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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
February 6, 2020 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
- RICK FIELD
- JILL PENN
- DANIELLE FUTIA

ALSO PRESENT:

- Michael C. Magguilli, Esq, Town Attorney
- Julie Gansle, Town Clerk
- P. Christopher Kelsey, Acting Comptroller
- Chris Kostyun, Chief, EMS
- Chretien Voerg, P.E., Superintendent, Pure Waters
- Sean Maguire
- John Cunningham, Commissioner, DPW
- Ryan Bailey, Esq., Bailey Johnson & Peck

1 MR. MAGGUILLI: First on the list tonight is
2 our personnel, of course. We are creating a new position
3 of Laborer, Grade 8 in the Highway Department. We are
4 appointing John Ekmalian to that position at \$23.87 an
5 hour. John will start on February 7.

6 Resolution 108 B is a Resolution appointing
7 Lauren Crunden as a Typist part-time in the Police
8 Department. Lauren is filling the vacancy of Julie
9 Phillips. She will be making \$18.28 an hour starting
10 February 10.

11 Resolution 108C is creating another new
12 position of Typist, Grade 6 in the Police Department
13 and permanently appointing Sharon Zaccari to that
14 spot. Sharon will be earning \$33,265 per year. Sharon
15 will also start February 10.

16 Finally, we have Sean Maguire who will be
17 replacing Joe LaCivita as our Planning and Economic
18 Development Director. Sean will start at \$105,000
19 effective February 24.

20 MS. FUTIA: Do we have any information about
21 him? I really just don't know much about him.

22 MR. MAGUIRE: Hi.

23 MS. FUTIA: Oh, hi. I just wanted to know a
24 little bit about yourself.

25 MR. MAGUIRE: Thank you for having me tonight.

1 I've got a bit of a background in the Town of
2 Colonie. I probably know Chris the longest, actually,
3 because I was an EMT for the Town many years ago. It
4 was a great credit for what I am doing today. I
5 actually paid my way through college because of that
6 skill.

7 My background is in planning and economic
8 development and public administration. I graduated
9 from the University at Albany and I'm also a certified
10 economic developer and a certified planner. I have
11 worked here in the region. Most recently, I am at SUNY
12 Schenectady. I am their Vice President for Workforce
13 Development Community Education.

14 Prior to that I was a Director of Economic
15 Development for the Capital District Regional Planning
16 Commission.

17 Before that, I was with the New York State
18 Department of State and Local Government Services Unit
19 and the Senior Economic Developer and Planner for
20 Albany County. I was very much involved.

21 I got a phone call today from the American
22 Planning Association to be on their Great Places in
23 America book. So, I'm very much involved and I'm
24 looking forward to being here.

25 MS. FUTIA: Thank you. I'm sorry, I didn't mean

1 to put you on the spot.

2 MR. MAGUIRE: No, that's all right.

3 SUPERVISOR MAHAN: Sean, so you know, Danielle
4 was probably busy but in their mailbox they got your
5 resume and all of that - your application and everything
6 on it. I just wanted to let you know that. I didn't want
7 you to think that we forgot you.

8 MR. MAGUIRE: No, that's okay.

9 MR. MAGGILLI: Okay, first we have two public
10 hearings tonight. The first public hearing we have Mr.
11 Bailey here and he will be filling in for Crystal. This
12 is under 202-b of the New York State Town Law with
13 respect to the Burns/Whitney sanitary sewer rehab
14 projects.

15 As you know, the Town retained Clough Harbor
16 as their engineers to evaluate the structural
17 integrity of the sanitary sewer system in the
18 Burns/Whitney area. This is a gravity collection
19 system that was constructed in the late 50's through
20 the 70's. It's getting old and is becoming prone to
21 frequent breaks in recent years.

22 The study conducted by Clough shows that it
23 would be to the Town's best interest if the majority
24 of the mains and manholes were repaired or
25 rehabilitated. They have provided the Town with an

1 estimate of the cost which is \$3,025,500. If adopted,
2 the required findings under 202-b would be that the
3 public, in fact, is benefited by this expenditure and
4 it is in the public interest to construct these
5 improvements.

