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TOWN BOARD COUNTY OF ALBANY

TOWN OF COLONIE

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AGENDA SESSION

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THE STENOGRAPHIC MINUTES of the above entitled matter by NANCY L. STRANG, a Shorthand Reporter commencing on December 5, 2019 at 6:12 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
- P. Christopher Kelsey, Acting Comptroller
- Michael Burick, Civil Service
- John Cunningham, Commissioner, DPW
- Joseph LaCivita, Director, Planning and Economic Development

1 MR. MAGGUILLI: Resolution 507 a - we are  
2 creating a new position of Building Inspector, Grade 14  
3 in the Building Department and appointing Christopher  
4 Mastroianni to same; \$61,153. Christopher will start  
5 December 16.

6 MR. CAREY: I have a question for the Civil  
7 Service Director. On the bottom of the Town Board  
8 personell agenda, why does it say that he has to  
9 maintain his town residency?

10 MR. BURICK: Because right now, he does not. He  
11 does not live in this Town but he has been advised that  
12 he has to be here four months prior to the taking of the  
13 exam, which I found out is in June. If he doesn't move  
14 back into Town, he doesn't maintain his position.

15 SUPERVISOR MAHAN: There has been times when  
16 people legitimately have been looking. They've had at  
17 least a year to find a house. Renting and buying a house  
18 - it is a little harder to buy a house.

19 MR. BURICK: His house is up for sale.

20 SUPERVISOR MAHAN: Where does he live now?

21 MR. BURICK: He's still out there. He was going  
22 to look into the Boght Area.

23 SUPERVISOR MAHAN: I mean, where is his home?

24 MR. BURICK: Glenville.

25 MR. CAREY: So, I guess my other question is -

1 maybe it's a dumb question, but I'm going to ask it  
2 anyway. Why does it seem like sometimes when we hire  
3 people that the residency thing isn't an issue, but  
4 other times it is? I am a proponent of people living in  
5 the Town, personally. I am old-school and that's where I  
6 came from. Why is it sometimes we are concerned with  
7 this and other times we're not?

8 MR. BURICK: For a Building Inspector, they  
9 issue tickets. So, they are required to live in the  
10 Town. Some jobs, like Laborer or Highway Maintenance  
11 Worker don't necessarily have to live in the Town. We  
12 try to hire those that live in the Town.

13 My job alone - I have to be a resident of the  
14 Town to continue my position.

15 MR. MAGGUILLI: Chris, it's actually tied into  
16 the New York State Town Law.

17 MR. CAREY: Is it by position? Is that what it  
18 is?

19 MR. MAGGUILLI: Yes. To be a Town Attorney or  
20 Assistant Town Attorney you have to be a Town resident.  
21 You have to be what they call an elector of the Town.  
22 You need to be able to vote. It only applies to certain  
23 positions and not others. The rationale behind it is  
24 hard to say. These are things that have come up over the  
25 last 200 years.

1 SUPERVISOR MAHAN: Building is because they  
2 issue violations and tickets.

3 MS. WHALEN: So, he has to be a resident of  
4 Colonie soon.

5 MR. BURICK: He needs to be a resident four  
6 months prior to the date of the exam.

7 SUPERVISOR MAHAN: Sometimes you have a pool to  
8 pick from. Other times in specialized areas, you don't.  
9 If they're willing to move into the Town and they know  
10 that up front, you have to move into the Town.

11 SUPERVISOR MAHAN: Like Dan Marshall, the  
12 Engineer at the water plant - I think John had the  
13 position out there at least a couple of years, if not  
14 longer. We could not find anyone. He had the  
15 certifications and everything that you needed for that  
16 particular engineering job. I forgot where he came from.  
17 I think he moved here. It took that long to find  
18 somebody with the certification.

19 MS. MURPHY: When we hired Evelyn, she didn't  
20 live here. Then, she moved here.

21 MR. MAGGUILLI: Resolution 507B is simply a  
22 Civil Service Certification Resolution. We are  
23 permanently appointing Robert J Higgins to his position  
24 of Building Inspector, Grade 14; \$67,948. That will be  
25 effective December 17.

1 Resolution 508 - we have two Insurance  
2 Reserve Fund Resolutions. The first is paying \$950 to  
3 a David Gato. It is a sewer backup.

4 We had repeated issues at this property. This  
5 damaged his basement and some equipment. We recommend  
6 payment of the \$950.

7 Then, we have an employee, Trevor Normandin -  
8 the Town was removing trees in a Town parking lot and  
9 didn't tell the employees to move their cars. As they  
10 were cutting their trees and limbs, they fell and  
11 damaged the car to the tune of \$199.98.

12 MS. WHALEN: We already had one of these,  
13 right?

14 MR. KELSEY: We had two of them a few weeks  
15 before and this is the third.

16 MR. MAGGUILLI: They parked all in the same  
17 spot. I think that's the last one.

18 Resolution 509 is a referral to the Planning  
19 Board for review and consideration of the open  
20 development area at 59 Pollock Road in the Boght  
21 Meadows Conservation Subdivision.

