

STATE OF NEW YORK COUNTY OF ALBANY

TOWN OF COLONIE

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TOWN BOARD MEETING

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THE STENOGRAPHIC MINUTES of the above entitled matter by NANCY L. STRANG, a Shorthand Reporter commencing at 6:00 PM on July 9, 2020 at Memorial Town Hall, 534 New Loudon Road, Latham, New York

BOARD MEMBERS:

- PAULA A. MAHAN, SUPERVISOR
- LINDA MURPHY, DEPUTY SUPERVISOR
- MELISSA JEFFERS VONDOLLEN
- DANIELLE FUTIA
- DAVID GREEN
- RICHARD FIELD
- JILL PENN

ALSO PRESENT:

- MICHAEL C. MAGGUILLI, ESQ., TOWN ATTORNEY
- JULIE GANSLE, TOWN CLERK
- KEVIN ROE

1           SUPERVISOR MAHAN: Good evening. As we  
2 begin tonight's meeting, we do have a  
3 proclamation for the Capital District  
4 Transportation Authority anniversary  
5 celebration. I'm just going to take a moment  
6 and read that.

7           Whereas the Capital District  
8 Transportation Authority, CDTA, has been  
9 named the best mid-size public  
10 transportation system in North America for  
11 2017 by the American Public transportation  
12 Association; and whereas CDTA's ridership  
13 has been at record or near record levels  
14 reaching a record high of 17.1 million  
15 riders in one fiscal year and a 25% increase  
16 in ridership over the past six years; and  
17 whereas CDTA has recently focused on  
18 improving taxi services, bike share  
19 services, deals with major employers, new  
20 transit centers and creating universal  
21 access programs which represent 25% of all  
22 CDTA boardings in the system; and whereas  
23 CDTA is looking towards continued  
24 improvements such as offering a safe  
25 environment for the community and connecting

1 towns and cities that have been previously  
2 challenged to connect with the cohesive  
3 transportation network in order to ensure  
4 community members can expand their horizons.

5 Now therefore be it that Paula A.  
6 Mahan, duly elected Supervisor of the Town  
7 of Colonie, State of New York do hereby  
8 proclaim August 1, 2020 as Capital District  
9 Transportation Authority Day. We encourage  
10 all citizens to utilize CDTA's award-winning  
11 services.

12 On behalf of myself and all the Town  
13 Board Members and everyone that's here  
14 tonight, Town Clerk Julie Gansle, as well as  
15 our Town Attorney Mike Magguilli and  
16 Michelle, Julie's assistant, we present this  
17 - we are going to present this to CDTA and  
18 we will be mailing this to them so that they  
19 have it for their anniversary day of August  
20 1, 2020.

21 So, congratulations to the Capital  
22 District Transportation Authority and also  
23 we wish you a very successful future as you  
24 celebrate your 50th anniversary. Thank you.

25 We do not have any public hearings this

1 evening so before we begin our Resolutions,  
2 does anybody have any public comment?

3 (Whereas the above entitled proceedings  
4 were adjourned to address the public comment  
5 of the evening and recommenced immediately  
6 thereafter.)

7 MS. GANSLE: We have a Resolution  
8 permanently promoting Wayne M. Spenziero to the  
9 position of Building Department Manager, Grade  
10 21, in the Building Department.

11 MS. MURPHY: So moved.

12 MS. JEFFERS VONDOLLEN: Second.

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

15 (The roll was called.)

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

18 SUPERVISOR MAHAN: The Resolution is  
19 adopted.

20 MS. GANSLE: We have a Resolution  
21 appointing Veronica Grochowalski as Attorney in  
22 the Town Attorney's Office.

23 MS. JEFFERS VONDOLLEN: So moved.

24 MS. FUTIA: I just have a question. Were  
25 there Colonie residents that were considered

1 for this position?

2 MR. MAGGUILLI: There was one Colonie  
3 resident.

4 We have been trying to fill this  
5 position for some time now. We did not get a  
6 lot of applications to fill the post. Partly  
7 it's because of the starting salary at  
8 \$68,000.

9 There was one Colonie resident, but  
10 this woman was by far the best candidate.  
11 Under New York State Town Law there is a  
12 requirement that the Town Attorney and the  
13 Assistant Town Attorney be an elector of the  
14 Town, which means you have to be a resident  
15 of the Town.

16 When I discussed this with Veronica,  
17 she is fully aware that she is required to  
18 live in the Town as part of the job. We  
19 typically give them up to one year to move  
20 in. This is the same thing that we went  
21 through when we hired both Allegra and  
22 Rebekah. Neither of them were Town residents  
23 at the time we hired them. It took them six  
24 months to a year to finally become a Town  
25 resident. The law allows for and provides

1 for that. That has been discussed with  
2 Veronica and she's totally aware of the  
3 requirement.