6 If anybody has ever lost their sewer, they
7 will know that, in fact, it is in the public interest
8 to do this.

9 Again, Mr. Bailey will be conducting the
10 public hearing for the Town. He will be available to
11 answer any questions we may have.

12 SUPERVISOR MAHAN: Mike, just in case anybody
13 is here from Burns/Whitney - this was something that we
14 had put in as a priority because I think - the
15 misunderstanding is how these projects can be done.

16 This is an area that's a very old area of the
17 Town. So, this was a major project along with others.
18 We did a little bit last year. It's all phased-in. We
19 can't just go in and pave and leave the infrastructure
20 the way it was underneath.

21 If the neighbors are there who came before,
22 they may not understand this process.

23 There's a reason why were doing this - so we
24 don't have to put blacktop down and then dig it all up
25 and start from scratch again.

1 I don't know if anybody has any questions on
2 it. Chret or John have done studies in that area and
3 certainly can answer any questions.

4 But just so people understand - we did have
5 several neighbors that didn't really understand the
6 magnitude of what goes into this type of development.
7 Just so everybody knows - in case you get any
8 questions.

9 Chret?

10 MR. VOERG: We didn't budget anything in the
11 capital plan for this project. I think it's important to
12 know that this isn't necessarily going to go straight
13 forward, full-speed ahead. We're doing a public hearing
14 now to approve the project. If funds become available,
15 we might bite these often bigger chunks. Our intention
16 is to pick them off in smaller repairs. So, if we can be
17 just ahead of the paving program - - so, when Jack gets
18 there with the paving program, the sewer and water are
19 already set. We're going to kind of go street by street.

20 SUPERVISOR MAHAN: We did do some work. There
21 were two streets last year?

22 MR. CUNNINGHAM: Yes. Just so that the new
23 Board Members know, the Burns/Whitney area has not been
24 paved in a very long time. The roads are in complete
25 disrepair. They came to the Board last year and pleaded

1 to have some attention to this.

2 We got together and DPW started looking at
3 it, we realized that it had infrastructure issues.
4 That's why we're going through all these.

5 So, you're going to see this come up over and
6 over again. We are getting there. We have paved a
7 couple of streets. There was a water main repair that
8 was done last summer. So, we are going to pave that
9 street. There are a lot of streets in there. We're
10 going to be working on the next couple of years.

11 SUPERVISOR MAHAN: Chret, do you know when the
12 last time they were paved? Do you have any idea?

13 MR. VOERG: No.

14 MR. CUNNINGHAM: Those roads are about 30 years
15 old.

16 MR. GREEN: Remember one of them said they saw
17 something that said 1987 or 1988?

18 SUPERVISOR MAHAN: Yes, it's kind of like the
19 way the rest of the Town was. It's going to be piece by
20 piece, but we did get two done last year.

21 MR. CUNNINGHAM: Yes, we did get two of them
22 done last year. We're also getting a storm sewer repair
23 in there this year.

24 SUPERVISOR MAHAN: I hope it doesn't take 30
25 years.

1 MR. MAGGUILLI: The next public hearing is - as
2 you know, our Pure Waters Department is headed by Chret.
3 The department manages and controls over 400 miles of
4 main sewer lines and over 9,500 manholes throughout the
5 Town. Right now they're trying to conduct and perform
6 the services by operating out of two bays in Fleet
7 Maintenance, which they share of course with maintenance
8 and other parts of the Town workforce. The garage is
9 limited in size to approximately 17 full-time people,
10 one Senior Engineer and two Supervisors trying to share
11 this space, along with storage and the like.

12 Pure Waters is proposing that for the sake of
13 efficiency - and it will in the long run actually save
14 us money rather than operating out of several
15 different locations throughout the Town - that we
16 consolidate all of Pure Waters' operations into one
17 new building and that be constructed at the Public
18 Works compound.

19 The proposed cost put together by Clough
20 Harbor, our engineers, on this is an estimated
21 \$6,978,031. Again, if adopted, the Town Board would be
22 voting on the fact that this Resolution is in the
23 public interest to construct the underlying structure
24 and that the people of the Town of Colonie will be
25 benefited.