22 On August 9, 2018 this project received final  
23 approval. It is 46 single-family residences. Then, one  
24 of the main access roads - there is one main access  
25 road connecting this to Pollock Road, one emergency

1 access road. So, they're going to need an ODA for lots  
2 14, 16 Pollock Road and 12 Landmark Street. If it goes  
3 through, the HOA will have to maintain the streets.

4 Resolution 510 is awarding the bid for tree  
5 removal for 2022 Jime's Tree Service. Jime's was the  
6 sole bidder at \$28,700.

7 Resolution 511 is awarding the bid to Johnson  
8 Controls. This is for HVAC preventative maintenance  
9 and repair services for next year for Public  
10 Operations and the police radio tower facility. They  
11 were the low bidders for the various facilities.

12 MS. MURPHY: Mike, where is the tree for  
13 \$28,000 that's being removed?

14 MR. MAGGUILLI: It's not a tree. It is any tree  
15 removal service.

16 MR. KELSEY: It is an estimated quantity. That  
17 was his price for that. If you were to take 10 100-foot  
18 trees down, they all bid at that same number.

19 MR. MAGGUILLI: They're all bidding on the same  
20 thing. It's based on our past experience.

21 Resolution 512 is awarding the bid to Neenah  
22 Foundry. This is for our heavy dirty frames for next  
23 year. Neenah was the low bidder at \$18,160.

24 Resolution 513 is reimbursing overestimated  
25 water usage at 5 Wood Plot Road. Martin and Leslie

1 Hardwick will receive \$5,190 and we thank them for  
2 their interest-free loan.

3 Resolution 514 is authorizing Doug to  
4 advertise for bids for SCADA integration programming  
5 and emergency services for the Water Department.  
6 That's the supervisory control data acquisition  
7 software. We are currently using an outdated system  
8 called Wonderware. It's authorizing Doug to advertise  
9 for bids.

10 Resolution 515 is change order number two  
11 with Amstar of Western New York. This is for the  
12 Osborn Road elevated tank and standpipe rehabilitation  
13 project. This is a deducted change order. We are  
14 decreasing the contract amount by \$14,000.

15 Pursuant to the terms of the contract, the  
16 first annual inspection was to be completed within 13  
17 months of the contract anniversary date. They did not  
18 do that and contractually they wave it. So, we get a  
19 \$13,000 credit.

20 Resolution 516 is authorizing Paula to sign  
21 an agreement with VHB. This is for the MIS department.  
22 They're going to perform tax parcel maintenance  
23 updates for our GIS tax parcel data layers. They're  
24 going to provide quarterly tax parcel maintenance  
25 services. The cost is \$16,200.

1                   Resolution 517 scheduling the Town Board  
2 meetings for 2020. As you know, our organizational  
3 meeting will be January 2. The first regular Town  
4 Board meeting will be January 16.

5                   Resolution 518 is authorizing Paula to sign  
6 an agreement with the New York State Homeland Security  
7 Emergency Services. This is to allow our County Police  
8 Department to use the state preparedness center in  
9 Oneida, New York and various states. There is no fee  
10 to the Town and no cost to the Town other than the  
11 fact that the contract says that if necessary, we will  
12 reimburse New York State for costs and expenses.

13                   We have done this for a number of years. It  
14 has never come up.

15                   Resolution 519 is authorizing Paula to sign  
16 rental agreements to enable various departments to  
17 rent equipment during 2020. These are all on an  
18 as-needed basis and you will see that we really curbed  
19 down the number of vendors that are on this list to  
20 ones that we have a reasonable possibility of using.

21                   Resolution 520 is authorizing Doug to  
22 advertise for bids or requests for proposals with  
23 respect to 55 various items as we go through 2020. The  
24 55 are listed in the Resolution.

25                   Resolution 521 is awarding the bid to the low

1 bidder for EMS medical supplies for 2020 for the  
2 various groups one through 12. They are listed in  
3 exhibit a attached to the Resolution.

4 Resolution 523 is authorizing Paula to  
5 declare an emergency to repair the sanitary sewer at  
6 Troy Schenectady Road, Lindberg Drive. On November 1,  
7 2019 there was a pipe blockage at the sewer main at  
8 Troy Schenectady Road at the intersection of Lindberg  
9 Drive. ANJO did the work on November 1 and November 2.  
10 Plate pipe had suffered a break which completely  
11 obstructed the sewer flow. So, we had to do it on an  
12 emergency basis. It costs \$13,946.11.

13 SUPERVISOR MAHAN: You have to go back to 522.

14 MR. MAGGUILLI: Resolution 522 is adopting a  
15 new fee schedule for the Division of Pure Waters. A new  
16 fee schedule is shown as Exhibit A.