4 MR. FIELD: I wanted to ask a question,  
5 myself. By what means do you search for the  
6 candidate this position?

7 MS. FUTIA: Like, where is this job  
8 posting?

9 MR. MAGGUILLI: We post it every place we  
10 could think of. Women's Bar Association, the  
11 placement office at Albany Law School, the  
12 Albany County Bar Association. We put the  
13 posting pretty much everywhere we could think  
14 of.

15 MR. FIELD: How many applicants did you  
16 have?

17 MR. MAGGUILLI: I think I got four or  
18 five. That was it. Some of them - they were  
19 primarily kids who were just out of law school  
20 that had very little practical experience  
21 whatsoever.

22 MR. FIELD: Does this lady work for a law  
23 firm now?

24 MR. MAGGUILLI: Yes, she's worked in a  
25 number of law firms.

1 MR. FIELD: Which one is she presently  
2 working for, do you know?

3 MS. JEFFERS VONDOLLEN: I believe resume  
4 says she is currently with Copps DiPaola  
5 Silverman.

6 MR. MAGGUILLI: Yes, we sent the resume to  
7 everyone this morning, or yesterday.

8 SUPERVISOR MAHAN: Yesterday, we emailed  
9 it, yes.

10 MR. MAGGUILLI: I think she will make an  
11 excellent addition to the office. I think  
12 she'll fit right in.

13 I've been very lucky with the people  
14 that have been recommended to hire. We've  
15 had a very good staff in the Town Attorney's  
16 office in the 12 years that I've been here.  
17 I believe that Veronica will continue that  
18 record and fit right in, which is important  
19 in a small law firm.

20 SUPERVISOR MAHAN: Thank you, Mike?  
21 Any other questions?

22 Do we have a mover?

23 MS. JEFFERS VONDOLLEN: I moved it.

24 SUPERVISOR MAHAN: And a second?

25 MR. GREEN: Second.

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

3 MS. GANSLE: Councilman Penn?

4 MS. PENN: Aye.

5 MS. GANSLE: Futia?

6 MS. FUTIA: No.

7 MS. GANSLE: VonDollen?

8 MS. JEFFERS VONDOLLEN: Aye.

9 MS. GANSLE: Murphy?

10 MS. MURPHY: Aye.

11 MS. GANSLE: Green?

12 MR. GREEN: Aye.

13 MS. GANSLE: Field?

14 MR. GREEN: No.

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

17 SUPERVISOR MAHAN: The Resolution is  
18 adopted.

19 MS. GANSLE: We have a Resolution  
20 authorizing expenditure of funds from the  
21 Insurance Reserve Fund for payment of legal  
22 fees, expenses and/or settlement in connection  
23 with Litigation.

24 MS. JEFFERS VONDOLLEN: So moved.

25 MS. MURPHY: Second.



1 SUPERVISOR MAHAN: Supervisor votes aye.  
2 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  
7 adopted.

8 MS. GANSLE: We have a Resolution  
9 authorizing the Supervisor to enter into a  
10 Renewal Agreement with North Colonie Central  
11 School District in regards to 211 Old Niskayuna  
12 Road.

13 MS. MURPHY: This is in regard to the  
14 parking and the parking and the drainage next  
15 to the Pruyn House. So moved.

16 MR. GREEN: Second.

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

19 (The roll was called.)

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

22 SUPERVISOR MAHAN: The Resolution is  
23 adopted.

24 MS. GANSLE: We have a Resolution  
25 requiring the Planning and Economic Development

1 Director to review and consider the proposed  
2 amendment of the Canterbury Crossings PDD to  
3 install a deck at 9 Sutton Drive.

4 MS. JEFFERS VONDOLLEN: So moved.

5 MS. MURPHY: Second.

6 SUPERVISOR MAHAN: Supervisor votes aye.  
7 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  
12 adopted.

13 MS. GANSLE: We have a Resolution  
14 authorizing the Supervisor to execute Amendment  
15 No. 1 to the Conservation Easement in  
16 connection with the Albany Shaker Road Pump  
17 Station Project.

18 MS. MURPHY: So moved.

19 MR. GREEN: Second.

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

22 (The roll was called.)

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

25 SUPERVISOR MAHAN: The Resolution is

1 adopted.