1 SUPERVISOR MAHAN: Chret, the first step is
2 that we needed this report, correct?

3 MR. VOERG: Correct.

4 SUPERVISOR MAHAN: We couldn't go forward
5 without having this report. The maximum that could be
6 spent on something like this is what they have in here.

7 MR. VOERG: That's correct. This is the
8 ceiling.

9 SUPERVISOR MAHAN: But we are working to see
10 what we can do to bring it down a little bit.

11 MR. VOERG: This was our third shot. Actually,
12 the first two numbers came in higher. I couldn't even
13 bring it to the Board. We did spend a lot of time on it.
14 We put an internal committee together to try to best
15 situate the garage. We worked with Clough Harbor on a
16 conceptual design. That's really what the report is
17 today. This is a conceptual level of a 50,000 foot unit.
18 That's when the number is so brought. As we start the
19 design process, we can start identifying the materials
20 and construction and how many yards of concrete we're
21 going to need. Then, that number will be more refined.

22 Once we actually go out to bid, we will know
23 for sure.

24 MR. MAGGUILLI: This is the way we do it when
25 we do a "not to exceed" figure. Then, as we proceed, we

1 pare that figure down for the actual amounts as they
2 come in.

3 SUPERVISOR MAHAN: It doesn't mean that this is
4 what we are actually spending.

5 Also, when you say garage - it sounds like a
6 garage with a couple of garage doors. This has offices
7 and other things and it. So, it's a garage but it's
8 not just a garage.

9 MR. VOERG: It is an operational facility. A
10 number of the Board Members took a tour to see kind of
11 what we were talking about. It doesn't makes a lot of
12 sense when we have Supervisors working in one building
13 and employees working in another building. It's not
14 conducive to a good operation of efficiency.

15 SUPERVISOR MAHAN: Wouldn't a better
16 description of it be an operational facility versus a
17 garage? Only because when I think of a garage, I think
18 of someplace I put my cars and snowblower. This is a lot
19 more than that. If you are the average person and you're
20 looking at almost a \$7 million garage, it's almost like
21 oh my God. That can't be a garage. Something must be
22 wrong. You're looking to do all your operations out of
23 there.

24 MR. VOERG: That's correct. We can certainly do
25 that on the next phase after the public hearing. If it

1 is approved tonight, the next step will be to secure an
2 architect and engineer to actually develop it and do
3 design drawings at which point we can call in an
4 operational facility.

5 SUPERVISOR MAHAN: I think that if that's what
6 it really is, it would be more clear to everybody if
7 they knew that.

8 MR. MAGGUILLI: What the Resolution itself
9 describes is construction of an 11,325 square foot cost
10 effective pre-engineered office building to house a
11 garage of three double-height bays, two half-height bays
12 and a hoist weight system for loading and unloading
13 equipment in bays for storage together with office
14 facilities and the attending structures for that.

15 MS. MURPHY: So, that would be covered by
16 saying an operational facility.

17 SUPERVISOR MAHAN: People have a tendency not
18 to want to read everything. They are reading a
19 consolidated garage. It's an office building that
20 includes a garage. That's what it really is. I don't
21 know how you want to say it. Unless in the Resolution
22 itself for the presentation of the Resolution -- it
23 spells it out more.

24 MR. VOERG: It does. Ryan will be presenting
25 that for the public. There is a description of the

1 aspects and that it's really an operational facility.

2 MS. MURPHY: I like to add that three of our
3 new Board Members and myself met with Chret for a tour
4 of the facility and it's pretty astonishing where those
5 people work. It's not very nice.

6 One of the gentlemen was filing something to
7 repair a piece of equipment and everybody who is
8 sitting at card tables doing their end of the day
9 reports had masks on. It's not a very pleasant place
10 to see and certainly we are well in need of doing
11 something like this.