17 MR. GREEN: I do remember changing this actual  
18 set of fees. I know we do Parks and Rec and a lot of  
19 others, but I don't remember changing this in a while.

20 MR. CUNNINGHAM: He told me it was a couple  
21 years. I think it may have been five or seven years.

22 MR. MAGGUILLI: Resolution 524 is referring to  
23 the Planning Board for its consideration and subsequent  
24 recommendation back to the Town Board whether or not a  
25 PDD should be allowed at 28 Everett Road Extension, 11

1 Duffy Street and 12th Duffy Street. Right now, it's  
2 neighborhood/commercial/office/residential - an NCOR  
3 district. They want to change it to a PDD to allow for  
4 153 independent senior living apartments on 10 acres of  
5 land at Everett Road.

6 All we are doing by this Resolution is  
7 referring it to Planning so they can conduct their  
8 public hearings and refer back to us.

9 Resolution 525 is the Resolution that we had  
10 adjourned at the last meeting. I tried to make it as  
11 simple as possible. It says Shelco Development request  
12 that the open development area approved at 34 Dennison  
13 Road by Resolution 333 for 2018 be rescinded. Then, it  
14 says: Be it resolved it is rescinded. I don't know if  
15 we could make it any clearer than that.

16 You have to understand if anything comes up,  
17 we can't force these people to build an open  
18 development area.

19 MS. WHALEN: Because they're going to do  
20 something else now, right?

21 MR. MAGGUILLI: Probably, but we don't know  
22 what it is.

23 MR. GREEN: It's an 80-unit subdivision. We  
24 know about it.

25 MR. MAGGUILLI: I don't know about it.

1 MS. WHALEN: what were they going to do?

2 MR. MAGGUILLI: All we know is they're talking  
3 about selling it to Lewandowski. What Lewandowski is  
4 going to do, I don't have a clue.

5 MR. GREEN: They can't formally submit anything  
6 until this is withdrawn.

7 MR. LACIVITA: That's right.

8 MS. WHALEN: So, these three lots are going to  
9 make a big difference to their project?

10 MR. GREEN: He could've done a lot more.

11 MR. LACIVITA: He has sold off lots over time.  
12 If he kept the three lot minor subdivision, it would  
13 actually change the way these lots are designed. So, he  
14 informally submitted - - I said, you can't submit  
15 because the Town has already voted on in ODA on areas  
16 that he wanted to develop. So, that had to be rescinded.

17 MS. WHALEN: And the minor subdivision never  
18 happened.

19 MR. LACIVITA: It was never filed.

20 MR. MAGGUILLI: We have to go into Executive  
21 Session to discuss a potential litigation dealing with a  
22 certain - - what's the name of the project, Joe?

23 MR. LACIVITA: It used to be On the Farm and  
24 it's now known as Schuyler Manor.

25 MR. MAGGUILLI: An issue has come up as to who

1 is responsible for paving certain areas of the  
2 conservation subdivision and paving the access roads to  
3 the detention ponds. We have met with the parties  
4 involved in it looks like it's going to litigation. I  
5 need some direction from the Town Board as to how you  
6 would like me to handle this.

7 So, we should go into Executive Session to  
8 discuss a response to potential litigation arising  
9 from an issue dealing with this conservation  
10 subdivision.

11 I would ask that Joe LaCivita and Jack be  
12 allowed to stay.

13 SUPERVISOR MAHAN: I would like Chris to stay,  
14 too.

15 MR. MAGGUILLI: Chris Kelsey to stay.

16 SUPERVISOR MAHAN: And Nancy, of course and  
17 Julie, of course.

18 MR. ROSANO: I'll make that motion.

19 MR. GREEN: Second.

20 MS. GANSLE: All in favor?

21 (Ayes were recited.)

22 Opposed?

23 (There were none opposed.)

24 Where is the above entitled proceeding was  
25 adjourned to address the Executive Session matter and

1 recommended immediately after.)

2 MS. WHALEN: If you're going to talk about 496,  
3 I need to go.

4 (Whereas Ms. Whalen exited the room.)

5 MR. GREEN: The title report came back. The  
6 same family has owned it for a while and they have done  
7 some deed transfers into a trust, out of the trust, to  
8 another party and there some corrections that need to be  
9 done. So, they were recommended by their attorney to  
10 clear these things up to my satisfaction before we go to  
11 closing. Once the deed is corrected and the proper party  
12 with the authority has been identified and some stuff  
13 cleaned up - - I won't go into details - - then, they'll  
14 be able to transfer. It's all a tangible thing. We just  
15 need to have David Brickman who is a private attorney in  
16 Albany who has done some of the previous work for  
17 them -- he just needs to get cleaned up and get the  
18 parties all signing and then we will be good to go.

19 MR. KELSEY: Give a time that you think it will  
20 be done?

21 MR. GREEN: Dealing with Brickman, you never  
22 know. This is something that I could do and one half  
23 hour.

24 (Whereas the above entitled matter was  
25 concluded at 6:45 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