2 MS. GANSLE: We have a Resolution  
3 authorizing the Supervisor to execute a  
4 Settlement of Claim for damages to a fire  
5 hydrant in the amount of \$412.87.

6 MS. MURPHY: So moved.

7 MR. GREEN: Second.

8 SUPERVISOR MAHAN: Supervisor votes aye.  
9 Clerk, call the roll.

10 (The roll was called.)

11 MS. GANSLE: The ayes have it, Madam  
12 Supervisor.

13 SUPERVISOR MAHAN: The Resolution is  
14 adopted.

15 MS. GANSLE: We have a Resolution  
16 authorizing the Supervisor to reimburse for  
17 overestimated water usage at various locations.

18 MR. GREEN: So moved.

19 MS. PENN: Second.

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

22 (The roll was called.)

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

25 SUPERVISOR MAHAN: The Resolution is

1 adopted.

2 MS. GANSLE: We have a Resolution  
3 authorizing the Supervisor to declare an  
4 emergency in connection with repair of the  
5 sanitary sewer system at 147 Old Loudon Road by  
6 ANJO Construction, Ltd. and authorizing the  
7 Comptroller to expend emergency repair reserve  
8 funds for the same.

9 MS. MURPHY: So moved.

10 MR. GREEN: Second.

11 SUPERVISOR MAHAN: This is a total of  
12 \$5,360.82.

13 Supervisor votes aye. Clerk, call the  
14 roll.

15 (The roll was called.)

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

18 SUPERVISOR MAHAN: The Resolution is  
19 adopted.

20 MS. GANSLE: We have a Resolution  
21 authorizing the Supervisor to enter into an  
22 agreement with HEALTHeNET for the Emergency  
23 Medical Services Department.

24 MS. MURPHY: So moved.

25 MR. GREEN: Second.

1 SUPERVISOR MAHAN: Supervisor votes aye.  
2 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  
7 adopted.

8 MS. GANSLE: We have a Resolution calling  
9 a public hearing in connection with a proposed  
10 Local aw of the Code of the Town of Colonie,  
11 thereof, amending Chapter 181 of the Town Code.

12 MS. MURPHY: The public hearing will be  
13 July 23, 2020 at 7 o'clock. So moved.

14 MR. GREEN: Second.

15 SUPERVISOR MAHAN: Supervisor votes aye.  
16 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  
21 adopted.

22 MS. GANSLE: We have a Resolution awarding  
23 the bid to Vanson Leathers in connection with  
24 the purchase of Police motorcycle jackets for  
25 the Police Department.

1 MR. GREEN: So moved.

2 MS. FUTIA: Second.

3 SUPERVISOR MAHAN: Supervisor votes aye.  
4 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  
9 adopted.

10 MS. GANSLE: We have a Resolution  
11 authorizing the Supervisor to enter into an  
12 agreement with Micro Focus Government  
13 Solutions, LLC in connection with a one-year  
14 extended warranty for the maintenance of a aata  
15 prot starter pack for Linux E-LTU.

16 MR. GREEN: So moved.

17 MS. MURPHY: Second.

18 SUPERVISOR MAHAN: Supervisor votes aye.  
19 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  
24 adopted.

25 MR. MAGGUILLI: It's \$316.45.

1 SUPERVISOR MAHAN: Thank you, Mike.

2 MS. GANSLE: We have a Resolution  
3 authorizing the Supervisor to execute an escrow  
4 agreement with Marini Homes, LLC in connection  
5 with sewer work in the Schuyler Manor  
6 Subdivision.

7 MS. JEFFERS VONDOLLEN: So moved.

8 MR. GREEN: Second.

9 SUPERVISOR MAHAN: Supervisor votes aye.  
10 Clerk, call the roll.

11 (The roll was called.)

12 MS. GANSLE: The ayes have it, Madam  
13 Supervisor.

14 SUPERVISOR MAHAN: The Resolution is  
15 adopted.

16 MS. GANSLE: We have a Resolution calling  
17 a public hearing pursuant to Article 12A of  
18 State of New York Town Law in relation to the  
19 855 - 861 Fifth Street Sewer Improvement Area-  
20 SIA #2019-005.

21 MS. MURPHY: The public hearing will be  
22 August 13, 2020 at 7 o'clock. So move.

23 MR. GREEN: Second.

24 SUPERVISOR MAHAN: Supervisor votes aye.  
25 Clerk, call the roll.

1 (The roll was called.)

2 MS. GANSLE: The ayes have it, Madam  
3 Supervisor.

4 SUPERVISOR MAHAN: The Resolution is  
5 adopted.

6 MS. GANSLE: We have a Resolution  
7 Authorizing Supervisor to Execute an Escrow  
8 Agreement in relation to the 855 - 861 Fifth  
9 Street Sewer Improvement Area- SIA #2019-005.