12 SUPERVISOR MAHAN: I think everybody is on the
13 same page.

14 MS. MURPHY: I think everybody got the same
15 impression I did.

16 SUPERVISOR MAHAN: I think it's just a matter
17 of getting what we need and managing the cost the best
18 we can and making sure that it won't be built again for
19 a long time and that it has what you need.

20 MR. MAGGUILLI: The Resolution does say that
21 the maximum allowed to be expended is the 6 million.

22 MR. FIELD: Based on the maximum expense - the
23 last time I think we spoke about the cost to the
24 taxpayer?

25 MR. VOERG: Yes. That will be part of the

1 presentation tonight, as well. The cost to the rate
2 payer both in operations and capital costs is
3 anticipated to be an increase of \$13.48 for a typical
4 single-family home for the year.

5 MR. MAGGUILLI: On their sewer bill.

6 MR. VOERG: Yes, on their sewer bill.

7 MR. KELSEY: That's on the life of the \$7
8 million. It's not the figure of maximum amount.

9 MR. VOERG: That's the worst case scenario.

10 I do want to say that a number of our
11 collections staff members plan on coming to say thank
12 you as a show of support to the Board. They appreciate
13 all of your assistance, as well. They said, can we go?
14 I said, of course you can go.

15 MR. MAGGUILLI: Resolution 111 is calling for a
16 public hearing on February 27 of this year at 7:00 p.m.
17 This is whether or not to create the 168 extension of
18 the Latham Water District. There's a companion
19 Resolution to this which is Resolution number 119 that
20 essentially implements this in the event that it is
21 adopted tonight. The maximum amount that will be
22 expended, if this Resolution is adopted, is \$12,358. The
23 extension 168 includes 11 separate areas located
24 throughout this district and will be paid for by excess
25 water rents meaning all properties served in the

1 assessed area will pay their proportionate share.

2 SUPERVISOR MAHAN: Initially I think it's
3 stated six and it needed to be 11 areas. It's basically
4 correcting that and that's the amount it's going to be.

5 MR. MAGGUILLI: That's what Resolution 119
6 does.

7 SUPERVISOR MAHAN: So, they are not duplicate.
8 It can get confusing.

9 MR. MAGGUILLI: Brian Austin, as you may know,
10 has resigned from his position at the Planning Board due
11 to some family health issues. Resolution 112 would
12 appoint Paul Rosano to fill out the balance of Bryan's
13 unexpired term which would be until February 7, 2022.
14 The salary is set and mentioned in the Resolution is
15 \$3,639 which would of course be prorated from the date
16 of his appointments which is effective immediately, if
17 adopted.

18 SUPERVISOR MAHAN: Paul has previous Planning
19 Board experience. He has been Planning Board liaison as
20 a Town Board Member. On his own, he has attended
21 certification classes for Planning Board Members. He has
22 volunteered with the Conservation Advisory Council to
23 assist them when looking at properties that are on the
24 agendas. He has the knowledge and the background and
25 understands all the steps of the planning process.

1 MR. FIELD: I've a question. Was he only one
2 considered for that spot?

3 SUPERVISOR MAHAN: There may have been, I
4 think, one other. We keep a file. We get different
5 names. He was the best qualified to recommend for the
6 position. He has been there before. He has worked
7 closely as liaison with a ton of extra hours put in.

8 MR. MAGGUILLI: Also, he is a member of the
9 LURC committee; the Land Use Review Committee.

10 SUPERVISOR MAHAN: Yes, so he has all that
11 background that he brings to it.

12 MR. MAGGUILLI: Resolution 113 authorizes Doug
13 to advertise for bids for a restoration project at the
14 Pruyn House.

15 What we're looking at here is bids for new
16 exterior shutters or the repair of the exterior
17 shutters at the Pruyn House for some interior
18 woodworking there and the rear roof replacement.

19 Resolution 114 authorizes Doug to advertise
20 for bids for a fence at the Latham Kwainis Park. The
21 park is in need of a new fence.

22 SUPERVISOR MAHAN: This is for the pickle ball
23 court. The tennis court is going to be made into a new
24 pickle ball court and the basketball courts are in
25 pretty rough shape. They're going to be done over as

1 well. So, the fencing is for that.

