record.

18 SUPERVISOR MAHAN: If you go out of the
19 structure, then you open the door for it. You have to
20 have some kind of structure. There has been more than
21 enough time to talk about it. Did anybody get anything?

22 MR. GREEN: I did not.

23 SUPERVISOR MAHAN: Emails or calls, or anything
24 like that?

25 MS. MURPHY: I didn't.

1 SUPERVISOR MAHAN: It clearly has all the
2 controls within it. We've worked through it how many
3 times?

4 MR. CAREY: The only reason why I said
5 something to the contrary is because I don't like to
6 have people shut down on expression of opinion that they
7 may have.

8 SUPERVISOR MAHAN: That's part of the process
9 of having the public hearings, so when people do talk
10 they are on the record already.

11 MR. CAREY: Will you make it clear, Mike, that
12 it was approved by Albany County? That was the sticking
13 point last time. That was the other reason for opening a
14 backup so we could announce that. I think we should
15 still make that point clear.

16 SUPERVISOR MAHAN: I think the right decision
17 was made back then when the mixup came with - did the
18 attorney send it down or not? We didn't know. Mike
19 clearly said that he didn't know. We postponed that
20 until it was done in the time passed and it was the
21 right thing to do. It's been out there we haven't had
22 the comments. It's time to vote. Nothing is in stone.
23 The can always be changed.

24 (Whereas the above entitled proceeding was
25 concluded at 6:46 p.m.)

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