10 MS. MURPHY: So moved.

11 MR. GREEN: Second.

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

14 (The roll was called.)

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

17 SUPERVISOR MAHAN: The Resolution is  
18 adopted.

19 MS. GANSLE: We have a Resolution  
20 requiring the Planning Board to review and  
21 consider the proposed rezoning of parcels of  
22 land located at 101, 103, 105 and 107 Consaul  
23 Road from single-family residential to  
24 neighborhood/commercial/Office/Residential.

25 MS. JEFFERS VONDOLLEN: So moved.



1 MR. MAGGUILLI: This is the Celtic Center.

2 SUPERVISOR MAHAN: Yes, Mike, can you just  
3 give a brief overview of what this would be  
4 used for and for other residents who are in  
5 communication with the members of the Celtic  
6 Club. I'm not sure how familiar everyone is  
7 with them. Could you give a brief overview -  
8 just what it's going to be used for?

9 MR. MAGGUILLI: What they want to do -  
10 right now it's on single-family residential.  
11 This is part of the Celtic Association Club.  
12 They want to be able to use this as  
13 recreational fields - ballparks and the like  
14 and possibly practice bagpipes. We are told by  
15 Kevin Roe and others that run this that they  
16 have talked to the neighbors and the neighbors  
17 are all on Board with this. There has been no  
18 opposition.

19 Mr. Roe, is there something you would  
20 like to add to that?

21 MR. ROE: The land that is currently there  
22 is 15 or 16 acres - single-family residential.  
23 It's been used as a farm for many years. If you  
24 look down at the satellite view of the land,  
25 you see this big field right next to our

1 property. We've contracted with the owners to  
2 buy it. It needs to be rezoned because you  
3 can't put an athletic field in a single-family  
4 residential area. What we are proposing to do  
5 is put essentially two football fields or maybe  
6 three -- six or 7 acres which you can see from  
7 the air is already cleared. There will be a  
8 pavilion with some bathrooms. Access to the  
9 land will be from Consaul Road which is already  
10 an existing driveway off the road that comes up  
11 and just kind of bends as it becomes farmland.

12 We originally started out with the  
13 Building Department and they referred us to  
14 the Planning Board of Appeals which was  
15 denied, of course, and then over to the  
16 Zoning Board of Appeals and as part of that,  
17 getting ready for that hearing, we put out  
18 all the notices, invited all the neighbors  
19 to come in - and several of them did as Mr.  
20 Magguilli is aware of. Some of them called,  
21 but several showed up and everybody seems to  
22 be in favor of it. I have received no  
23 negative comments from the neighbors, but  
24 then there are 50 or 60 neighbors that I  
25 haven't heard from at all. They either don't

1 care or they're not opposed to it, at least  
2 at this point.

3 SUPERVISOR MAHAN: I know that you've been  
4 working on this for quite a while. When it's  
5 not in use for your recreational activities,  
6 are the residents allowed to use it?

7 MR. ROE: Sure, as long as they join the  
8 club. They would have to be members, but that's  
9 no big deal.

10 SUPERVISOR MAHAN: So, this is going to go  
11 to the Planning Board for review.

12 MR. ROE: By the way, the athletic field  
13 will be used for GAA - the Gaelic Athletic  
14 Association that's Irish football and Chumar.

15 SUPERVISOR MAHAN: Are you aware of the  
16 landscape - the topography - if anyone has ever  
17 tried to build any homes there, or if it's not  
18 quite conducive to that?

19 MR. ROE: My understanding is this: I  
20 obviously wasn't involved - we are not a  
21 property development community center.

22 Apparently about four or five years ago  
23 a purchaser came forward, went to the  
24 process, got 12 or 13 or 14 homesites  
25 approved there and then backed out on the

1 contract because - I'll use the wrong term  
2 and you guys are experts, but there wasn't  
3 enough density to justify the economic  
4 output that was going to be necessary.  
5 Somebody did try to put houses and there,  
6 but it basically failed because he couldn't  
7 put enough houses to make it worth his  
8 while.

9 SUPERVISOR MAHAN: So, basically it would  
10 just be an open recreational space.

11 MR. ROE: Absolutely. That's our plan.

12 SUPERVISOR MAHAN: Thank you, so much.

13 MS. MURPHY: Can I just ask a question? Is  
14 this property going to be exclusively used just  
15 by members of your club, or would you let a  
16 youth group use the football field or one of  
17 the other fields?