2 MR. MAGGUILLI: Again, this is only authorizing
3 the bids.

4 Resolution 115 has a companion Resolution as
5 well; Resolution 116. What this is - we have an
6 amendment to our III-E Caregivers Program and the
7 grants that we received from Albany County. They have
8 increased the amount of funding and grant funds by
9 \$29,500 for the period of January 1, 2019 to December
10 31, 2019 for a total grant award of \$37,500. This
11 authorizes us to accept the additional \$29,500 in
12 grant funds.

13 Resolution 116 is the III-E Caregivers
14 Program grant for the current year, on January 1, 2020
15 to December 31, 2020. We will receive a grant, if this
16 is adopted in the amount of \$30,000. This is, of
17 course, used by Christine Cary in our Senior Services
18 Department.

19 Resolution 117 is reimbursement for
20 overestimated water usage at 19 Alex Road. We would be
21 reimbursing the homeowner, Karen Norton the amount of
22 \$2,579.23.

23 For the new Board Members, people pay their
24 water bills. They're supposed to go down and read
25 their meters, send in their cards and the like.

1 Sometimes that doesn't happen for a period of time and
2 they pay estimated amounts on the water bill. In some
3 occasions, we overestimate the amount of water that
4 was actually used and so when the meter finally is
5 read, it's determined that they have overpaid. In this
6 case, \$2,579.23. They are certainly entitled to
7 reimbursement.

8 The way I like to look at these is these are
9 essentially interest-free loans that these taxpayers
10 are making to the Town. We don't pay any interest on
11 the money and it's free to use during the term.

12 It pays to read and send in your water meter
13 cards.

14 Resolution 119 is awarding the bid to General
15 Control Systems. This is the automated control
16 services. We received four bids. General Control was
17 the lowest at \$88,322. Both Doug and John Frazier
18 recommend that the award go to General Control
19 Systems.

20 Next we have amendment 1 to the engineering
21 agreement with CT Male. Again, this is in connection
22 with 111. This purports to change the original scope
23 of services under the original contract that we signed
24 back on December 10, 2019. This change order, if
25 adopted, would allow additional descriptions for five

1 district extensions not included in the original RFP.
2 The original RFP described one area of new
3 construction and no areas served as outside users. In
4 reality, as we started the work we determined that
5 there was, in fact, six areas of new construction and
6 five serving outside users. Again, this is merely a
7 change order that resulted in an additional expense to
8 the Town of \$1,200 that CT Male is looking to be paid.
9 This makes the cost of their services total of \$3,450.

10 Resolution 120 is granting the State of New
11 York the authority to perform relocation and
12 adjustment services to our water mains and
13 appurtenances. Under New York State Highway Law
14 Section 10, this is part of the Exit 3 program. The
15 Department of Transportation will do the work and bear
16 the expense of relocation and adjustments of water
17 mains and its intended equipment and pay for all that.
18 Then, they turn it over to the Town and maintain it.
19 That is authorized under Section 120.

20 Jack, anything you'd like to add to that?

21 MR. CUNNINGHAM: No. It's on a project that
22 we're doing already. We just need approval for it.

23 SUPERVISOR MAHAN: And we maintain it.

24 MR. MAGGILLI: Resolution 121 is authorizing
25 Doug to advertise for bids to convert all lighting in

1 our Public Safety Building to LED lighting. This would
2 be partially paid for by a grant received by the Town.
3 It is estimated that this could save as much as \$70,000
4 per year. That's just at the one location.

5 MR. KELSEY: We are looking at the other two,
6 to do that as well.

7 MR. MAGGILLI: Resolution 122 is authorizing
8 Paula to sign a service agreement with Pittsfield
9 Communications and this is for the Public Safety radio
10 system for the Police Department. This is an annual
11 agreement. This one runs from March 1, 2020 to February
12 28, 2021. The cost to the Town is \$39,520.

13 Next we have our annual DARE golf tournament
14 Resolution. The golf tournament this year which
15 benefits our DARE program will be held at Schuyler
16 Meadows on May 18, which I believe is a Monday. The
17 charge per golfer will be \$105 and that includes green
18 fees, dinner, trophies and things like that. We work
19 with Schuyler Meadows and they're really good with the
20 Police Department and a large portion of that \$105
21 comes back to benefit DARE.

22 Resolution 124 is authorizing Paula to sign
23 an agreement with Jared Slingerland. Jarrett is one of
24 our Town Band Librarians. He is paid \$1,000 for the
25 year from January 1, 2020 until December 31, 2020.

1 Resolution 125 - this is a little bit unusual
2 and this is what is known as essentially a sole-source
3 contract. We want 17 power-assisted cots and
4 stretchers to be used by the EMS department. Typically
5 under General Municipal Law Section 103, we are
6 required to bid it. There are certain exceptions to
7 the bidding requirements including what is known as a
8 sole-source exception. In this case, the
9 power-assisted cots that we are looking for are solely
10 manufactured by this company Stryker. In order to use
11 these cots, modifications had to be made to the
12 ambulances themselves for security, to secure the cots
13 to the ambulances and the like.

14 Chris, jump in whenever you want.

15 MR. KOSTYUN: Basically, it eliminates the four
16 people. When we put everything out to bid, it is our
17 specification, or equal. It eliminates our need to
18 consider alternative manufacturers because there would
19 be an associated expense with every ambulance that we
20 had to put a different cot in.

21 MR. MAGGUILLI: It would cost us much more
22 money to bid it and then have to retrofit our ambulances
23 to take these structures. These are the best one anyway,
24 as far as what I have been told.

25 Under Subdivision V of General Municipal Law

1 of the State of New York under 103, we would be
2 authorizing the purchase of these power-assisted
3 bariatric stretchers. This would cover the period of
4 this year, 2020 and also 2021 and 2022.

5 Resolution 126 is under 219 a of the General
6 Municipal Law. This is that green sheet that I sent
7 out to you earlier. Under 219-a of the General
8 Municipal Law my office gets a list of volunteer
9 firemen who qualify for the service credit awards for
10 retirement and the like. We take a look at that. It is
11 verified by them that these people work the requisite
12 number of hours. Because the program is administered
13 to the Town, we're the ones who have to sign-off on
14 it. So, every year we will get these. In the next
15 month or two will we be getting them for each one of
16 the other fire departments. It's really an internal
17 thing for them, but very important to the volunteers.

18 MR. GREEN: And no cost to the Town.

19 MR. MAGGILLI: Resolution 127 - as a result of
20 the ransomware attack of the Town, under our executive
21 salary plan, department heads are not entitled to
22 overtime compensation. Lisa Travis has provided the Town
23 with youman services with respect to the ransomware
24 attack. It's been approximately two weeks and we're up
25 and running as if nothing happened. In order to do that,

1 Lisa had to work pretty much 24/7 throughout that time.
2 She was here constantly. Her staff is entitled to
3 overtime. It seems only fair that she should get
4 compensated.

5 SUPERVISOR MAHAN: The other part of that, too,
6 is her department - it can't run if they all took that
7 comp time or whatever. It's just not feasible with what
8 they had to do. There's still cleaning up and things
9 like that. It's incredible what she has accomplished.

10 MR. MAGGUILLI: This is not an open-ended deal.
11 I wrote this so it says that she will be entitled to
12 overtime compensation if this is adopted until the date
13 that the system is fully restored or until April 30,
14 2020, whichever occurs sooner. That gives us some kind
15 of control over it.

16 Lisa expects it to be done well before April
17 30. In the event that it isn't, we have two options;
18 either cut it off completely, or extend the time.
19 Under this Resolution, it is a control factor.