18 MR. ROE: Right now, the plan - we would  
19 be using it almost exclusively. I would not  
20 exclude if like the Colonie Soccer team needed  
21 an auxiliary field - the Colonie Soccer Club  
22 needed an auxiliary field and we are not using  
23 it. It will not be like Affrim's. We're not a  
24 commercial operation. We're not going to lend  
25 this out to men's soccer leagues. There's no

1 lights and no plans to put in any lights and no  
2 PA system. It would not be conducive to a  
3 commercial operation.

4 MR. MAGGUILLI: Let me say this: If this  
5 goes through - right now we're just sending  
6 this over to the Planning Board to get the  
7 recommendation. If this comes back to us with a  
8 favorable recommendation, I would recommend  
9 that the approval be limited strictly to this  
10 club. Therefore, they can't change and go back  
11 and try to market the NCOR portion of the  
12 property. The property would be much more  
13 valuable as NCOR. The Town Board is empowered  
14 to impose conditions in the event that it does  
15 decide to change the zoning. That's probably  
16 what my legal recommendation would be.

17 MS. MURPHY: That makes sense because  
18 there is always the girls' soccer - they are  
19 all looking for fields to practice on. There's  
20 a lot of local youth teams that are looking for  
21 fields to use.

22 MR. ROE: That's why we are making this  
23 investment is because we can't find a place for  
24 our Irish football. We have to go down to the  
25 City of Albany on fields that are not

1 particularly - they're not the best. They are  
2 what is left. We are not Siena across the  
3 street and we can't build a million-dollar  
4 football field. That's just not the way it is.

5 Whatever conditions you want to place  
6 on this at the time, hopefully will be back  
7 here very soon for rezoning resolution. I'll  
8 be speaking with Mr. Magguilli and whatever  
9 conditions the Board wants, it will be  
10 perfectly acceptable to us. All we want is a  
11 football field.

12 SUPERVISOR MAHAN: I know that's all  
13 you've ever talked about.

14 MR. ROE: And I'll be back to talk about  
15 it again. Thank you, very much.

16 SUPERVISOR MAHAN: Thank you.

17 MS. GANSLE: The Resolution has been  
18 moved.

19 MR. GREEN: Second.

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

22 (The roll was called.)

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

25 SUPERVISOR MAHAN: The Resolution is

1           adopted.

2           MS. GANSLE:    We have a Resolution  
3           requiring the Planning and Economic Development  
4           Director to review and consider the proposed  
5           amendment of the Maxwell Road Senior PDD.

6           MS. JEFFERS VONDOLLEN:    So moved.

7           MS. MURPHY:    Second.

8           SUPERVISOR MAHAN:    This has to do with  
9           sprinkler systems.  These were waived in the  
10          past for new development and it came up as a  
11          topic, but it is still an option if somebody  
12          wants to purchase one.  This is just to make  
13          them on a level playing field with the others.  
14          In the developments, they can always purchase  
15          them if they want them.

16          Supervisor votes aye.  Clerk, call the  
17          roll.

18          (The roll was called.)

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

21          SUPERVISOR MAHAN:    The Resolution is  
22          adopted.

23          MS. GANSLE:    We have a Resolution calling  
24          a public hearing in regard to the proposed  
25          rezoning of land located at 606 & 608 Loudon

1 Road from neighborhood Commercial office  
2 residential to a Planned Development District  
3 known as Loudon Road Planned Development  
4 District and approving the application to  
5 create an open development area located at 606  
6 & 608 Loudon Road.

7 MS. JEFFERS VONDOLLEN: So moved.

8 MR. GREEN: Second.

9 SUPERVISOR MAHAN: Supervisor votes aye.  
10 Clerk, call the roll.

11 (The roll was called.)

12 MS. GANSLE: The ayes have it, Madam  
13 Supervisor.

14 SUPERVISOR MAHAN: The Resolution is  
15 adopted.

16 MR. MAGGUILLI: Public hearing is  
17 scheduled for July 23rd at 7 PM.

18 SUPERVISOR MAHAN: That's it for tonight.  
19 Thank you all for attending tonight.

20 (Whereas the above entitled proceeding  
21 was concluded at 7:35 P.M.)  
22  
23  
24  
25



CERTIFICATION

I, NANCY L. STRANG, Shorthand Reporter  
 and Notary Public in and for the State of  
 New York, hereby CERTIFIES 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.

Date: \_\_\_\_\_

\_\_\_\_\_  
 Nancy L. Strang  
 Legal Transcription  
 2420 Troy Schenectady Road  
 Niskayuna, NY 12309