20 I don't know if you saw it, but the Spotlight
21 wrote a great article. The fact that Paula and the
22 Town Board three or four years ago had the foresight
23 to expend the money which was approximately \$50,000 at
24 the time, to construct and man this backup system. It
25 worked as advertised and in large part because of

1 Lisa. So, I think the Town owes her a great vote of
2 thanks and the taxpayers.

3 Resolution 128 is again a companion
4 Resolution. This authorizes Lisa to spend funds and
5 Chris to spend funds as it comes up to restore the
6 Town's network. The way was explained to me is that as
7 we have been progressing and putting the network and
8 the system back together, items may need to be
9 purchased. We can't wait until the next Town Board
10 meeting to get a component for the server, or some
11 kind of wire to connect the things. So, this is an
12 emergency situation that is allowed by the terms of
13 the New York State General Municipal Law in situations
14 like this where we are essentially giving her the
15 authority that she believes is needed to do it, go
16 ahead and do it and Chris will pay it. In the long
17 run, it's the very best for the Town.

18 Resolution 129 is awarding - as you may know,
19 Jack Paradise who was the Town's insurance adjuster
20 for decades finally retired. We've been looking for
21 someone to replace him.

22 What Jack does - we get a claim from somebody
23 that there was a sewer back-up and their basement
24 flooded. They want to be compensated for the cost of
25 cleaning their basement or replacing any furniture

1 damage or the like. We send Jack out and he takes a
2 look. He comes back and he reports to me whether he
3 believes the Town is liable in the first instance. If
4 he does believe it is a clear-cut case that the Town
5 is liable, he would tell me so and then he will
6 negotiate with the homeowner the amount to pay him. He
7 did that for years. He was very good at it. He retired
8 and we have to replace him because we don't have the
9 staff or the time to do this kind of thing.

10 We received three responses to our RFP only
11 one of which was local. The other ones were like
12 Oklahoma and the like. How they are going to do it, is
13 beyond me. These people are out of Clifton Park. They
14 were also the low quote. I met with the owner of this
15 company personally and they appear to be able to do
16 the work. I think we can work with them. This
17 authorizes the contract with them along the same
18 terms.

19 We are actually saving a little money. We
20 paid Jack Paradise \$15,000 a year and then we whacked
21 it up and that \$15,000 covered the first 40 claims
22 that he had to adjust. After that, he got paid a set
23 dollar amount per claim. Off the top of my head, I
24 can't remember. It was something like \$50 a claim, but
25 I don't recall exactly what it is. We were able to

1 negotiate a lower amount with this guy because he was
2 very anxious to get the work.

3 MR. GREEN: Is it an unlimited amount of
4 claims?

5 MR. MAGGUILLI: It's not \$15,000, but it's
6 less. It is still the same number of claims like the
7 first -

8 MR. KELSEY: We never went over with Jack that
9 I know of. He always covered it.

10 MR. MAGGUILLI: We get very few claims for the
11 Town. For a Town the size, and the number of employees
12 that we have with the Police Department and an EMS
13 Department we get an amazingly small number of claims.
14 Plus, we have worked very hard to build a reputation
15 that we don't settle. If you want to make a claim
16 against the Town, be prepared to go to trial. That's to
17 avoid getting nitpicked to death by guys that will take
18 anything and hope for \$3,000 bucks or something. That's
19 worked very well for us.

20 Resolution 130 is authorizing Paula to sign a
21 lease agreement with Colonie Senior Services Center
22 Inc. at the Beltrone. This is for our Senior Services
23 Department.

24 As you know, they are moving. We needed some
25 space for a temporary amount of time at the Beltrone.

1 This is a six-month lease. It's for 1,208 square feet.
2 The base rent is \$15 a square, which is reasonable on
3 the market. There are some other additions to that
4 \$15, but none that I think will apply because it's
5 only a six-month period. Their ground lease that
6 Beltrone uses has the typical adjustments for taxes
7 and this and that. Again, it's only primarily for
8 lease agreements that extend beyond a six-month
9 period.

10 MS. MURPHY: Mike, we are planning on being out
11 of there by April 1.

12 MR. MAGGUILLI: Right.

13 MS. MURPHY: So, we don't have to pay the
14 remaining three months.

15 MR. MAGGUILLI: We may not.

16 MS. MURPHY: What you mean we may not?

17 MR. GREEN: Does the lease allow that to
18 happen?

19 MR. MAGGUILLI: I believe so. I will have to
20 double check.

21 MS. MURPHY: I think Jack Spath made it just in
22 case the building where we are moving isn't ready.

23 MR. MAGGUILLI: I can't recall the language off
24 the top of my head. I can look and have an answer for
25 you before the end of the night. I know that's what we

1 wanted. We did it for six months just in case we needed
2 it so we could lock up the space. In the event that we
3 could move out sooner -

4 MS. MURPHY: But they can't charge us for those
5 extra three months.

6 MR. MAGGUILLI: Right. It would be prorated to
7 the date that we move.

8 MR. GREEN: Where did they find the space in
9 the building, anyway?

10 MR. MAGGUILLI: I don't know.

11 SUPERVISOR MAHAN: This is still at the
12 Beltrone. This is a huge difference.

13 Back in '08 when we came, the Town was paying
14 I think it was \$80,000 a year.

15 MR. MAGGUILLI: There is a big article in the
16 Times Union about it at the time - how we were paying
17 the same amount of rent to Beltrone as if we had leased
18 the top space at the Empire State Building.

19 SUPERVISOR MAHAN: It was like \$85,000 a year
20 they were paying.

21 MR. MAGGUILLI: It was over \$64 a square foot.

22 David, do you want me to give you an answer
23 right now?

24 MR. GREEN: Just give me the contract and I'll
25 look.

1 MS. MURPHY: The new space is much larger and
2 extremely nice.

3 SUPERVISOR MAHAN: And it's real close to the
4 Beltrone.

5 MS. MURPHY: It's probably not 400 steps from
6 the Beltrone.

7 SUPERVISOR MAHAN: Which is nice for the people
8 who are going to go there.

9 MR. MAGGILLI: Resolution 131 is an insurance
10 agreement. This is for our primary and excess public
11 officials liability and employment practices liability
12 insurance coverages. There are two separate insurance
13 policies here. The first policy for our public officials
14 liability - the premium is \$57,298. That's an increase
15 of \$178 from last year's premium. As far as the
16 employment practices liability insurance coverage, that
17 has an increase of \$2,862 over last year's premium. The
18 terms and conditions of the policies are identical as we
19 had in 2019. It is an experience-based determination. We
20 have done pretty well with this.

21 Resolution 132 is another insurance premium.
22 This is one of the big ones. This is for our access
23 general liability coverage. The premium on this is
24 \$237,041. This is what provides us with our \$10
25 million umbrella coverage. In the event we really get

1 hit with a big claim, this policy would come into
2 play. It runs from January 15, 2020 through January
3 15, 2021. Because we have not made any claims on the
4 policy, there is a \$12,294 reduction in the premium
5 from 2019 although all the terms and conditions are
6 identical.

7 Resolution 133 is our general liability and
8 professional liability coverage and this is primarily
9 for the EMS Department. The premium is \$50,815.13.
10 Anything dealing with the medical profession is going
11 up, regardless of claims. The premium has increased
12 \$5,208 from last year. Although, the terms in the
13 conditions are the same. It's getting to the point
14 where we are lucky to be able to get insurance.

15 MS. MURPHY: Did we have claims on its last
16 year?

17 MR. MAGGUILLI: I don't think there was any
18 claim.

19 Chris, do you know of any claims that came
20 in?

21 MR. KOSTYUN: No.

22 MR. MAGGUILLI: Again, given the volume that
23 our EMS Department does, it is an incredible record.

24 Chris, it's just amazing.

25 Anyway, like everything else, it's going up.

1 There is nothing we can do about it. It is getting
2 harder and harder to place coverage. It's taking us
3 longer and longer.

4 We are doing an insurance audit of the Town.
5 I asked Paul if it was okay. It doesn't cost us
6 anything, but I wanted Gallagher to come in and do a
7 thorough audit to make sure we are not underinsured or
8 over insured for any particular risk. Hopefully I will
9 have a response in about six weeks. A girl name Amy
10 from Gallagher's office and Tim McPherson have been
11 working on this steadily for the last few weeks.

12 That's all I've got.

13 SUPERVISOR MAHAN: Any questions?

14 (There was no response.)
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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
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NISKAYUNA, NY 12309